

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 797

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1409, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RESIDENCE QUALIFICATIONS FOR FIRE PROTECTION DISTRICT COMMISSIONERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-1409, Idaho Code, be, and the same is hereby amended to read as follows:

31-1409. RESIDENCE QUALIFICATIONS OF COMMISSIONERS -- TERM OF OFFICE -- VACANCIES. (1) At the meeting of the board of county commissioners at which the fire protection district is declared organized, as provided by section 31-1407, Idaho Code, the county commissioners shall divide the fire protection district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Not more than one (1) of the fire protection district commissioners shall be a resident of the same fire protection subdistrict, except that any commissioner appointed by the board of county commissioners under section 31-1408, Idaho Code, shall not be disqualified from the completion of the initial term for which the commissioner was appointed because of the subdistrict in which the commissioner resides. The first commissioners appointed by the board of county commissioners shall serve until the next fire protection district election, at which time their successors shall be elected. The term of office for fire protection commissioners shall commence on the second Monday of January succeeding ~~each~~ the general election. Commissioners appointed or elected must be electors Every fire protection district commissioner, whether appointed or elected, shall be an elector residing within the fire protection district for at least one (1) year immediately preceding their appointment or election and shall be an elector residing in the subdistrict that the commissioner represents for a period of at least ninety (90) consecutive days before appointment or election.

(2) Any fire protection commissioner vacancy occurring, other than by the expiration of the term of office, shall be filled by the fire protection board. If a duly elected or appointed fire protection commissioner resigns, withdraws, becomes disqualified, refuses or, without first providing signed written notice of a temporary vacancy, becomes otherwise unable to perform the duties of office for longer than ninety (90) days, the board, on satisfactory proof of the vacancy, shall declare the office vacant. The board shall fill any vacancies within sixty (60) days of learning of the vacancy. When a vacancy occurs, the board shall direct the secretary to cause a notice of the vacancy to be published in at least one (1) issue of a newspaper of general circulation within the district. The notice shall include the date and time of the meeting when the board will vote to fill the vacancy, and

1 the deadline for qualified elector residents interested in being appointed
2 to the position to submit a written request for appointment to the board.
3 Should the remaining members of the board fail to agree on an individual to
4 fill the vacancy, it shall select the individual by placing the names of all
5 interested persons who received the highest and equal number of votes in a
6 container. The fire commissioner with the most continuous length of service
7 shall draw one (1) name from the container. The person whose name is drawn
8 shall then be appointed to fill the vacancy.

9 (3) If more than fifty percent (50%) of the elected official seats on
10 a fire protection district board of commissioners are vacant, any remaining
11 member of the fire protection district board of commissioners, or any elec-
12 tor of the fire protection district, may petition the board of county com-
13 missioners of the county or counties in which the subdistrict vacancies are
14 situated to make such appointments as are necessary to fill the vacancies on
15 the fire protection district board of commissioners. The vacancies shall be
16 filled by the board or boards of county commissioners within sixty (60) days
17 of receiving a written petition. Any fire commissioner so appointed shall
18 serve out the remainder of the term for the commissioner last serving in the
19 vacant seat to be filled and shall be a resident of the same fire protection
20 commissioners subdistrict.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after its
23 passage and approval.