

IN THE SENATE

SENATE BILL NO. 1309, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO FIRE DISTRICTS; AMENDING SECTION 31-1409, IDAHO CODE, TO PROVIDE  
2 FOR APPOINTMENT OR ELECTION, TO CLARIFY THAT CERTAIN NOTICE SHALL BE  
3 REQUIRED FOR TEMPORARY VACANCY OF A COMMISSIONER, TO REVISE PROVISIONS  
4 REGARDING FILLING A VACANCY AND TO PROVIDE A PROCEDURE IF A CERTAIN  
5 PERCENTAGE OF ELECTED OFFICIAL SEATS ON A FIRE PROTECTION BOARD BECOME  
6 VACANT; REPEALING SECTION 31-1418, IDAHO CODE, RELATING TO TEMPORARY  
7 INABILITY OF A COMMISSIONER; AND AMENDING SECTION 56-1018B, IDAHO CODE,  
8 TO AUTHORIZE THE BUREAU OF EMERGENCY MEDICAL SERVICES TO MAKE GRANTS TO  
9 FIRE DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS.  
10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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