

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 201

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING CHAPTER 14, TITLE 31, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 31-1411A, IDAHO CODE, TO ESTAB-
3 LISH PROVISIONS RELATING TO THE DEANNEXATION OF PROPERTY WITHIN A FIRE
4 PROTECTION DISTRICT, TO PROVIDE THAT THE BOARD MAY, BY RESOLUTION,
5 DECLARE ITS INTENTION TO DEANNEX CERTAIN PROPERTY, TO PROVIDE THAT AN
6 OWNER OF PROPERTY WITHIN THE FIRE PROTECTION DISTRICT MAY PETITION THE
7 BOARD FOR THE DEANNEXATION OF CERTAIN PROPERTY, TO ESTABLISH PROVISIONS
8 RELATING TO DEANNEXATION PURSUANT TO THE FILING OF A PETITION, TO ES-
9 TABLISH PROVISIONS RELATING TO ORDERING A DEANNEXATION AND PROVIDING A
10 COPY TO THE BOARD OF COUNTY COMMISSIONERS, TO PROVIDE FOR THE PROPERTY
11 TO BE REMOVED FROM CERTAIN TAX ROLLS AND TO PROVIDE FOR THE APPLICATION
12 OF LAWS.
13

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

15 SECTION 1. That Chapter 14, Title 31, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 31-1411A, Idaho Code, and to read as follows:

18 31-1411A. DEANNEXATION -- COMMISSIONERS' RESOLUTION -- PETITION --
19 PUBLIC HEARING. (1) The fire protection district board of commissioners may,
20 by resolution, declare its intention to deannex any property that the board
21 considers no longer to be in the public interest to be included within the
22 fire protection district. Such resolution shall contain an accurate legal
23 description of the property.

24 (2) An owner of property within the fire protection district may pe-
25 tition the fire protection district board of commissioners of the fire dis-
26 trict for the deannexation of property from the fire district. The petition
27 shall contain an accurate legal description of the property. The petitioner
28 shall pay a reasonable fee as determined by the commissioners to cover the
29 costs of the proceedings.

30 (3) In order to deannex any property pursuant to the provisions of sub-
31 section (2) of this section, the following shall be complied with:

32 (a) The commissioners shall establish a hearing date or dates for con-
33 sideration of the proposed deannexation.

34 (b) At least thirty (30) days prior to the hearing date, the commis-
35 sioners shall prepare a public notice stating their intention to hold
36 a public hearing to consider the proposed deannexation, which notice
37 shall be made available to the public and shall be mailed to the owners
38 of record of property abutting the land that is the subject of the dean-
39 nexation at their addresses as shown on the county assessor's tax rolls
40 and shall publish notice of the hearing at least two (2) times if in a
41 weekly newspaper or three (3) times if in a daily newspaper, the last no-

1 tice to be published at least five (5) days and not more than twenty-one
2 (21) days before the hearing.

3 (c) At the hearing, the commissioners shall accept and consider all in-
4 formation including, but not necessarily limited to, written documents
5 and public testimony relating to the proceedings.

6 (d) After completion of the proceedings and consideration of all
7 related information, the commissioners shall decide whether the dean-
8 nexation is in the public interest of the fire district and considering
9 circumstances of the property that present special hazards or difficul-
10 ties to the provision of fire and life preservation services by the fire
11 district. The decision whether or not to deannex the property shall be
12 written and shall be supported by findings of fact and conclusions of
13 law.

14 (4) In the event the board of fire district commissioners orders a dean-
15 nexation under either subsection (1) or (2) of this section, it shall make an
16 order to that effect and certify a copy of said order containing an accurate
17 legal description of the deannexed territory and deliver such to the board of
18 county commissioners of the county where the fire district is located. The
19 board of county commissioners shall thereupon enter an order of deannexation
20 and cause the same to be recorded so as to exclude the deannexed property from
21 the tax rolls as provided for in this chapter.

22 (5) The property subject to a deannexation order pursuant to this sec-
23 tion shall be subject to the provisions of section 31-1437, Idaho Code.