

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 491

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO AMBULANCE SERVICE AND COOPERATIVE AGREEMENTS; AMENDING SECTION
2 31-1430, IDAHO CODE, TO PROVIDE FOR INTRA-AGENCY AGREEMENTS BETWEEN
3 FIRE PROTECTION DISTRICTS AND AMBULANCE SERVICE DISTRICTS AND COUN-
4 TIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3906,
5 IDAHO CODE, TO PROVIDE FOR COOPERATIVE AGREEMENTS BETWEEN COUNTIES AND
6 FIRE PROTECTION DISTRICTS FOR AMBULANCE SERVICE; AND AMENDING SECTION
7 31-3908, IDAHO CODE, TO PROVIDE THAT AN AMBULANCE SERVICE DISTRICT MAY
8 ENTER INTO COOPERATIVE AGREEMENTS WITH COUNTIES AND FIRE PROTECTION
9 DISTRICTS FOR THE PURPOSE OF INCREASING EFFICIENCY AND IMPROVING EMER-
10 GENCY MEDICAL SERVICES AND TO MAKE TECHNICAL CORRECTIONS.
11

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

13 SECTION 1. That Section 31-1430, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 31-1430. COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES
16 AND APPARATUS OF DISTRICTS AND CITIES. (1) Fire protection districts shall
17 have all of the powers given to political subdivisions of the state of Idaho
18 as set forth in section 67-2339, Idaho Code, and sections 67-2326 through
19 67-2333, Idaho Code, inclusive, to enter into intra-agency and mutual aid
20 agreements with other political subdivisions, including but not limited to
21 counties, ambulance service districts, and municipalities in Idaho, and in
22 other states, for the purposes of protecting ~~life and~~ property against loss
23 by fire, protecting life, and for all other purposes of this chapter.

24 (2) Any fire protection district or city fire department extinguishing
25 a fire or responding to a call for emergency assistance to persons or prop-
26 erty not situated within the taxing authority of the fire district or city
27 fire department, is authorized to charge a reasonable fee for the services
28 provided and shall have a lien upon property serviced, which lien shall be
29 filed of record against the property in the name of the district or city
30 in the time and manner provided by section 45-507, Idaho Code, for liens
31 of original contractors. Fire districts and cities are also authorized to
32 charge reasonable fees for services provided to residents located within
33 the fire district or city in accordance with the requirements and procedures
34 contained in sections 63-1311 and 63-1311A, Idaho Code, and shall have a lien
35 upon the property serviced as provided in this section.

36 SECTION 2. That Section 31-3906, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 31-3906. AMBULANCE SERVICE -- ~~ADJACENT COUNTIES AND/OR PRIVATE IN-~~
39 ~~DIVIDUALS AND CORPORATIONS MAY HAVE COOPERATIVE AGREEMENTS.~~ The board of
40 county commissioners of any county wherein such ambulance service has been

1 established is authorized in its discretion and under such terms and con-
2 ditions as it deems appropriate to enter into a cooperative agreement with
3 adjacent counties or fire protection districts and for private individuals
4 and corporations to provide ambulance service for such county or counties or
5 a portion thereof. All cost of said service shall be apportioned equitably
6 among the participating counties and fire protection districts, as deter-
7 mined by their respective boards of county commissioners.

8 SECTION 3. That Section 31-3908, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-3908. AMBULANCE DISTRICT AUTHORIZED. (1) The county commissioners
11 of any county shall, upon petition signed by not less than fifty (50) quali-
12 fied electors of said county, or any portion thereof, which may exclude in-
13 corporated cities, undertake the following procedure to determine the ad-
14 visability of resolving to establish and maintain an ambulance service dis-
15 trict within the county as may be designated in the petition.

16 (a) A petition to form an ambulance service district shall be presented
17 to the county clerk and recorder. The petition shall be signed by not
18 less than fifty (50) of the resident real property holders within the
19 proposed district. The petition shall designate the boundaries of the
20 district.

21 (b) The petition shall be filed with the county clerk and recorder of
22 the county in which the signers of the petition are located. Upon the
23 filing of the petition, the county clerk shall examine the petition
24 and certify whether the required number of petitioners have signed the
25 petition. If the number of petition signers is sufficient, the clerk
26 shall transmit the petition to the board of county commissioners.

27 (c) Upon receipt of a duly certified petition, the board of county com-
28 missioners shall cause the text of the petition to be published once a
29 week for at least three (3) consecutive weeks in a newspaper of general
30 circulation within the county. With the publication of the petition,
31 there shall be published a notice of the time of the meeting of the board
32 of county commissioners when the petition will be considered stating
33 that all persons interested may appear and be heard. No more than five
34 (5) names attached to the petition shall appear in the publication and
35 notice, but the number of signatures shall be stated.

36 At the time of filing the petition, the sponsors thereof shall cause
37 to be deposited with the county clerk a sufficient sum of money to cover
38 the cost of publication of the petition and all necessary notices. If
39 the petition and notices are not published, the deposit shall be re-
40 turned to whomever deposited the funds, and if there is any surplus
41 remaining after paying for the publication as herein provided, it shall
42 be returned to the original depositors, and if a district is created,
43 the fees so expended are an obligation of the district and shall be re-
44 paid by the district to the depositors.

45 (d) At the time set for hearing the petition, the board of county com-
46 missioners shall hear all persons who desire to be heard relative to the
47 creation of an ambulance service district. The board of county commis-
48 sioners may, if they so desire and it appears desirable, adjourn the
49 meeting for not to exceed thirty (30) days in time to further hear the

1 petitioners and protestants, if any. After the hearing or hearings, the
2 board of county commissioners shall adopt a resolution either creating
3 the proposed ambulance service district or denying the petition. When
4 the board of county commissioners creates an ambulance service dis-
5 trict, the board shall adopt a resolution describing the boundaries of
6 the district.

7 (e) When the board of county commissioners adopts the resolution creat-
8 ing the ambulance service district, the board shall include in the res-
9 olution the name of the district, and file a copy of the order creat-
10 ing the district with the county clerk and recorder, for which the clerk
11 shall receive a fee of three dollars (\$3.00).

12 (f) Procedures for annexation, deannexation, or dissolution of a dis-
13 trict created pursuant to this section shall be in substantial compli-
14 ance with the provisions for public notice and hearing provided herein,
15 and shall be by resolution adopted by the board of county commissioners.

16 (2) When the board of county commissioners has ordered the creation of
17 an ambulance service district, pursuant to the provisions of this section,
18 such district is hereby recognized as a legal taxing district, and providing
19 ambulance service is a governmental function.

20 (3) The board of county commissioners shall be the governing board of an
21 ambulance service district created pursuant to this section, and shall exer-
22 cise the duties and responsibilities provided in chapter 39, title 31, Idaho
23 Code.

24 (4) In any county where an ambulance service district is created as pro-
25 vided herein, the board of county commissioners is authorized to levy a spe-
26 cial tax, not to exceed four-hundredths percent (.04%) of market value for
27 assessment purposes, except as authorized by paragraph (a) of this subsec-
28 tion, upon all taxable property within the district for the purposes of the
29 district, but the levy otherwise authorized in section 31-3901, Idaho Code,
30 shall not be made on taxable property within the district.

31 (a) In any county where an ambulance service district:

32 (i) Was created as of January 1, 1976;

33 (ii) Had at the time of its creation a market value for assessment
34 purposes of the district of less than three hundred million dol-
35 lars (\$300,000,000); and

36 (iii) The service provided by the district is an advanced life sup-
37 port paramedic unit;

38 the board of county commissioners may submit to the electors within the
39 district the question of whether the levy authorized in subsection (4)
40 of this section may be increased to a levy not to exceed six-hundredths
41 percent (.06%) of market value for assessment purposes upon all taxable
42 property within the district for the purposes of the district, if ap-
43 proved by a minimum of two-thirds (2/3) of the qualified electors of the
44 district voting at an election called for that purpose and held on the
45 May or November dates provided in section 34-106, Idaho Code, but the
46 levy otherwise authorized in section 31-3901, Idaho Code, shall not be
47 made on taxable property within the district.

48 (5) The board of county commissioners is authorized by resolution to
49 create an ambulance district capital improvement account. The board may
50 dedicate all or a portion of the fees and taxes collected pursuant to this

1 chapter to the capital improvement account for the purpose of purchasing
2 necessary buildings, land or equipment for the operation of the district.
3 The board is further authorized to carry over and add to the funds in the
4 account from year to year in order to make the purchases authorized by this
5 subsection.

6 (6) The board of county commissioners is authorized by resolution to
7 enter into cooperative agreements with other adjoining counties, adjoining
8 fire protection districts, or other adjoining political subdivisions in
9 Idaho or in other states in order to pool resources and increase efficiency
10 and improve emergency medical services.

11 (7) As used in this chapter, "ambulance district" or "ambulance service
12 district" means a political subdivision formed to provide ambulance trans-
13 port, emergency medical services as defined in section 56-1012, Idaho Code,
14 community health emergency medical services as defined in section 56-1012,
15 Idaho Code, and/or other activities necessary to meet the community health
16 needs of the district.