

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 610

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1411, IDAHO
CODE, TO ESTABLISH PROVISIONS RELATING TO THE DEANNEXATION OF CERTAIN
TERRITORY FROM A FIRE PROTECTION DISTRICT.

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

SECTION 1. That Section 31-1411, Idaho Code, be, and the same is hereby
amended to read as follows:

31-1411. ANNEXATION OF TERRITORY IN SAME COUNTY -- PETITION -- HEAR-
ING -- ORDER -- CERTIFICATION TO COUNTY COMMISSIONERS -- ALTERNATE PROCEDURE
-- ELECTION -- PETITION TO DE ANNEX PROPERTY FROM EXISTING DISTRICT AND AN-
NEX INTO ANOTHER DISTRICT -- DEANNEXATION FROM DISTRICT. After the organi-
zation of a fire protection district, additional contiguous or noncontigu-
ous territory lying within the same county may be added thereto and shall
thereupon and thenceforth be included in such district. Territory that is
not contained in an existing fire district, and is not immediately adjoining
the boundaries of the fire district into which annexation is sought, may be
annexed into the district provided the territory consists of not less than
forty (40) contiguous acres. At least seventy-five percent (75%) or more
of the owners or contract purchasers of the land sought to be annexed shall
petition the fire protection board and request annexation of the territory
particularly described in said petition. Upon receipt of any such petition
the fire protection board shall hold a hearing not less than ten (10) nor more
than thirty (30) days thereafter, or upon the written consent of the peti-
tioner within one hundred eighty (180) days, and said board shall cause no-
tice of such hearing, designating the time and place, to be published in at
least one (1) issue of a newspaper of general circulation within the dis-
trict. Any person supporting or objecting to such petition shall be heard at
such hearing, if in attendance, and at the close of such hearing said board
shall approve or reject said petition. If the board approves said petition
it shall make an order to that effect and certify a copy of said order con-
taining an accurate legal description of the annexed territory to the board
of county commissioners of the county where said fire district is situated.
Said board of county commissioners shall thereupon enter an order of annex-
ation and cause the same to be recorded so as to include the annexed property
on the tax rolls as in this chapter provided.

In the event that more than twenty-five percent (25%) of the owners or
contract purchasers of the land sought to be annexed do not join in said pe-
tition, and the board determines by resolution entered on the minutes of the
board, that the annexation would be in the best interests of the district and
that an election on the issue should be held, additional territory may nev-
ertheless be annexed by the affirmative vote of a majority of the qualified
electors of such additional territory voting on the question at an election

1 held therefor, which vote may be taken at an election held as provided in sec-
2 tion 31-1405, Idaho Code. The same procedure shall be adopted as provided in
3 sections 31-1402 through 31-1406, Idaho Code.

4 If owners or contract purchasers of territory located within an exist-
5 ing fire protection district seek to petition to be annexed into another fire
6 protection district, they must demonstrate that they are likely to receive
7 an improved response to requests for services from the other fire protection
8 district and obtain written approval of the board of the fire protection dis-
9 trict within which the territory is already located. The written approval
10 must be attached to their petition to annex. The procedure for the annexa-
11 tion petition shall be the same as otherwise provided in this section.

12 Notwithstanding any other provision of this section or any other provi-
13 sion of chapter 14, title 31, Idaho Code, an owner of territory consisting
14 of more than one thousand five hundred acres (1,500) located within a fire
15 protection district may de annex such territory from the district by submit-
16 ting written notice to the board of the fire protection district declaring
17 the owner's intent to de annex the territory. Such deannexation shall take
18 effect forty-five (45) days from the date such written notice is provided to
19 the district. The deannexation of such territory shall not exempt the owner
20 of the territory from taxation due the fire protection district on or before
21 the date of deannexation.