

IN THE SENATE

SENATE BILL NO. 1309

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO FIRE DISTRICTS; AMENDING SECTION 31-1409, IDAHO CODE, TO CLARIFY
2 THAT CERTAIN NOTICE SHALL BE REQUIRED FOR TEMPORARY VACANCY OF A COMMIS-
3 SIONER, TO REVISE PROVISIONS REGARDING FILLING A VACANCY AND TO PROVIDE
4 A PROCEDURE IF ALL AVAILABLE SEATS ON A FIRE PROTECTION BOARD BECOME VA-
5 CANT; REPEALING SECTION 31-1418, IDAHO CODE, RELATING TO TEMPORARY IN-
6 ABILITY OF A COMMISSIONER; AND AMENDING SECTION 56-1018B, IDAHO CODE,
7 TO AUTHORIZE THE BUREAU OF EMERGENCY MEDICAL SERVICES TO MAKE GRANTS TO
8 FIRE DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS.
9

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

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

13 31-1409. RESIDENCE QUALIFICATIONS OF COMMISSIONERS -- TERM OF OF-
14 FICE -- VACANCIES. (1) At the meeting of the board of county commissioners
15 at which the fire protection district is declared organized, as provided
16 by section 31-1407, Idaho Code, the county commissioners shall divide the
17 fire protection district into three (3) subdivisions, as nearly equal in
18 population, area and mileage as practicable, to be known as fire protection
19 commissioners subdistricts one, two and three. Not more than one (1) of the
20 fire protection district commissioners shall be a resident of the same fire
21 protection subdistrict, except that any commissioner appointed by the board
22 of county commissioners under section 31-1408, Idaho Code, shall not be dis-
23 qualified from the completion of the initial term for which the commissioner
24 was appointed because of the subdistrict in which the commissioner resides.
25 The first commissioners appointed by the board of county commissioners shall
26 serve until the next fire protection district election, at which time their
27 successors shall be elected. The term of office for fire protection com-
28 missioners shall commence on the second Monday of January succeeding each
29 general election. Commissioners appointed and elected must be electors
30 residing within the fire protection district for at least one (1) year imme-
31 diately preceding their election.

32 (2) Any fire protection commissioner vacancy occurring, other than by
33 the expiration of the term of office, shall be filled by the fire protec-
34 tion board. If a duly elected or appointed fire protection commissioner re-
35 signs, withdraws, becomes disqualified, refuses or, without first provid-
36 ing signed written notice of a temporary vacancy, becomes otherwise unable
37 to perform the duties of office for longer than ninety (90) days, the board,
38 on satisfactory proof of the vacancy, shall declare the office vacant. The
39 board shall fill any vacancies within sixty (60) days of learning of the va-
40 cancy. When a vacancy occurs, the board shall direct the secretary to cause
41 a notice of the vacancy to be published in at least one (1) issue of a newspa-
42 per of general circulation within the district. The notice shall include the

1 date and time of the meeting when the board will vote to fill the vacancy, and
 2 the deadline for qualified elector residents interested in being appointed
 3 to the position to submit a written request for appointment to the board.
 4 Should the remaining members of the board fail to agree on an individual to
 5 fill the vacancy, it shall select the individual ~~in the following manner. If~~
 6 ~~the county commissioners cannot agree on the appointment of a commissioner,~~
 7 by placing the names of all the interested persons who received the highest
 8 and equal number of votes ~~shall have their names placed~~ in a container. The
 9 ~~county fire~~ commissioner with the most continuous length of service shall
 10 draw one (1) name from the container. The person whose name is drawn shall
 11 then be appointed to fill the vacancy.

12 (3) If all the available seats on a fire protection board become vacant,
 13 any elector of the fire protection district may petition the county commis-
 14 sioners of the county or counties in which the vacancies are situated in to
 15 make such appointments as are necessary to fill the vacancies. The vacancies
 16 shall be filled within sixty (60) days of receiving said petition. Any fire
 17 commissioner so appointed shall serve out the remainder of the term for the
 18 individual last elected to the vacant seat to be filled and shall be a resi-
 19 dent of the same fire protection commissioners subdistrict.

20 SECTION 2. That Section [31-1418](#), Idaho Code, be, and the same is hereby
 21 repealed.

22 SECTION 3. That Section 56-1018B, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 56-1018B. EMERGENCY MEDICAL SERVICES FUND III. (1) There is hereby
 25 created in the dedicated fund of the state treasury a fund known as the
 26 emergency medical services fund III. Subject to appropriation by the leg-
 27 islature, moneys in the fund shall be used exclusively for the purpose of
 28 acquiring vehicles and equipment for use by emergency medical services per-
 29 sonnel in the performance of their duties, which include highway safety and
 30 emergency response to motor vehicle accidents.

31 (2) The bureau of emergency medical services of the department of
 32 health and welfare shall be responsible for distributing moneys from the
 33 fund to qualifying nonprofit and governmental entities that submit an appli-
 34 cation for a grant from the fund. The bureau shall approve grants based on
 35 the following criteria:

36 (a) The requesting entity is a nonprofit or governmental entity ~~which~~
 37 that holds a current license as an ambulance or nontransport service is-
 38 sued by the state of Idaho;

39 (b) The requesting entity has demonstrated need based on criteria es-
 40 tablished by the bureau;

41 (c) The requesting entity has provided verification that it has re-
 42 ceived the approval and endorsement of a fire district or city or county
 43 within its service area;

44 (d) The requesting entity has certified that the title to any vehicle
 45 purchased with funds from the fund shall be in the name of the fire dis-
 46 trict or city or county ~~which that~~ endorsed the application and shall
 47 submit proof of titling as soon as practicable;

1 (e) The state of Idaho shall retain a security interest in the vehicle
2 to secure the performance of the grant recipient to utilize the vehicle
3 consistent with the intent described in the application.

4 (3) Notwithstanding the requirements of subsections (2) (c) and ~~(2) (d)~~
5 of this section, the bureau of emergency medical services is authorized to
6 approve and issue a grant to an applicant in the absence of an endorsement if
7 the endorsement is withheld without adequate justification.