

1 **THE FOLLOWING SECTIONS ARE PROPOSED TO BE ADDED TO IDAHO CODE RELATED TO**
2 **EMS SYSTEM DISTRICTS:**

3
4 **XX-XX01. PURPOSE OF EMS SYSTEM DISTRICTS.** The primary purpose of an Emergency Medical
5 Services System (EMSS) district is to assure the governance and adequate provision of emergency medical
6 services to the counties. Assuring the existence of an organized EMS system is a governmental function.
7

8 **XX-XX02. ESTABLISHMENT OF EMS SYSTEM DISTRICTS.** Effective July 1, 2009, any
9 ambulance district established in accordance with Idaho Code prior to the enactment of this section will be
10 renamed and known as an “Emergency Medical Services System (EMSS) District”. The board of county
11 commissioners will rename the EMSS district, pursuant to the provisions of this section and such district
12 continues to be recognized as a legal taxing district.
13

14 **XX-XX03. ESTABLISHMENT OF EMS SYSTEM DISTRICTS – EMPLOYEES OF AMBULANCE**
15 **DISTRICTS.** Effective with the conversion of an ambulance district to an EMSS district upon renaming
16 by the board of county commissioners, all employees of the district will continue to be employees of the
17 district. Continuation of the practice of employing one or more persons, or establishing the practice of
18 employing one or more persons is subject to the board approval of an operations and finance plan
19 developed pursuant to XX-XX37.
20

21 **XX-XX04. COUNTIES IN WHICH NO AMBULANCE DISTRICT EXISTS.** The boards of county
22 commissioners of the counties which have not formed an ambulance district in accordance with section 31-
23 3901 or 31-3908 of Idaho Code prior to the enactment of this section shall form an EMSS District by
24 January 1, 2010. Such district is hereby recognized as a legal taxing district.
25

26 **XX-XX05. GEOGRAPHICAL BOUNDARIES.** The EMSS district formed in accordance with XX-
27 XX02 or XX-XX04 must be congruent with the county boundaries. No area within the county boundaries
28 may be excluded and no area or unit of local government may exempt itself from inclusion and
29 participation in the district. Any ambulance district formed in accordance with Idaho Code prior to the
30 enactment of this section shall modify the boundaries of said district to be congruent with the county
31 boundaries and shall be by resolution adopted by the board of county commissioners.
32

33 **XX-XX06. FORMATION OF DISTRICT COMPRISED OF TWO OR MORE COUNTIES.** The
34 district boards of two (2) or more adjoining districts or, the boards of county commissioners before the
35 formation of an EMSS district in one or more counties and prior to January 1, 2010, are empowered to
36 cooperate in the establishment of a single EMS district. The number of members of the board,
37 administrative authority, the method of appointment, and all other duties will be conducted as described in
38 (these) sections of Idaho Code.
39

40 **XX-XX07. LEVY OPTIONAL.** Upon EMSS district formation in a county which had no ambulance
41 district previously and chooses not to implement the tax at the time of establishment of the district, nothing
42 in this chapter shall be construed to prohibit a district from establishing a levy or levy the special tax at a
43 later date.
44

45 **XX-XX08. LEVY CONTINUED OR IMPLEMENTED.** (1) The board is empowered to levy a tax for
46 the uses and purposes of the district in an amount not exceeding four hundredths percent (.04%) of the
47 market value for assessment purposes on all of the taxable property within the district. The tax rate shall be
48 in effect for the next tax year and for each succeeding tax year.

49 (2) The board shall by resolution fix the levy to be made for such district for such year and shall
50 transmit a certified copy of such resolution to the county commissioners at the time and in the manner
51 provided by section 63-804, Idaho Code. Such taxes shall be collected as provided by section 63-812, Idaho
52 Code, and remitted to the treasurer of the district as provided by section 63-1202, Idaho Code.
53

54 (3) Upon the establishment of a levy, all notice and implementation shall be conducted in accordance
55 with section xx-xxxx, Idaho Code. *The specific citation is being researched and will be added to a future*
56 *draft.*

57 **XX-XX09. LEVY INCREASE PROCESS.** In accordance with section 63-802(1), Idaho Code, the
58 district may submit to the electors within the district pursuant to section 34-10, Idaho Code, the question of
59 whether the budget from property tax revenues may be increased by a maximum of two hundredths percent
60 (.02%) beyond the amount authorized in this section for a total possible levy of six hundredths percent
61 (.06%). The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of
62 the voters voting on the question at an election called for that purpose and held on the May or November
63 dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-
64 thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base
65 budget.
66

67 **XX-XX10. COUNTY TREASURERS TO ESTABLISH EMSS DISTRICT FUND.** The county
68 treasurer of each county shall establish a fund to be designated as the EMSS district fund, and used
69 exclusively for the purposes of this act into which all proceeds from motor vehicle registrations pursuant to
70 section 49-452, Idaho Code, user fees, any EMSS district levy that has been continued or established
71 pursuant to this act and subscription or membership fees will be deposited. When taxes levied for the
72 purposes of this act have been collected they shall be paid to the treasurer of the county, without charge for
73 collection, to be used for the purposes authorized by this act.
74

75 **XX-XX11. CONTRACTUAL COVERAGE OF PORTION OF ADJACENT DISTRICT.** Two or
76 more EMSS districts with one or more contiguous boundaries may agree to enter into a contract or
77 intergovernmental agreement with each other for the provision of EMS. Property will continue to be
78 subject to the levy imposed on the district in which the property is located without regard to the levy
79 amount in place for the district that is contracted for service to the adjacent area.
80

81 **XX-XX12. CONSENT TO ANNEX PORTION OF ADJACENT DISTRICT.** When geographic
82 configuration, roadway access, or topography causes an area of an adjacent district, including that which is
83 another county, to be served more expeditiously from the neighboring district, two or more EMSS districts
84 with one or more contiguous boundaries may agree to annex and de-annex portions of their districts,
85 respectively. The proceedings for annexation and de-annexation shall be as follows:

- 86 (a) Such proceeding may be initiated by twenty (20) or more persons residing within the territory
87 to be annexed by signing a petition for annexation with the EMSS district to which they wish
88 to be annexed.
- 89 (b) The petition for annexation shall be filed with the board of district in which the territory
90 proposed to be annexed is situated. The petition shall accurately describe the boundaries of
91 the territory, and the name of the EMSS district to which annexation is sought and the name
92 of the EMSS district from which de-annexation is sought. If such petition is filed before the
93 formation of an EMSS district and prior to January 1, 2010, the name of the county shall be
94 used in place of the EMSS district name. The petition shall be accompanied by a map
95 showing and distinguishing the boundaries of the original district and the boundaries of the
96 territory proposed to be annexed, and showing the location of the intervening county line.
- 97 (c) Upon receipt of the petition the EMSS board shall hold a hearing not less than thirty (30) and
98 not more than one hundred twenty (120) days thereafter and said board shall cause notice of
99 such hearing, designating the time and place, to be published in at least one (1) issue of a
100 newspaper of general circulation within the district. Any person supporting or objecting to
101 such petition shall be heard at such hearing, if in attendance, and at the close of such hearing
102 said board shall approve or reject said petition by resolution of the board. If the board issues a
103 resolution in approval of the annexation, the petitioners shall proceed in accordance with the
104 steps outlined in this section.
- 105 (d) The petition and resolution, such as required by this section, shall then be filed with the
106 EMSS district from which de-annexation is sought. Upon receipt of the petition the EMSS
107 board shall hold a hearing not more than thirty (30) days thereafter and said board shall cause
108 notice of such hearing, designating the time and place, to be published in at least one (1)
109 issue of a newspaper of general circulation within the district. Any person supporting or
110 objecting to such petition shall be heard at such hearing, if in attendance, and at the close of
111 such hearing said board shall approve or reject said petition by resolution of the board.
- 112 (e) The petition, such as is required by this section, shall be filed with the board of county

113 commissioners of the county in which is situated the territory proposed to be annexed and
114 shall accurately describe the boundaries of the territory, and name and describe the EMSS
115 district to which annexation is sought, shall be accompanied by a map showing and
116 distinguishing the boundaries of the original district and the boundaries of the territory
117 proposed to be annexed, and showing the location of the intervening county line. The petition
118 must be accompanied by a certified copy of the resolution of the EMSS board consenting to
119 the annexation and a certified copy of the resolution of the EMSS board consenting to the de-
120 annexation.

121 The notice of hearing on the petition shall state that certain territory described in the petition, is proposed to
122 be annexed to an EMSS district named in the petition and that any taxpayer within the boundaries of the
123 territory proposed to be annexed may offer objections at the time and place specified. The order entered by
124 the board of county commissioners on the petition shall, if the petition be granted, fix the boundaries of the
125 annexed territory and direct that a map of it be prepared under the direction of the clerk of the board, and
126 certified copies of the order and map shall be transmitted to both of the clerks of the boards of county
127 commissioners that are affected by the annexation and de-annexation.

128
129 **XX-XX13. DISTRICT GOVERNANCE STRUCTURE.** In addition to the district board, the
130 composition, the duties and powers of which are outlined in section xx-xx25 of this act, two other bodies
131 are formed herein to provide for the appropriate management of administrative and medical components of
132 district planning and oversight. The administrative authority provides decision-making as authorized by the
133 board, and a forum for inclusion of EMS agencies, hospital, and medical interests in the community. The
134 medical authority assures the consideration of patients’ clinical needs and district conformity to the
135 requirements and rules of the EMS Physician Commission pursuant to section 56-1013A Idaho Code.

136
137 **XX-XX14. EMSS DISTRICT BOARD – COMPOSITION UPON FORMATION.** The board of county
138 commissioners of each county shall constitute the district board. Upon petition of the majority of the cities
139 and the majority of fire districts, or the majority of the cities and a resolution of the board of county
140 commissioners within the county, or the majority of fire districts and a resolution of the board of county
141 commissioners within the county, the board of county commissioners shall implement an alternate form of
142 governance through a board comprised of one member of the board of county commissioners, one fire
143 district commissioner, and one mayor or city councilman.

144
145 **XX-XX15. EMSS DISTRICT BOARD – PETITION FOR ALTERNATE COMPOSITION.** Any
146 petition of the cities or the fire districts will include the name of the individual who will represent that
147 interest on the board. In the event the fire districts or cities present one name, that individual will serve on
148 the district board. In the event the cities or the fire districts submit two or more names, the board of county
149 commissioners shall select an individual from the nominations that will be submitted within 45 days of
150 receipt of the petition or passage of the resolution to form the alternate board. When any petition does not
151 name an individual, the board of county commissioners shall solicit nominations of elected officials
152 representing that interest to collectively propose one or more names of individuals who desire to serve in
153 that capacity.

154
155 **XX-XX16. RESTORATION OF ORIGINAL COMPOSITION.** Upon petition of the majority of the
156 cities and the majority of fire districts and a resolution of the board of county commissioners within the
157 district, the board of county commissioners shall be immediately reinstated as the primary form of
158 governance.

159
160 **XX-XX17. BOARD – PRIMARY ROLE.** The primary duty of the board in either form is to determine
161 the manner in which EMS agencies function within the district.

162
163 **XX-XX18. BOARD -- NAME.** The EMSS district board is to be known and designated as the “Board of
164 the..... EMS System Authority.”

165
166 **XX-XX19. ORGANIZATION OF BOARD – TERMS.** When the board of county commissioners
167 comprises the district board, terms will be for the duration of their term on the board of county
168 commissioners. When the board is the alternate form comprised of other elected officials as described in

169 section XX-XX14, the member of the board of county commissioners will serve a term of three (3) years or
170 the remaining duration of the term on the board of county commissioners, whichever is shorter. Upon
171 formation in accordance with section XX-XX14, initial terms will be staggered to afford continuity as
172 follows: the fire district commissioner will serve a term of two (2) years or until the fire district
173 commissioner’s term expires, whichever is shorter and the mayor will serve a term of one (1) year or until
174 the mayor’s term expires, whichever is shorter. Thereafter all terms shall be for a period of three years
175 following selection.

176
177 **XX-XX20. ORGANIZATION OF BOARD - VACANCY.** Upon the vacancy of a member of the district
178 board when the board is the alternate form, the board of county commissioners shall solicit nominations of
179 elected officials representing all of the cities or all of the fire districts corresponding to the vacancy to
180 collectively propose one or more names of individuals who desire to fill the vacancy on the district board
181 within 45 days of receipt of notice by the board. When the fire districts or cities present one name, that
182 individual will fill the vacancy on the district board. When the cities or the fire districts submit two or more
183 names, the board of county commissioners, or boards of county commissioners in a district comprised of
184 two or more counties, shall select an individual from the nominations that will be submitted within 45 days
185 of receipt of notice by the district board of the vacancy. In the event that no name is submitted by the
186 deadline, the board or boards will select from among the elected officials within the district corresponding
187 to the vacancy on the board. The selected individual will serve for the remainder of the term associated
188 with the vacancy.

189
190 **XX-XX21. ORGANIZATION OF BOARD – REPLACEMENT OF ALTERNATE COMPOSITION**
191 **BOARD MEMBER.** An elected city official may be removed from the board upon majority vote of all of
192 the cities served by the district. A fire commissioner may be removed from the board upon majority vote of
193 all of the fire districts in the district. A county commissioner may be removed from the district board upon
194 affirmative vote of the remaining two members of the board of county commissioners. The replacement
195 will be named in accordance with the process in section xx-xx15.

196
197 **XX-XX22. EMSS DISTRICT -- FEES.** The board shall adopt a definition and schedule of fees to be
198 charged for EMS agency responses and EMS related services provided by all agencies in the district. All
199 such fees shall be collected, accounted for and deposited in the EMSS district fund, and shall be used to pay
200 expenses as incurred in the maintenance and operation of said EMSS district and local EMS agency
201 operations under terms defined in a contract between the district and the agency unless they are one and the
202 same.

203
204 **XX-XX23. COOPERATION AND RECIPROCATING USE OF DISTRICT FORCES AND**
205 **APPARATUS OF DISTRICTS, COUNTIES AND CITIES.** Districts shall have all of the powers given
206 to political subdivisions of the state of Idaho as set forth in section 67-2339, Idaho Code, and sections 67-
207 2326 through 67-2333, Idaho Code, inclusive, to enter into joint powers, interagency or mutual aid
208 agreements with other political subdivisions and municipalities in Idaho, and in other states, for the
209 purposes of EMS response and for all other purposes of this chapter. Any district or licensed EMS agencies
210 operating therein responding to a call for emergency assistance to persons or property not situated within
211 the taxing authority of the district and any area for which contractual coverage was arranged in accordance
212 with section XX-XX11 is authorized to charge the fee as adopted by the board of the district in which the
213 agency is based for the services provided.

214
215 **XX-XX24. CAPITAL IMPROVEMENT ACCOUNT.** The board is authorized by resolution to create an
216 EMSS district capital improvement account. The board may dedicate all or a portion of the fees and taxes
217 collected pursuant to this chapter to the capital improvement account for the purpose of purchasing
218 necessary buildings, land or equipment for the operation of the district. The board is further authorized to
219 carry over and add to the funds in the account from year to year in order to make the purchases authorized
220 by this section.

221
222 **XX-XX25. CORPORATE POWERS AND DUTIES OF THE DISTRICT BOARD.** The board shall
223 have discretionary powers to manage and conduct the business and affairs of the district. The discretionary
224 powers include, but are not limited to, the following:

- 225 (1) Sue and be sued.
- 226 (2) Purchase, hold, sell and convey real property, make such contracts, and purchase, hold, sell and
- 227 dispose of such personal property as may be necessary or convenient for the purposes of this
- 228 chapter.
- 229 (3) Levy and apply such taxes for purposes under its exclusive jurisdiction as are authorized by law,
- 230 and to approve the annual district budget by resolution of the board.
- 231 (4) Make and execute all necessary contracts.
- 232 (5) Adopt such rules and resolutions as may be necessary to carry out their duties and responsibilities.
- 233 (6) Hire, pay, promote, discipline and terminate district employees, contractors and agents, or delegate
- 234 such powers.
- 235 (7) Set compensation, benefit and reimbursement levels for district employees and board members.
- 236 (8) Set and pay administrative expenses.
- 237 (9) Contract with a unit of local government to secure district employee benefits or other services as
- 238 necessary.
- 239 (10) Enter into fiduciary agreements and distribute revenue accordingly to local EMS agencies
- 240 participating in the district as adopted in the district budget as necessary.
- 241 (11) Enter into fiduciary agreements resulting in resources to be provided or fees to be paid by units of
- 242 local government to the district as necessary.
- 243 (12) Permit licensed EMS agencies to function in the district.
- 244 (13) Acquire necessary equipment and personnel for the operation and maintenance of one or more
- 245 local EMS agencies, and to pay necessary salaries and operating costs.
- 246 (14) Appoint other committees that board members deem necessary for carrying out the purposes and
- 247 policies of this chapter.
- 248 (15) Enforce the orders and rules adopted by the district.
- 249 (16) Charge and collect reasonable fees for services provided to residents of the district in accordance
- 250 with the provisions of section XX-XX22, 63-1311 and 63-1311A, Idaho Code.
- 251 (17) Provide a membership or subscription program for prepayment of fees to members of the program.

252
253 **XX-XX26. CHANGES TO EXISTING SERVICE PROVISION.** Any EMS agency licensed by the
254 EMS bureau upon the effective date of this act that maintains continuous licensure thereafter may only be
255 required to reduce or eliminate the level of service provided upon unanimous vote of the all three members
256 of the board. No such vote may be taken when any board member position is vacant.

257
258 **XX-XX27. AIR MEDICAL RESPONSE AND TRANSPORT.** Except as otherwise provided in this act,
259 no additional requirements or certificates of compliance will be required by an EMSS district of air medical
260 services licensed by the department.

261
262 **XX-XX28. EMSS DISTRICT ADMINISTRATIVE AUTHORITY -- COMPOSITION.** The members
263 of the authority shall be appointed by the board within 45 days of receipt of nominees. The date of
264 appointment of all or the final nominee will serve as the date of formation. All members of the authority
265 selected for the seats described in (2), (3), and (4) must have a service area within the district. The members
266 will include the following:

- 267 (1) The three members of the district board described in section XX-XX14,
- 268 (2) A representative of a clinic district or hospital that regularly receives patients from the district,
- 269 (3) a chief administrative official of a licensed ambulance (transport) agency operating within the
- 270 system area,
- 271 (4) a chief administrative official of a licensed non-transport EMS agency operating within the system
- 272 area if one exists, and
- 273 (5) the chairman or designee of chairman of the medical authority described in section XX-XX55,
- 274 Idaho Code for the district.

275
276 **XX-XX29. ADMINISTRATIVE AUTHORITY -- NAME.** The administrative authority of a system is to
277 be known and designated as the “..... EMS System Authority.”

278
279 **XX-XX30. ADMINISTRATIVE AUTHORITY -- OPERATION.**
280 (1) Voting authority on all matters is limited to the district board except as delegated to the authority.

- 281 (2) Organizations in each of section xx-xx28 (2), (3), and (4) will submit one or more nominees to
282 serve on the authority within 45 days of request of the board.
283 (3) The board will select the representative from nominees in the event that more than one nominee is
284 submitted.
285 (4) One individual from each of section xx-xx28 (2), (3), and (4) will serve on the authority for the
286 specified appointment duration.
287 (5) Each appointed individual is required to participate in authority meetings and proceedings in
288 accordance with rules established under this chapter.
289

290 **XX-XX31. ADMINISTRATIVE AUTHORITY – TERMS.** Members of the authority will serve on the
291 authority for the duration of their term in office or affiliation with the organization, the type of which they
292 were appointed to represent in accordance with section xx-xx28, or until resignation or removal by the
293 process described in section XX-XX35, whichever comes first. The remaining members of the authority
294 will have staggered appointment durations to afford continuity of operations. Except as provided in this
295 subsection, members of the authority shall be appointed for a term of three (3) years. The following two (2)
296 members shall be appointed to an initial term of three (3) years: the representative of a clinic district or
297 hospital and the chief administrative official of a licensed ambulance (transport) agency. The remaining
298 two (2) members shall be appointed for an initial term of two (2) years. Thereafter, all terms shall be for a
299 period of three (3) years. The authority shall elect a chair and such officers as it may deem necessary and
300 appropriate. The authority shall meet at least annually and at the call of the chair.
301

302 **XX-XX32. ADMINISTRATIVE AUTHORITY – REQUIRED PARTICIPATION AND PENALTY**
303 **FOR NON-PARTICIPATION.** The political authority of each EMS agency with primary responsibility
304 for 911 medical response, prehospital patient care, employment of EMS medical directors, or emergency
305 patient transportation originating within the system will participate in the nomination process to identify
306 and select a representative to the authority. Penalty for non-participation following authority appointment
307 will result in suspension of state EMS license or a fine or both when reported to the EMS bureau by the
308 authority.
309

310 **XX-XX33. ADMINISTRATIVE AUTHORITY -- CONDUCT.** The management and operation of the
311 administrative authority will conform to practices as shall be specified in an agreement between the board
312 and the administrative authority. At a minimum such agreement will include due diligence in decision
313 making and consensus building. Meetings of the administrative authority will be conducted pursuant to
314 section 67-2342, Idaho Code, and procedural rules as adopted by the board.
315

316 **XX-XX34. ORGANIZATION OF ADMINISTRATIVE AUTHORITY – VACANCY.** Upon the
317 vacancy of a member of the administrative authority, the organizations in each of section xx-xx28 (2), (3),
318 and (4) corresponding to the vacancy will submit one or more nominees to fill the role on the authority
319 within 45 days of request of the board district. The board will select the representative from nominees in
320 the event that more than one nominee is submitted. The selected member will serve on the authority for the
321 duration of the original member’s term.
322

323 **XX-XX35. ADMINISTRATIVE AUTHORITY – REMOVAL OF MEMBER.** Any member of the
324 authority may only be removed upon unanimous vote of the all three members of the board. No such vote
325 may be taken when any board member position is vacant.
326

327 **XX-XX36. ADMINISTRATIVE AUTHORITY – FISCAL AND CONTRACTUAL AUTHORITY.**
328 With approval of the governing board through the legally required budgetary process, the authority may
329 receive and expend funds, goods, and services from the federal government or agencies and
330 instrumentalities of state or local governments or from civic and private sources and may contract with
331 these entities and provide information and reports as necessary to secure aid. Expenditures by an authority
332 shall be for the approved purpose and within the amounts appropriated by the board. Within such limits,
333 any authority is authorized to hire or contract with employees and technical advisors, including, but not
334 limited to, an authority manager, licensed EMS personnel, physicians, consultants, and legal counsel.
335

336 **XX-XX37. ADMINISTRATIVE AUTHORITY – RESPONSIBILITY FOR OPERATIONS AND**
337 **FINANCE PLAN.** The authority is responsible for publishing and implementing an operations and finance
338 plan within one year of formation and will be reviewed annually and updated preceding a change in system
339 configuration. The operations plan will be prepared in accordance with rules promulgated pursuant to
340 section XX-XXXX, Idaho Code and submitted to the board for approval. The plan shall consider previous
341 and existing conditions, trends, desirable goals and objectives, or desirable future situations for each
342 planning component. The plan with maps, charts, and reports shall be based on the following components
343 as they may apply or as specified under the rules, including but not limited to:

- 344 (1) Current EMS system structure and performance;
345 (2) Assurance of the availability of adequate human resources throughout the district, to include
346 district employees, contractors, volunteers, and justification of necessary changes thereto;
347 (3) Population and other pertinent demographics, including analyses of past, present, and future trends
348 in population and characteristics such as age, mortality, insurance and revenue;
349 (4) Other factors, including but not limited to response time standards, required staffing, deployment
350 plan, mutual aid agreements, competency management strategy, compensation/reimbursement
351 plan, and data collection plan.

352
353 **XX-XX38. BASIS FOR STANDARDS.** Standards may be provided as part of commonly recognized
354 national or state standards or guidelines, or limited or required by local ordinance. Whenever local
355 ordinances impose higher standards than are required by any statute or rule, the provisions of local
356 ordinances shall prevail.

357
358 **XX-XX39. PENALTY FOR FAILURE TO FILE PLAN.** Failure of the authority to file an operations
359 plan results in fines against the political authority responsible for every licensed agency in the EMSS
360 district.

361
362 **XX-XX40. PUBLIC PARTICIPATION IN PLANNING PROCESS.** The authority may provide for
363 citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and
364 implementation. The authority may also conduct informational meetings and consult with public officials
365 and agencies, the medical community, and civic, educational, professional, or other organizations. As part
366 of the planning process, the authority shall endeavor to promote a public interest in and understanding of
367 the authority's activities.

368
369 **XX-XX41. DETERMINATION OF 911 EMS RESPONSE AGENCIES.** The authority will review
370 applications from and make recommendations to the board about agencies that can provide 911 EMS
371 responses within the district, including the agencies' clinical and patient transportation capability. The
372 authority has the power to negotiate and set conditions associated with response boundaries and
373 performance for the agencies operating within the authority and with neighboring authorities for day-to-day
374 coverage. Upon approval of the board, the authority will issue a certificate of compliance to the agency that
375 includes documentation of the conditions, performance expectations, and fiscal impact to the district. An
376 organization seeking to start 911 service provision or an existing EMS agency that wants to change the
377 level of clinical sophistication or transport capability they provide must first receive an affirmative
378 recommendation and terms and conditions for licensure from the authority. The authority is required to
379 perform an assessment of district financial stability and sustainability and will consider any data or
380 information submitted by the applicant. Such terms and conditions will be published in an updated
381 operations plan and include performance requirements for the agency(ies) that will provide 911 EMS
382 response and the criteria for certificates of compliance when new organizations are authorized to provide
383 those services. The authority may also decline requests for such recommendation, or acknowledge without
384 protest.

385
386 **XX-XX42. BILLING DISTRICT FOR RESPONSES PROHIBITED.** Except as provided for in a
387 contract for services between the EMSS district and a licensed EMS agency, the licensed EMS agency is
388 prohibited from charging the EMSS District for responses.

389
390 **XX-XX43. BILLING FOR EMS RESPONSE AND TRANSPORTATION.** Any licensed EMS agency
391 that provides emergency medical services as defined in section 56-10XX, Idaho Code will conform to rate

392 setting decisions of the EMSS District for EMS responses. The board also may require that licensed EMS
393 agencies comply with local requirements to yield billing practices to the authority or deposit revenue in the
394 EMSS district fund.

395
396 **XX-XX44. INTERFACILITY TRANSFERS PROVIDED BETWEEN ACUTE CARE FACILITIES.**
397 An EMS agency that provides interfacility transfers of patients between acute care facilities is exempt from
398 any limitations to provide those interfacility transfers of patients originating in that district imposed by the
399 board of that district. This may include specialty care transport services provided directly or jointly with
400 resources provided or approved by the authority. The EMS agency is obligated to comply with all other
401 requirements as published in the operations plan of the district where the majority of the interfacility
402 transports originate.

403
404 **XX-XX45. INTERFACILITY TRANSFERS BY GROUND.** The authority will review applications
405 from and make recommendations to the board about agencies that can provide interfacility transfer services
406 by ground for patients originating within the district and set standards and conditions for that service
407 delivery. Upon approval of the board, the authority will issue a certificate of compliance to the agency that
408 includes documentation of the standards and conditions.

409
410 **XX-XX46. INTERFACILITY TRANSFERS BY AIR MEDICAL TRANSPORT.** Except as otherwise
411 provided in this act, no additional requirements or certificates of compliance will be required of air medical
412 services licensed by the department providing interfacility transfer services. *(This presumes CAMTS*
413 *accreditation is a required element for eligibility for state licensure).*

414
415 **XX-XX47. NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES.** The authority may
416 recommend which agency(ies) can provide non-emergency medical transportation services within the
417 district to the board. Upon making such a determination, the authority appeals to the appropriate board(s) of
418 county commissioners and cities to enact ordinances accordingly. Such ordinance will include performance
419 requirements as established by authority for the agency(ies) that will provide non-emergency medical
420 transportation services and the objective criteria for certificates of compliance when organizations that are
421 not a part of the district are authorized to provide those services.

422
423 **XX-XX48. REQUIREMENTS AT THE DISCRETION OF THE BOARD.** Performance bonds, proof
424 of liability insurance and terms of notice of any form of termination of services required of individual
425 agencies in an EMSS district will be implemented at the discretion of the board upon recommendation of
426 the authority.

427
428 **XX-XX49. AMBULANCE SERVICE -- TERMINATION OF.** Any county having adopted and
429 established an ambulance service may terminate the same for good cause by the adoption of a resolution by
430 the board of county commissioners. Upon the termination of said ambulance service, all vehicles and
431 property will be transferred to the EMSS district.

432
433 **XX-XX50. VIOLATIONS AND PENALTIES.** No agency or organization subject to regulation pursuant
434 to section 56-10XX, Idaho Code, shall operate in a district until a certificate of compliance has been issued
435 to said agency or organization by the board. Functioning without a current certificate of compliance is a
436 misdemeanor. and any person convicted thereof shall be incarcerated in the county jail for a term not to
437 exceed one (1) year, or fined not more than one thousand dollars (\$1,000), or punished by both such fine
438 and imprisonment.

439
440 **XX-XX51. PERFORMANCE REVIEW.** The authority is responsible for confirming that every EMS
441 agency functions in a manner that meets or exceeds performance expectations in the operations plan and
442 any other interagency agreements. Functioning in a manner deviant from the operations plan is subject to
443 review by the authority. Any EMS agency in the district must share all data and information requested by
444 the authority in the course of an investigation that is not otherwise protected from disclosure under federal
445 or state law. With board approval, the authority may change conditions and terms in the agency certificate
446 of compliance. The authority is required to report the matter to the EMS bureau if a possible violation of
447 state EMS laws or rules occurred.

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XX-XX52. MORATORIUM UNDER CERTAIN CONDITIONS. If the district board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of certificates of compliance or licenses, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of the authority, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred twenty (120) days. To sustain restrictions established by an emergency ordinance or moratorium beyond the one hundred twenty (120) day period, a governing board must adopt an interim or regular ordinance, following the notice and hearing procedures provided in section xx-xxxx, Idaho Code. *This section may be subject to modification or deletion after further research is conducted about the ability to impose a moratorium by resolution.*

XX-XX53. FINAL DECISION MAKING. In the event that a dispute arises between the administrative authority and the medical authority and remains unreconciled, the matter will be presented to and decided by the board.

XX-XX54. MEDIATION REQUIRED. In the event that a dispute arises between units of local government or EMS agencies over the governance of the EMSS district systems, those parties shall be required, prior to initiating any legal action, to submit the contested issue or issues to the EMS bureau for purposes of mediation. The bureau shall have sixty (60) days from the date of submission of any issues to mediate and recommend a course of action to the parties involved in the dispute. Any recommendation of the bureau shall be advisory only and shall not be binding on the parties involved. After receipt of any recommendation by the bureau, the local governments may accept in whole or in part the recommendations or may initiate legal action as provided by contract or law.

XX-XX55. MEDICAL AUTHORITY – COMPOSITION AND STRUCTURE. The clinical management and medical oversight of any EMS system will be delegated to a medical authority. Each EMS agency with primary responsibility for 911 medical response, prehospital patient care, or emergency patient transportation originating within the system will select and designate an EMS medical director to the medical authority. The designation must be documented by the EMS agency chief, president, or director. An EMS medical director may represent one or more EMS agencies within the system. In the event that only one EMS agency exists in the system, or all EMS agencies within the system select the same EMS medical director, the medical authority will be comprised of one EMS medical director. Any medical authority comprised of two or more EMS medical directors shall elect a chairman for the purposes of conducting business and serving as a spokesperson for the medical authority.

XX-XX56. MEDICAL AUTHORITY -- RESPONSIBILITIES. The EMS system medical authority is responsible for compliance with requirements in Idaho Code 56-1017(7) and the rules of the EMS Physician Commission. The following decisions of the medical authority are binding for all EMS agencies in the district:

- (1) the content of the EMS system medical supervision plan,
- (2) assessment of clinical ramifications of field operating procedures,
- (3) evaluating the prospective clinical effects of administrative and operating proposals,
- (4) placing limitations on the scope of practice of EMS personnel functioning in the system as required by the rules of the EMS Physician Commission,
- (5) identifying of opportunities for improving the quality of medical care delivered to patients in the out of hospital setting in the district, and
- (6) other authority as granted by the board.

XX-XX57. MEDICAL AUTHORITY -- NAME. The medical authority of a system is to be known and designated as the “Medical Authority of the EMS System.”

XX-XX58. MEDICAL AUTHORITY -- CONDUCT. When comprised of physicians representing two or more local EMS agencies the management and operation of the medical authority will conform to practices as shall be specified in an agreement between the board and the medical authority. At a minimum such

504 agreement will include due diligence in decision making and consensus building. Meetings of the medical
505 authority will be conducted pursuant to section 67-2342, Idaho Code, and procedural rules as adopted by
506 the board.

507
508 **XX-XX59. MEDICAL AUTHORITY – QUORUM AND MEETINGS.** The medical authority will meet
509 at least once every fiscal year. A majority of the designated EMS agency medical directors shall constitute
510 a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any
511 power of the medical authority. Each physician may cast one vote during decision-making regardless of the
512 number of local agencies for which he serves as medical director. No single vacancy in the medical
513 authority will impair the right of the remaining EMS agency medical directors to exercise all the powers of
514 the medical authority. The act of the majority of the medical authority members when in session as a
515 medical authority will be deemed to be the act of the medical authority. Any investigation, inquiry or
516 hearing which the medical authority has power to undertake or hold may be undertaken or held by or before
517 any medical authority member designated for that purpose by the medical authority. Every finding, order or
518 decision made by a medical authority member so designated, pursuant to such investigation, inquiry or
519 hearing, when approved and confirmed by the medical authority and ordered filed in its office, shall be and
520 be deemed to be the finding, order or decision of the medical authority.

521
522 **XX-XX60. MEDICAL AUTHORITY -- MEDIATION.** In the event that a dispute arises between
523 medical authority members and remains unresolved after review by the authority and board over the
524 governance of medical operations of the EMS system, any parties shall be required, prior to initiating any
525 legal action, to submit the contested issue or issues to the EMS physician commission for purposes of
526 mediation. The EMS physician commission shall have sixty (60) days from the date of receipt of
527 documented issues to mediate and recommend a course of action to the parties involved in the dispute. All
528 agency medical directors and members of the authority must respond to inquiries or requests for testimony
529 made by the commission. Any recommendation of the commission shall be advisory only and shall not be
530 binding on the parties involved. After receipt of any recommendation by the commission, the parties may
531 accept in whole or in part the recommendations or may initiate legal action as provided by contract or law.

532
533 *THE FOLLOWING EXISTING SECTION OF IDAHO CODE CURRENTLY FOUND IN*
534 *AMBULANCE DISTRICT LAW (§31-3909) WOULD MOVE TO THE STATE EMS CHAPTER WITH*
535 *MODIFICATIONS:*

536
537 **XX-XXXX. IMMUNITY OF CERTIFIED EMS PERSONNEL.** No action shall lie or be maintained for
538 civil damages in any court of this state against any person or person[s], or group of persons, including
539 certified EMS personnel functioning within an EMSS district, who offers and administers emergency
540 medical attention as a part of his normal duty as certified EMS personnel to any person or person[s]
541 utilizing the services and facilities of an EMSS district established pursuant to section XX-XX02, Idaho
542 Code, unless it can be shown that the person or persons offering or administering emergency medical
543 attention is guilty of gross negligence in the care or treatment offered or administered, or has treated them
544 in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured or
545 treated person to either a generally recognized hospital for treatment of ill or injured persons, or upon
546 assumption of treatment in the office or facility of any person undertaking to treat said ill or injured person
547 or persons, or upon conclusion of the medical intervention.

548
549 *THE FOLLOWING CHANGES ARE PROPOSED TO EXISTING SECTIONS OF IDAHO CODE*
550 *RELATED TO FIRE DISTRICTS:*

551
552 **31-1422. BUDGET AND HEARING -- NOTICE OF HEARING -- PUBLIC INSPECTION.**
553 (1) The fire protection district board shall adopt a budget and shall cause a public hearing to be held
554 upon such budget, prior to certifying a tax levy to the board of county commissioners of each
555 county within the district, or having a portion of its territory within the district.
556 (2) Notice of the budget hearing meeting shall be posted at least ten (10) full days prior to the date of
557 said meeting in at least one (1) conspicuous place in each fire protection district to be determined
558 by the board; a copy of such notice shall also be published in a daily or weekly newspaper
559 published within such district, in one (1) issue thereof, during such ten (10) day period. The place,

560 hour and day of such hearing shall be specified in said notice, as well as the place where such
561 budget may be examined prior to such hearing. A full and complete copy of such proposed budget
562 shall be published with and as a part of the publication of such notice of hearing.
563 (3) If the fire protection district is licensed as an EMS agency, notice of budget hearing and a full and
564 complete copy of such proposed budget shall be provided to the EMSS District Board at least ten
565 (10) days prior to the date of said hearing.
566 ~~(3)~~ (4) Such budget shall be available for public inspection from and after the date of the posting of
567 notices of hearing as in this section provided, at such place and during such business hours as the
568 board may direct.
569 ~~(4)~~ (5) A quorum of the board shall attend such hearing and explain the proposed budget and hear any
570 and all objections thereto.
571 ~~(5)~~ (6) The fiscal year of a fire protection district shall commence either on the first day of October of
572 each calendar year, or on the first day of January of each calendar year, as established by
573 resolution of the fire protection district board of commissioners.
574

575 **31-1429.INCLUSION, ANNEXATION OR WITHDRAWAL OF AREA IN CITIES.** Except as
576 otherwise provided in section 50-224, Idaho Code, any area embraced within the limits of any city may,
577 with the consent of the governing boards of such city and the respective fire protection district, expressed
578 by ordinance or resolution, be included within the limits of a fire protection district, when formed, or be
579 subsequently annexed thereto. Any area in any city embraced within the limits of a fire protection district,
580 shall, upon the consent of the governing boards of such city and fire protection district, expressed by
581 ordinance or resolution, be withdrawn from such fire district. In the event that such fire district is a provider
582 of ambulance services, such withdrawal can only be implemented with the consent of the EMSS District
583 Board as defined in Section xx-xx13, Idaho Code.
584

585 **31-1430.COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES AND**
586 **APPARATUS OF DISTRICTS AND CITIES.** Fire protection districts shall have all of the powers given
587 to political subdivisions of the state of Idaho as set forth in section 67-2339, Idaho Code, and sections 67-
588 2326 through 67-2333, Idaho Code, inclusive, to enter into intra-agency and mutual aid agreements with
589 other political subdivisions and municipalities in Idaho, and in other states, for the purposes of protecting
590 life and property against loss by fire and for all other purposes of this chapter. Any fire protection district or
591 city fire department extinguishing a fire or responding to a call for emergency assistance to persons or
592 property not situated within the taxing authority of the fire district or city fire department, is authorized to
593 charge a reasonable fee for the services provided and shall have a lien upon property serviced, which lien
594 shall be filed of record against the property in the name of the district or city in the time and manner
595 provided by section 45-507, Idaho Code, for liens of original contractors. Fire districts and cities are also
596 authorized to charge reasonable fees for services provided to residents located within the fire district or city
597 in accordance with the requirements and procedures contained in sections 63-1311 and 63-1311A, Idaho
598 Code, and shall have a lien upon the property serviced as provided in this section.
599

600 **31-1434.ANY DISSOLUTION.** Dissolution of any fire protection district organized under this chapter
601 may be initiated by a petition signed by at least twenty-five percent (25%) of the holders of title, or
602 evidence of title, to the real property within the fire protection district, requesting dissolution of such fire
603 protection district, in the following manner:

604 The petition shall first be presented to the board of county commissioners of each county in which the
605 fire protection district is situated, signed by the number of holders of title or evidence of title above
606 provided, which petition shall clearly designate the boundaries of the fire protection district and shall state
607 the name of the district and shall be accompanied by a map thereof. The petition, together with all maps
608 and other papers filed therewith, shall, at proper hours, be open to public inspection in the office of the
609 clerk of the board of county commissioners between the date of their said filing and the date of the election
610 on the question of districts as hereafter provided. The petition may be in one (1) or in several papers. When
611 such petition is presented to the board of county commissioners, and filed in the office of the clerk of the
612 board, the said board shall set a time for hearing of such petition, which time shall not be less than four (4)
613 nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time
614 of such hearing shall be published by said board, once a week for three (3) successive weeks previous to
615 the time set for such hearing, in a newspaper published within the county in which said district is situated.

616 Said notice shall give the boundaries of the fire protection district and shall state that a petition has been
617 filed to dissolve the same, and that on the date fixed for the hearing, any taxpayer within the district, may
618 appear at the hearing and testify and/or present exhibits upon any issue pertaining to the proposed
619 dissolution of the fire district, or may object to or support the proposed dissolution.

620 After hearing and considering any and all testimony and other evidence either made in favor of or in
621 opposition to the dissolution of the fire district, if the board of county commissioners makes a sufficient
622 factual finding that the majority of the residents of the fire district will receive no benefit by continuing the
623 existence of the fire district, the county commissioners shall make an order granting the petition, with or
624 without modification. Provided however, the board of county commissioners, after hearing and considering
625 all testimony and other evidence either in favor of or in opposition to the dissolution of the fire district,
626 cannot make a sufficient factual finding that the majority of the residents of the fire district will receive no
627 benefit by continuing the existence of the fire district, the county commissioners shall make an order
628 denying the petition. After the county commissioners have entered their order approving or denying such
629 petition, the clerk of the board of county commissioners shall cause to be published, a notice of election to
630 be held in such proposed fire protection district, for the purpose of determining whether or not the same
631 shall be dissolved. Such notice shall plainly and clearly designate the boundaries of the fire protection
632 district, its name, and further, that the election is to be held to decide the question of whether the fire
633 protection district shall be maintained or dissolved. Such notice shall be published once in each week for
634 three (3) successive publications prior to such election, in a newspaper published within the county
635 aforesaid.

636 Such notice shall require the electors to cast ballots which shall contain the words "fire protection
637 district dissolved yes" or: "fire protection district dissolved no" or words equivalent thereto. No
638 person shall be entitled to vote at any election held under the provisions of this chapter, unless he shall
639 possess all the qualifications required of electors under the general laws of the state and be a resident of the
640 district.

641 The election qualifications of electors and canvass of the ballots shall be made in the same manner as
642 provided for in sections 31-1406 and 31-1407, Idaho Code.

643 If a majority of the electors voting at such election shall vote to dissolve the fire protection district, the
644 board of county commissioners shall, after certifying the results of such election, enter an order upon the
645 minutes of its official proceedings dissolving said fire protection district, and such district shall thereupon
646 be dissolved.

647 Provided, however, that whenever a petition requesting dissolution of a fire protection district is signed
648 by the holders of title, or evidence of title, to all of the real property included within the fire protection
649 district and is presented to the board of county commissioners of the county in which the fire protection
650 district is situated, accompanied by a map clearly designating the boundaries of the district, the board of
651 county commissioners shall set a time for hearing of such petition, which time shall not be less than four
652 (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the
653 time and place of such hearing shall be published by said board once a week for three (3) successive weeks
654 previous to such hearing, in a newspaper published within the county in which the fire protection district is
655 situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has
656 been filed to dissolve the same, and that on the date fixed for the hearing, any resident, taxpayer, or creditor
657 of such fire protection district may appear and offer any objection to the dissolving of the fire protection
658 district. If at such hearing, no protests are made to the granting of the petition, the board of county
659 commissioners shall enter an order upon the minutes of its official proceedings dissolving such fire
660 protection district, and such district shall thereupon be dissolved. If, however, any protests from residents,
661 taxpayers, or creditors of the district are entered at such hearing, the board of county commissioners shall,
662 within thirty (30) days of said hearing, determine whether or not such fire protection district shall be
663 dissolved and shall cause an order to that effect to be entered upon the minutes of its official proceedings. If
664 the board determines that the fire protection district shall be dissolved, such dissolution shall be effective as
665 of the date of the entry of such order upon the minutes.

666 The property of such district shall remain the property of the county in which such district is located
667 and any money remaining in the fund of such district shall be deposited in the EMSS district fund for the
668 provision of emergency medical services by other agencies within the EMSS district as defined in title XX,
669 chapter XX, Idaho Code.

670 If the district is situated in two (2) or more counties, each board of county commissioners shall
671 coordinate the hearing date and the publications of notice so that only one (1) hearing need be held. Unless

672 otherwise agreed to by each board of county commissioners involved, the hearing shall be held at the
673 administrative offices of the district, and the boards of county commissioners are hereby specifically
674 authorized to act in a joint manner for such purposes. If an election is called, the boards of county
675 commissioners shall provide that the election be held on the same day in each county, and the boards of
676 county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement.
677 If a majority of votes in any county are against the dissolution of the district, such rejection shall void the
678 dissolution of the district in all counties.

679
680 **31-1438. BILLING DISTRICT FOR RESPONSES PROHIBITED.** Except as provided for in a contract
681 for services between the EMSS district and fire district, the fire protection district is prohibited from
682 charging the EMSS District for responses.

683
684 **31-1439. BILLING FOR EMS RESPONSE AND TRANSPORTATION.** Any fire protection district
685 that provides emergency medical services as defined in section 56-10XX, Idaho Code will conform to rate
686 setting decisions of the EMSS District for EMS responses and comply with local requirements to deposit
687 revenue in the EMSS district fund.

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691 ***SECTIONS OF IDAHO CODE TO BE REPEALED:***

692
693 **31-3901. AUTHORIZATION TO ESTABLISH AMBULANCE SERVICE -- SPECIAL LEVY.** The
694 boards of county commissioners in the several counties are hereby authorized, whenever existing
695 ambulance service is not reasonably available to the inhabitants of the county or any portion thereof, to
696 procure an ambulance and pay for the same out of any funds available and to establish an ambulance
697 service to serve the areas, which do not have an existing ambulance service reasonably available, both
698 within and outside the cities and villages in their respective counties, and to levy a special tax not to exceed
699 two hundredths percent (.02%) of the market value for assessment purposes on all taxable property within
700 the county to support the same. Providing ambulance service is a governmental function.

701
702 **31-3903. AMBULANCE SERVICE -- POWERS AND DUTIES OF BOARD OF COUNTY**
703 **COMMISSIONERS.** The board of county commissioners shall determine the manner in which said
704 ambulance service shall be operated, and is empowered to make expenditures from the ambulance service
705 fund for the purchase or lease of real property and the construction of buildings necessary in connection
706 with said service, to acquire necessary equipment for the operation and maintenance of said service, and to
707 pay necessary salaries.

708
709 **31-3905. AMBULANCE SERVICE -- OPERATION DEPENDENT UPON RESOLUTION OF**
710 **EACH CITY -- RIGHT TO TAX UNAFFECTED BY NONSERVICE.** All cities and villages within
711 the county, upon resolution duly passed and approved and presented to the board of county commissioners,
712 may authorize said ambulance service to operate within the boundaries of said city or village, but the
713 failure of any such governing body to authorize said ambulance service to operate within the limits of said
714 village or city, shall not affect the right of the board of county commissioners to levy the tax as
715 hereinbefore provided.

716
717 **31-3906. AMBULANCE SERVICE -- ADJACENT COUNTIES AND/OR PRIVATE INDIVIDUALS**
718 **AND CORPORATIONS MAY HAVE COOPERATIVE AGREEMENT.** The board of county
719 commissioners of any county wherein such ambulance service has been established is authorized in its
720 discretion and under such terms and conditions as it deems appropriate to enter into a cooperative
721 agreement with adjacent counties and for private individuals and corporations to provide ambulance service
722 for such county or counties or a portion thereof. All cost of said service shall be apportioned equitably
723 among the participating counties as determined by their respective boards of county commissioners.

724
725 **31-3908. AMBULANCE DISTRICT AUTHORIZED.** (1) The county commissioners of any county
726 shall, upon petition signed by not less than fifty (50) qualified electors of said county, or any portion
727 thereof, which may exclude incorporated cities, undertake the following procedure to determine the

728 advisability of resolving to establish and maintain an ambulance service district within the county as may
729 be designated in the petition.

- 730 (a) A petition to form an ambulance service district shall be presented to the county clerk and
731 recorder. The petition shall be signed by not less than fifty (50) of the resident real property
732 holders within the proposed district. The petition shall designate the boundaries of the district.
733 (b) The petition shall be filed with the county clerk and recorder of the county in which the
734 signers of the petition are located. Upon the filing of the petition the county clerk shall
735 examine the petition and certify whether the required number of petitioners have signed the
736 petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to
737 the board of county commissioners.
738 (c) Upon receipt of a duly certified petition the board of county commissioners shall cause the
739 text of the petition to be published once a week for at least three (3) consecutive weeks in a
740 newspaper of general circulation within the county. With the publication of the petition there
741 shall be published a notice of the time of the meeting of the board of county commissioners
742 when the petition will be considered stating that all persons interested may appear and be
743 heard. No more than five (5) names attached to the petition shall appear in the publication and
744 notice, but the number of signatures shall be stated.

745 At the time of filing the petition the sponsors thereof shall cause to be deposited with the
746 county clerk a sufficient sum of money to cover the cost of publication of the petition and all
747 necessary notices. If the petition and notices are not published the deposit shall be returned to
748 whomever deposited the funds, and if there is any surplus remaining after paying for the
749 publication as herein provided it shall be returned to the original depositors, and if a district is
750 created the fees so expended are an obligation of the district and shall be repaid by the district
751 to the depositors.

- 752 (d) At the time set for hearing the petition, the board of county commissioners shall hear all
753 persons who desire to be heard relative to the creation of an ambulance service district. The
754 board of county commissioners may, if they so desire and it appears desirable, adjourn the
755 meeting for not to exceed thirty (30) days in time to further hear the petitioners and
756 protestants, if any. After the hearing or hearings, the board of county commissioners shall
757 adopt a resolution either creating the proposed ambulance service district or denying the
758 petition. When the board of county commissioners creates an ambulance service district the
759 board shall adopt a resolution describing the boundaries of the district.
760 (e) When the board of county commissioners adopts the resolution creating the ambulance
761 service district, the board shall include in the resolution the name of the district, and file a
762 copy of the order creating the district with the county clerk and recorder, for which the clerk
763 shall receive a fee of three dollars (\$3.00).
764 (f) Procedures for annexation, deannexation, or dissolution of a district created pursuant to this
765 section shall be in substantial compliance with the provisions for public notice and hearing
766 provided herein, and shall be by resolution adopted by the board of county commissioners.
767 (2) When the board of county commissioners has ordered the creation of an ambulance service
768 district, pursuant to the provisions of this section, such district is hereby recognized as a legal
769 taxing district, and providing ambulance service is a governmental function.
770 (3) The board of county commissioners shall be the governing board of an ambulance service district
771 created pursuant to this section, and shall exercise the duties and responsibilities provided in
772 chapter 39, title 31, Idaho Code.
773 (4) In any county where an ambulance service district is created as provided herein, the board of
774 county commissioners is authorized to levy a special tax, not to exceed four-hundredths percent (.04%) of
775 market value for assessment purposes, except as authorized by subsection (a) below, upon all taxable
776 property within the district for the purposes of the district, but the levy otherwise authorized in section 31-
777 3901, Idaho Code, shall not be made on taxable property within the district.

778 (a) In any county where an ambulance service district has been created as of January 1, 1976,
779 and the market value for assessment purposes of the district is less than three hundred million
780 dollars (\$300,000,000), the board of county commissioners is authorized to levy a special tax,
781 not to exceed ten-hundredths percent (.10%) of market value for assessment purposes, upon
782 all taxable property within the district for the purposes of the district, but the levy otherwise

783 authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the
784 district.

785 (5) The board of county commissioners is authorized by resolution to create an ambulance district
786 capital improvement account. The board may dedicate all or a portion of the fees and taxes
787 collected pursuant to this chapter to the capital improvement account for the purpose of purchasing
788 necessary buildings, land or equipment for the operation of the district. The board is further
789 authorized to carry over and add to the funds in the account from year to year in order to make the
790 purchases authorized by this subsection.

791
792 **31-3908A. EXEMPTIONS FROM TAXATION.** *(This section exists in Idaho Code in the Ambulance*
793 *District section. The Task Force has not discussed it specifically, and may or may not include it as written*
794 *or with modifications.)* The board of county commissioners, upon application, may, by an ordinance
795 enacted by not later than the second Monday of July, exempt all or a portion of the unimproved real
796 property within the district from taxation, and may exempt all or a portion of the taxable personal property
797 within the district from taxation. Any ordinance of the board of county commissioners granting an
798 exemption from taxation under the provisions of this section must provide that each category of property is
799 treated uniformly. Notice of intent to adopt an ordinance which exempts unimproved real property shall be
800 provided to property owners of record in substantially the same manner as required in section 67-6511(b),
801 Idaho Code, as if the ordinance were making a zoning district boundary change.

802
803 **31-3910. CONSENT FOR EMERGENCY MEDICAL TREATMENT.** The authorization or refusal of
804 consent for emergency medical treatment under chapter 39, title 31, Idaho Code, shall be governed by
805 chapter 45, title 39, Idaho Code.
806