

IN THE SENATE

SENATE BILL NO. 1403, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE FIRE PROTECTION BOARD; AMENDING SECTION 31-1408, IDAHO CODE,
2 TO REVISE CERTAIN RESIDENCE REQUIREMENTS RELATING TO FIRE PROTECTION
3 DISTRICT COMMISSIONERS, TO REVISE PROVISIONS RELATING TO WHEN THE OATH
4 OF OFFICE OF FIRE PROTECTION COMMISSIONERS SHALL BE TAKEN AND TO REVISE
5 EXCEPTION PROVISIONS RELATING TO TAKING THE OATH.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 31-1408, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS --
11 OATH. (1) There shall be three (3) fire protection commissioners in each
12 district, who shall constitute the fire protection board. The first
13 fire protection commissioners of such fire protection district shall be
14 appointed by the governor. The certificate of such appointment shall be
15 made in triplicate; one (1) certificate shall be filed in the office of
16 the county recorder of the county; one (1) with the clerk of the board of
17 county commissioners, and one (1) with the assessor and tax collector of the
18 county. Every fire protection commissioner and appointed officer shall take
19 and subscribe the official oath, which oath shall be filed in the office of
20 the board of fire protection commissioners. If ~~the~~ thirty-three percent
21 (33%) of the property and/or population in the fire protection district
22 is situated in two (2) or more counties, not more than two (2) of the fire
23 protection district commissioners shall be from the same county, unless
24 pursuant to section 31-1410A, Idaho Code, the board is comprised of five (5)
25 members, in which event not more than three (3) of the commissioners shall be
26 from the same county.

27 (2) The oath of office of fire protection commissioners and appointed
28 officers shall be taken before the secretary or the president of the board
29 of the fire district ~~on the second Monday of~~ at the first regularly sched-
30 uled board meeting in January succeeding each ~~general~~ election. Provided
31 however, in the event, ~~for any reason,~~ of an inability to appear for the tak-
32 ing of the oath, a duly elected fire protection commissioner may be sworn in
33 and may subscribe to the oath wherever he may be, provided he appear before
34 an officer duly authorized to administer oaths, and provided further, that
35 any person who is in any branch of the armed forces of the United States of
36 America, may appear before any person qualified to administer oaths as pre-
37 scribed in section 55-705, Idaho Code, and may take and subscribe the oath of
38 office as provided for in section 59-401, Idaho Code, and the oath of office
39 shall have the same force and effect as though it were taken before the secre-
40 tary or the president of the fire district pursuant to this subsection.