
HOUSE BILL 1635

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kessler, Haler, Clibborn, Jarrett, O'Brien,
Hankins, Ericks, Grant, Buck, Chase and Kenney

Read first time 01/31/2005. Referred to Committee on Local Government.

1 AN ACT Relating to ambulance and emergency medical service funding;
2 amending RCW 35.21.766; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that ambulance and
5 emergency medical services are essential services and the availability
6 of these services is vital to preserving and promoting the health,
7 safety, and welfare of people in local communities throughout the
8 state. All persons, businesses, and industries benefit from the
9 availability of ambulance and emergency medical services, and survival
10 rates can be increased when these services are adequately funded and
11 appropriately regulated. It is thus the public's expectation that
12 ambulance and emergency medical service systems will be comprehensive
13 in nature and properly funded to address the needs of a given
14 community.

15 It is the legislature's intent to explicitly recognize local
16 jurisdictions' ability and authority to collect utility service charges
17 to fund ambulance and emergency medical service systems that are based,
18 at least in some part, upon a charge for the availability of these
19 services. In fact, notwithstanding some of the discussion in the

1 Washington State Supreme Court's *Arborwood Idaho LLC vs. City of*
2 *Kennewick* decision, the legislature finds that reliance on a funding
3 policy which is based only on actual use of these services would be
4 inequitable, would lead to disproportionate impacts on sick and injured
5 persons, and could impede the likelihood that persons would seek
6 ambulance or emergency medical service assistance in their time of
7 need. The legislature further finds that without a funding mechanism,
8 local governments would no longer be able to operate or contract for
9 ambulance and emergency medical services, thereby threatening the
10 health, safety, and welfare of the people. The legislature therefore
11 intends to ensure and promote the health, safety, and welfare of the
12 people by clarifying cities' and towns' authority to operate ambulance
13 and emergency medical services as a public utility, to contract for
14 these services, and to fix rates and charges for both the availability
15 and the actual use of ambulance and emergency medical services.

16 **Sec. 2.** RCW 35.21.766 and 2004 c 129 s 34 are each amended to read
17 as follows:

18 (1) Whenever a regional fire protection service authority or the
19 legislative authority of any city or town determines that the fire
20 protection jurisdictions that are members of the authority or the city
21 or town or a substantial portion of the city or town is not adequately
22 served by existing private ambulance service, the governing board of
23 the authority may by resolution, or the legislative authority of the
24 city or town may by appropriate legislation, provide for the
25 establishment of a system of ambulance service to be operated by the
26 authority as a public utility of the city or town, or operated by
27 contract after a call for bids.

28 (2) In determining the adequacy of existing ambulance service, the
29 legislative authority of the city or town shall determine if the
30 service is meeting relevant performance standards. Before making any
31 adequacy determination, performance standards shall be established by
32 the city or town through adoption of a resolution or ordinance by its
33 legislative body, which shall first hold one or more public hearings on
34 the subject of proposed performance standards, or any amendment
35 thereto, after giving at least fourteen days' notice of the time and
36 place by publication in a newspaper of general circulation in the city
37 and individual written notice to any private ambulance company

1 registered with the jurisdiction as operating an ambulance service in
2 the city or town, and to the department of health. Performance
3 standards adopted by any city or town shall be no less stringent than
4 existing standards adopted by the department of health or any other
5 agency with applicable jurisdiction, and may include, but not be
6 limited to, standards regarding response times, equipment, personnel,
7 training, communication, dispatch, reporting, and other relevant
8 requirements and expectations.

9 (3) The city or town legislative authority is authorized to set and
10 collect rates and charges for the availability of an ambulance and
11 emergency medical service system, and actual utilization of this
12 service, which rates and charges combined shall not exceed the total
13 cost of the maintenance, operation, and capital improvements of the
14 utility. Rates and charges shall be set based upon (a) the benefit
15 conferred on ratepayers through the availability of the ambulance and
16 emergency medical service; and (b) the burden produced to the utility
17 by the ratepayer, which considerations can include the frequency of
18 calls made, distance to hospitals, individual demands for service, or
19 other factors identified in studies conducted to assess benefits
20 conferred and burdens imposed on the utility. Rates may reflect a
21 reduction or exemption for designated classes consistent with Article
22 VIII, section 7 of the state Constitution. Revenues generated by these
23 rates and charges must be deposited in a separate fund or funds and be
24 used only for the purpose of paying all or any part of the cost and
25 expense of regulating, maintaining, and operating ambulance and
26 emergency medical service system facilities, and all or any part of the
27 cost and expense of planning, designing, establishing, acquiring,
28 developing, constructing, supporting, and improving any of these
29 facilities. Refunds for charges collected under authority of this
30 section shall not be required for any period before the time a written
31 appeal is filed by a party claiming a refund from a city or town under
32 appeal procedures established by the city or town.

33 (4) Ambulance and emergency medical rates charged pursuant to this
34 section do not constitute taxes or charges under RCW 82.02.050 through
35 82.02.090, 35.21.768, or charges otherwise prohibited by law.

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