

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 244

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1413, IDAHO
2 CODE, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE FOR APPLICATION OF LAW
3 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 31-1423, IDAHO
4 CODE, TO ESTABLISH PROVISIONS RELATING TO CIRCUMSTANCES IN WHICH A
5 HIGHER LEVY EXCEEDS THE LOWEST LEVY IN A PROPOSED DISTRICT CONSOLIDA-
6 TION, TO PROVIDE FOR A PUBLIC HEARING, TO PROVIDE FOR AN ELECTION AND TO
7 PROVIDE FOR A QUESTION.
8

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

10 SECTION 1. That Section 31-1413, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 31-1413. CONSOLIDATION OF DISTRICTS -- HEARING -- PROTEST -- ELEC-
13 TION. Except as provided for in section 31-1423(2)(b), Idaho Code, aAny
14 fire protection district may consolidate with one (1) or more existing fire
15 protection districts subject to the following procedure, or pursuant to an
16 election for consolidation as provided in section 31-1414, Idaho Code, and
17 with the following effects:

18 (1) If, in the opinion of the board of any fire protection district, it
19 would be to the advantage of said district to consolidate with one (1) or more
20 other existing fire protection districts, the said board shall cause to be
21 prepared an agreement for consolidation which shall among other things pro-
22 vide:

23 (a) The name of the proposed consolidated fire protection district.

24 (b) That all property of the districts to be consolidated shall become
25 the property of the consolidated district.

26 (c) That all debts of the districts to be consolidated shall become the
27 debts of the consolidated district.

28 (d) That the existing commissioners of the districts to be consolidated
29 shall be the commissioners of the consolidated district until the next
30 election, said election to be held pursuant to the terms of section
31 31-1410, Idaho Code, at which three (3) commissioners shall be elected,
32 unless the agreement of consolidation establishes a five (5) member
33 board, in which case five (5) commissioners shall be elected. If the
34 board consists of three (3) members, commissioners from fire protection
35 subdistricts one and two shall be elected for terms of four (4) years,
36 and the commissioner from fire protection subdistrict three shall be
37 elected for a term of two (2) years. If the board consists of five (5)
38 commissioners, the commissioners from fire protection subdistricts
39 one, three and five shall be elected for terms of four (4) years, and the
40 commissioners from fire protection subdistricts two and four shall be
41 elected for an initial term of two (2) years. Thereafter, the term of
42 all commissioners shall be four (4) years.

1 (e) That the employees of the consolidated fire protection district
 2 shall be selected from the employees of the fire protection districts
 3 being consolidated, which employees shall retain the seniority rights
 4 under their existing employment contracts.

5 (2) After approval of the agreement of consolidation by each of the fire
 6 protection district boards involved, the boards of commissioners of each
 7 fire protection district shall hold a hearing not less than ten (10) or more
 8 than thirty (30) days thereafter, and shall cause notice of the hearing,
 9 designating the time and place, to be published in at least one (1) issue of a
 10 newspaper of general circulation within the district not less than five (5)
 11 days prior to the hearing. Any person supporting or objecting to the peti-
 12 tion shall be heard at the hearing, if in attendance, and at the close of the
 13 hearing the board shall approve or reject the agreement of consolidation.
 14 If each board approves the agreement of consolidation, the agreement shall
 15 become effective and the consolidation of the district complete thirty (30)
 16 days after the approval unless within the thirty (30) days a petition signed
 17 by twenty-five percent (25%) of the qualified electors of one (1) of the fire
 18 protection districts objecting to the consolidation be filed with the secre-
 19 tary of the district. In the event of an objection, an election shall be held
 20 as provided in section 31-1405, Idaho Code, except that the question shall
 21 be "consolidation of fire protection district, yes," or "consolidation
 22 of fire protection district, no," or words equivalent thereto. If more
 23 than one-half (1/2) of the votes cast are yes, the agreement shall become ef-
 24 fective. If more than one-half (1/2) of the votes cast are no, the agreement
 25 shall be void and of no effect; and no new consolidation shall be proposed for
 26 at least six (6) months following the date of the consolidation election.

27 (3) Upon the agreement of consolidation becoming effective, the board
 28 of the consolidated fire protection district shall file a certified copy
 29 of the agreement with the county recorder of each county in which such dis-
 30 trict is situated, and shall comply with the provisions of section 63-215,
 31 Idaho Code. The consolidated district shall thereafter have the same rights
 32 and obligations as any other fire protection district organized under the
 33 statutes of this state.

34 (4) An agreement of consolidation shall not take effect unless the pro-
 35 visions of section 31-1423(2) (b), Idaho Code, are complied with.

36 SECTION 2. That Section 31-1423, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 31-1423. LEVY -- RECOMMENDED LEVY -- ELECTION. (1) Each year, immedi-
 39 ately prior to the annual county levy of taxes, the board of commissioners
 40 of each fire protection district, organized and existing under this chapter,
 41 may levy a tax upon all the taxable property within the boundaries of such
 42 district sufficient to defray the cost of equipping and maintaining the dis-
 43 trict of twenty-four hundredths percent (.24%) of market value for assess-
 44 ment purposes, to be used for the purposes of this chapter and for no other
 45 purpose. The levy shall be made by resolution entered upon the minutes of the
 46 board of commissioners of the fire protection district, and it shall be the
 47 duty of the secretary of the district, immediately after entry of the resolu-
 48 tion in the minutes, to transmit to the county auditor and the county asses-

1 sor certified copies of the resolution providing for such levy. Said taxes
2 shall be collected as provided by section 63-812, Idaho Code.

3 (2) (a) If two (2) or more fire protection districts consolidate into
4 one (1) district, the provisions of section 63-802, Idaho Code, shall
5 apply to the consolidated district's budget request as if the former
6 district which, in the year of the consolidation, has the higher levy
7 subject to the limitations of section 63-802, Idaho Code, had annexed
8 the other district or districts. In addition, the consolidated dis-
9 trict shall receive the benefit of foregone increases accumulated by
10 the former districts under section 63-802(1) (a), Idaho Code.

11 (b) Provided however, that if the higher levy rate provided for in
12 subsection (2) (a) of this section exceeds the lowest levy rate of any
13 of the districts to be consolidated by more than three percent (3%),
14 the commissioners of the districts consolidating shall recommend, by
15 a majority of the commissioners of each district involved, at a public
16 hearing where a quorum of each district board is present, a levy rate
17 that falls between the highest levy rate and the lowest levy rate. In
18 determining such recommended levy rate, the commissioners shall recom-
19 mend a levy rate that shall be sufficient to defray the cost of equipping
20 and maintaining the new consolidated district. If such recommended
21 levy rate exceeds by more than three percent (3%) the lowest current
22 district levy rate of any of the districts to be consolidated, an elec-
23 tion shall be held in a manner consistent with the provisions of section
24 31-1414, Idaho Code. In such election, the electors residing in the
25 fire protection districts seeking to consolidate shall vote to approve
26 or disapprove the recommended levy rate and the proposed consolidation
27 of districts. The question put to the electors shall be the same or sim-
28 ilar to the question provided for in section 31-1414, Idaho Code, except
29 that the question shall include, in addition to the language described
30 in section 31-1414, Idaho Code, a reference to the recommended levy rate
31 provided for in this section and a reference to the percentage change
32 of such recommended levy rate from the levy rate in existence in each
33 district in the immediately preceding year.