

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 607

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1412, IDAHO  
2 CODE, TO PROVIDE AN ADDITIONAL PROCESS FOR INITIATING PROCEEDINGS FOR  
3 ANNEXATION OF TERRITORY IN AN ADJOINING COUNTY, TO PROVIDE THAT WHEN  
4 CERTAIN CONDITIONS ARE CERTIFIED IN A PETITION, AN ELECTION ON THE  
5 QUESTION OF ANNEXATION IS NOT REQUIRED.  
6

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

8 SECTION 1. That Section 31-1412, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 31-1412. ANNEXATION OF TERRITORY IN ADJOINING COUNTY. After the  
11 organization of a fire protection district, additional territory,  
12 contiguous or noncontiguous thereto and located wholly within an adjoining  
13 county, may be added to the district and become a part thereof as hereinafter  
14 provided in this section. Noncontiguous territory annexed to an existing  
15 fire protection district shall consist of not less than forty (40)  
16 contiguous acres. The proceedings for annexation shall be the same as the  
17 proceedings for the creation and organization of a fire protection district  
18 with the following exceptions and modifications:

19 (1) Such proceeding may be initiated by:

20 (a) ~~Two~~ (2) or more of the holders of title or evidence of title to  
21 lands aggregating not less than one hundred (100) acres; or

22 (b) One hundred percent (100%) of the holders of title or evidence of  
23 title to lands aggregating not less than one hundred (100) acres.

24 (2) A petition, such as is required by section 31-1403, Idaho Code,  
25 shall be filed with the fire protection board of the fire protection  
26 district into which petitioners seek to be annexed. The petition shall  
27 accurately describe the boundaries of the territory and name and describe  
28 the fire protection district to which annexation is sought. The petition  
29 shall be accompanied by a map showing and distinguishing the boundaries  
30 of the original district and the boundaries of the territory proposed to  
31 be annexed, and showing the location of the intervening county line. An  
32 election is not required pursuant to subsection (5) of this section when  
33 the petition includes a certification as to the following: (a) that one  
34 hundred percent (100%) of the holders of title or evidence of title of  
35 the property proposed to be annexed have joined in the initial petition  
36 requesting annexation; and (b) that there is no electorate present in the  
37 property proposed to be annexed. The fire protection board shall follow the  
38 notice and public hearing requirements contained in section 31-1411, Idaho  
39 Code, and if it approves of the annexation proposal, it will issue a written  
40 resolution consenting to the proposed annexation. If the fire protection  
41 board issues such a resolution, the petitioners shall proceed in accordance  
42 with the steps outlined in this section.

1 (3) A petition, such as is required by section 31-1403, Idaho Code,  
2 shall be filed with the board of county commissioners of the county in  
3 which is situated the territory proposed to be annexed but shall accurately  
4 describe the boundaries of the territory, and name and describe the fire  
5 protection district to which annexation is sought, shall be accompanied by  
6 a map showing and distinguishing the boundaries of the original district  
7 and the boundaries of the territory proposed to be annexed, and showing  
8 the location of the intervening county line. An election is not required  
9 pursuant to subsection (5) of this section when the petition includes a  
10 certification as to the following: (a) that one hundred percent (100%) of  
11 the holders of title or evidence of title of the property proposed to be  
12 annexed have joined in the initial petition requesting annexation; and (b)  
13 that there is no electorate present in the property proposed to be annexed.  
14 The petition must be accompanied by a certified copy of the resolution of the  
15 board of fire protection commissioners consenting to the annexation.

16 (4) The notice of hearing on the petition shall state that certain  
17 territory described in the petition, is proposed to be annexed to a fire  
18 protection district named in the petition and that any taxpayer within the  
19 boundaries of the territory proposed to be annexed may offer objections  
20 at the time and place specified. The order entered by the local board of  
21 county commissioners on the petition shall, if the petition be granted,  
22 fix the boundaries of the annexed territory and direct that a map of it be  
23 prepared under the direction of the clerk of the board, and certified copies  
24 of the order and map shall be transmitted to the clerk of the board of county  
25 commissioners of the county in which the original fire protection district  
26 is situated.

27 (5) An election shall be conducted by the county clerk or elections  
28 office in the county where the land sought to be annexed is situated, subject  
29 to the provisions of section 34-106, Idaho Code, in the territory proposed  
30 to be annexed for the purpose of voting upon the annexation and the notice  
31 shall accurately describe the boundaries of the territory proposed to be  
32 annexed, shall state the name of the district to which annexation is sought,  
33 and that a map showing the boundaries of the district and of the territory  
34 proposed to be annexed is on file in the office of the clerk of the local  
35 board of county commissioners. The notice shall prescribe the form of ballot  
36 to be cast, which shall contain the words "In favor of annexation to ...  
37 Fire Protection District" and "Against annexation to .... Fire Protection  
38 District," and shall direct that the voter indicate his choice thereon by a  
39 cross (X). An election pursuant to the provisions of this subsection shall  
40 accomplish no purpose and, therefore, shall not be required if the following  
41 conditions are certified in the petition(s) submitted in accordance with  
42 subsections (2) and (3) of this section: (a) that one hundred percent (100%)  
43 of the holders of title or evidence of title of the property proposed to be  
44 annexed have joined in the initial petition requesting annexation; and (b)  
45 that there is no electorate present in the property sought to be annexed.

46 (6) The territory proposed to be annexed shall constitute one (1)  
47 election precinct and there shall be added to the usual elector's oath, in  
48 case of challenge, the following words: "And I am a resident within the  
49 boundaries of the territory proposed to be annexed to .... Fire Protection  
50 District." The returns of the election shall be canvassed by the board of

1 the county commissioners of the county in which the territory proposed to  
2 be annexed is situated, and if it shall appear from the canvass that more  
3 than one-half (1/2) of the voters are in favor of the annexation, the board  
4 shall, by order entered on its minutes, declare the territory a part of the  
5 fire protection district to which annexation is sought, and a certified  
6 copy of the order shall be transmitted to the fire protection board of the  
7 original district, and also to the board of the county commissioners of  
8 the county in which the original district is situated. A certified copy of  
9 the order shall also be filed in the office of the county recorder of the  
10 county in which the territory proposed to be annexed is situated. At the  
11 first meeting of the board of fire protection commissioners following the  
12 annexation of property from another county, the board shall resubdivide  
13 the expanded fire protection district into three (3) subdivisions, as  
14 nearly equal in population and area as practicable. Not more than one (1)  
15 fire protection district commissioner shall reside in each subdistrict.  
16 If, because of resubdistricting, two (2) or more commissioners reside in  
17 the same subdistrict, they shall draw lots to determine who shall remain  
18 in office. The remaining commissioners on the board shall appoint, as  
19 necessary, persons to fill vacancies created as a result of annexation  
20 pursuant to the provisions of section 31-1409, Idaho Code. An appointee  
21 shall serve the remainder of the term of office he or she is appointed to  
22 fill. Certified copies of appointments of secretary and treasurer of the  
23 district shall be filed with the clerk of the board of county commissioners  
24 and with the tax collector of each county in which any portion of the district  
25 is situated and all taxes levied by the district shall be certified to, and  
26 extended, collected and remitted by, the proper officers of the county in  
27 which is situated the property subject to the levy.