

FILED MAR 09 2006

SENATE FILE **2318**
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2112)

Passed Senate, Date 3-14-06 Passed House, Date 4-4-06
Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 0
Re-passed Approved April 21, 2006
4-10-06 50-0

A BILL FOR

1 An Act relating to an exception from emergency medical care
2 requirements for persons providing care within the scope of
3 their certification.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2318

1 Section 1. NEW SECTION. 147A.15 EXCEPTION FOR CARE
2 WITHIN SCOPE OF CERTIFICATION.

3 1. This subchapter does not apply to a registered member
4 of the national ski patrol system, an industrial safety
5 officer, a lifeguard, or a person employed or volunteering in
6 a similar capacity in which the person provides on-site
7 emergency medical care at a facility solely to the patrons or
8 employees of that facility, provided that such person provides
9 emergency medical care only within the scope of the person's
10 training and certification and the person does not claim to be
11 a certified emergency medical care provider or use any other
12 term to indicate or imply that the person is a certified
13 emergency medical care provider.

14 2. This subchapter does not apply to the national ski
15 patrol system or any similar system in which the system
16 provides on-site emergency medical care at a facility solely
17 to the patrons or employees of that facility, provided that
18 such system does not provide transportation to a hospital or
19 other medical facility and provided that such system does not
20 use any term to indicate or imply authorization to transport
21 patients without having obtained proper authorization to
22 transport patients under this subchapter.

23 EXPLANATION

24 This bill provides that the emergency medical care
25 requirements for training and certification of and exemptions
26 from liability for emergency medical care providers do not
27 apply to a registered member of the national ski patrol
28 system, an industrial safety officer, a lifeguard, or a person
29 employed or volunteering in a similar capacity when the person
30 provides on-site emergency medical care at a facility solely
31 to the patrons or employees of that facility, provided that
32 the person provides emergency medical care only within the
33 scope of the person's training and certification, and provided
34 the person does not claim to be a certified emergency medical
35 care provider or use any other term to indicate or imply that

1 the person is a certified emergency medical care provider.
2 The bill also provides that the emergency medical care
3 provisions do not apply to the national ski patrol system or
4 any similar system in which the system provides on-site
5 emergency medical care at a facility solely to the patrons or
6 employees of that facility, provided that the system does not
7 provide transportation to a hospital or other medical facility
8 and provided that such system does not use any term to
9 indicate or imply authorization to transport patients without
10 having obtained proper authorization to transport patients
11 under the subchapter.

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SENATE FILE 2318

S-5065

1 Amend Senate File 2318 as follows:

2 1. Page 1, by inserting after line 22 the
3 following:

4 "Sec. ____ . NEW SECTION. 357I.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Board" means the board of supervisors of a
8 county.

9 2. "Book", "list", "record", or "schedule" kept by
10 a county auditor, assessor, treasurer, recorder,
11 sheriff, or other county officer means the county
12 system as defined in section 445.1.

13 3. "District" means an emergency response
14 district.

15 4. "Emergency services" means fire protection
16 service and emergency medical service.

17 5. "Governing board" means the governing board of
18 an emergency response district.

19 Sec. ____ . NEW SECTION. 357I.2 PETITION FOR
20 PUBLIC HEARING.

21 1. The board shall, on the petition of twenty-five
22 percent of the resident property owners in a proposed
23 district if the assessed valuation of the property
24 owned by the petitioners represents at least twenty-
25 five percent of the total assessed value of the
26 proposed district, hold a public hearing concerning
27 the establishment of a proposed district. The
28 petition shall include a statement containing the
29 following information:

30 a. The need for emergency services.

31 b. The district to be served.

32 c. The approximate number of residents of the
33 district.

34 d. The proposed personnel, equipment, and
35 facilities to provide the emergency services.

36 2. The board of supervisors may require a bond of
37 the petitioners conditioned for the payment of all
38 costs and expenses incurred in the proceedings in case
39 the district is not established.

40 Sec. ____ . NEW SECTION. 357I.3 LIMITATION ON
41 AREA.

42 A district may include all or parts of one or more
43 counties, including cities in such counties. However,
44 a district's boundaries shall not divide a township.

45 Sec. ____ . NEW SECTION. 357I.4 TIME OF HEARING.

46 The public hearing required in section 357I.2 shall
47 be held within thirty days of the presentation of the
48 petition. Notice of hearing shall be given by
49 publication in two successive issues of any newspaper
50 of general circulation within the district. The last

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1 publication shall be not less than one week before the
2 proposed hearing.

3 Sec. ____ . NEW SECTION. 357I.5 ENGINEER.

4 1. Within twenty days after the hearing, the board
5 shall appoint a competent disinterested civil
6 engineer, who shall prepare a preliminary plat
7 showing:

8 a. The proper design in general outline of the
9 district.

10 b. The lots and parcels of land within the
11 proposed district as they appear on the county
12 auditor's plat books with the names of the owners.

13 c. The assessed valuation of the lots and parcels.

14 2. The compensation of the engineer on the
15 preliminary investigation shall be determined by the
16 board. The engineer shall file a report with the
17 county auditor within thirty days of appointment. The
18 board may extend the time upon good cause shown.

19 Sec. ____ . NEW SECTION. 357I.6 HEARING ON
20 ENGINEER'S REPORT.

21 After the engineer's report is filed, the board
22 shall give notice, as provided in section 357I.4, of a
23 public hearing to be held concerning the engineer's
24 preliminary plat.

25 Sec. ____ . NEW SECTION. 357I.7 ELECTION ON
26 ESTABLISHMENT OF DISTRICT AND CANDIDATES FOR GOVERNING
27 BOARD.

28 Within sixty days after the hearing on the
29 preliminary plat, an election shall be held within the
30 district to approve or disapprove the establishment of
31 the district and to choose candidates for members of
32 the governing board of the district. Notice of the
33 election, including the time and place of holding the
34 election, shall be given as provided in section
35 357I.4. The vote shall be by ballot which shall state
36 clearly the proposition to be voted upon and any
37 registered voter residing within the district at the
38 time of the election may vote. It is not mandatory
39 for the county commissioner of elections to conduct
40 elections held pursuant to this chapter, but the
41 elections shall be conducted in accordance with
42 chapter 49 where not in conflict with this chapter.
43 Judges shall be appointed to serve without pay by the
44 board from among the registered voters of the district
45 to be in charge of the election. The proposition is
46 approved if a majority of those voting on the
47 proposition vote in favor of it.

48 Sec. ____ . NEW SECTION. 357I.8 EMERGENCY RESPONSE
49 DISTRICT GOVERNING BOARD -- TERM AND QUALIFICATION.

50 At the election, the names of up to three

1 candidates for membership on the district's governing
 2 board shall be written in by the voters on blank
 3 ballots without formal nomination and the board and
 4 the city councils of participating cities shall
 5 appoint three from among the five receiving the
 6 highest number of votes as members of the governing
 7 board for the district. One member shall be appointed
 8 to serve for one year, one for two years, and one for
 9 three years. The members of the governing board and
 10 their successors must be residents of the district and
 11 shall give bond in the amount required by the board,
 12 the premium of which shall be paid by the district.
 13 Vacancies shall be filled by election, but if there
 14 are no candidates for a governing board office, the
 15 vacancy may be filled by appointment by the board and
 16 the city councils of participating cities. The term
 17 of succeeding members shall be three years.

18 Sec. ____ . NEW SECTION. 357I.9 GOVERNING BOARD
 19 POWERS.

20 The governing board may purchase, own, rent, or
 21 maintain emergency services apparatus or equipment
 22 within the state or outside the territorial
 23 jurisdiction and boundary limits of this state,
 24 provide housing for such apparatus and equipment,
 25 provide emergency service and facilities, and may
 26 certify for levy an annual tax of not more than one
 27 dollar and sixty and three-fourths cents per thousand
 28 dollars of assessed value on all the taxable property
 29 within the district. The governing board may purchase
 30 material, employ emergency service and other
 31 personnel, and may perform all other acts necessary to
 32 properly maintain and operate the district. The
 33 governing board may contract with any city or county
 34 or public or private agency under chapter 28E for the
 35 purpose of providing emergency services under this
 36 chapter. The members of the governing board shall be
 37 allowed necessary expenses in the discharge of their
 38 duties, but they shall not receive a salary.

39 Sec. ____ . NEW SECTION. 357I.10 BONDS IN
 40 ANTICIPATION OF REVENUE.

41 The governing board of a district may anticipate
 42 the collection of taxes by the levy authorized in this
 43 chapter, and to carry out the purposes of this chapter
 44 may issue bonds payable in not more than ten equal
 45 installments with the rate of interest not exceeding
 46 that permitted by chapter 74A. An indebtedness
 47 incurred under this chapter shall be issued in the
 48 same manner as bonds for an essential corporate
 49 purpose.

50 Sec. ____ . NEW SECTION. 357I.11 DISSOLUTION OF

1 DISTRICT.

2 Upon petition of thirty-five percent of the
3 resident eligible electors, the governing board may
4 dissolve a district and dispose of any remaining
5 property, the proceeds of which shall first be applied
6 against outstanding obligations and any balance shall
7 be applied to tax credit of property owners of the
8 district. However, if all of the unincorporated area
9 of the district is annexed by a participating city,
10 the board of supervisors may transfer the remaining
11 property and balance to the city which annexed the
12 territory. The board of supervisors shall continue to
13 levy a tax after dissolution of a district, of not to
14 exceed twenty-seven cents per thousand dollars of
15 assessed value on all the taxable property of the
16 district, until all outstanding obligations of the
17 district are paid.

18 Sec. ____ . NEW SECTION. 357I.12 INCORPORATION OF
19 DISTRICT LAND.

20 If part of a district is incorporated by a city and
21 there are outstanding indebtedness obligations against
22 the district, the city shall pay the outstanding
23 obligations against the part of the district which is
24 incorporated by the city.

25 Sec. ____ . NEW SECTION. 357I.13 ADDING PROPERTY
26 TO DISTRICT.

27 The owner of any property in an unincorporated area
28 contiguous to the boundaries of an established
29 district may petition the governing board to be
30 included in the district. A city located in a
31 participating county may by resolution submitted to
32 the governing board seek to be included in a district.
33 Upon receipt of the petition or resolution, the
34 governing board shall submit the request to a
35 competent disinterested civil engineer to investigate
36 the feasibility of adding the additional territory and
37 to make a report to the governing board. If the
38 governing board agrees that the property should be
39 added to the district, the tax levy for the next year
40 shall be applied to the property and on the first day
41 of the next fiscal year the property shall become a
42 part of the district.

43 Sec. ____ . NEW SECTION. 357I.14 DETERMINATION OF
44 FEE.

45 1. The owner of any property joining an
46 established district shall pay to the governing board
47 of the district an initial fee to be computed as
48 follows:

49 a. The governing board shall first determine fair
50 market value of all property and improvements owned by

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1 the district, less any indebtedness.

2 b. The governing board shall then determine the
3 assessed value of all property in the district. This
4 shall be divided into the value determined in
5 paragraph "a".

6 c. The governing board shall determine the
7 assessed value of the property of each landowner
8 joining the established district.

9 d. The result obtained in paragraph "b" shall be
10 multiplied by the result obtained in paragraph "c".
11 The result shall be the initial fee to be charged each
12 landowner.

13 2. The initial fees paid to the governing board
14 shall be used to help defray the cost and maintenance
15 of the district's emergency services and to reimburse
16 the county for expenses of appointing the civil
17 engineer.

18 Sec. ____ . NEW SECTION. 357I.15 EFFECT OF
19 ESTABLISHMENT OF DISTRICT -- TOWNSHIP LEVY.

20 The board of trustees of a township included in a
21 district shall not levy a tax under section 359.43 for
22 fire protection service or emergency medical service."

23 2. Title page, line 1, by inserting after the
24 words "relating to" the following: "emergency
25 response by providing".

26 3. Title page, line 3, by inserting after the
27 word "certification" the following: "and by
28 authorizing establishment of emergency response
29 districts".

30 4. By renumbering as necessary.

By TOM HANCOCK
DAVE MULDER

S-5065 FILED MARCH 14, 2006
WITHDRAWN

SENATE FILE 2318

H-8452

1 Amend Senate File 2318, as passed by the Senate, as
2 follows:

3 1. Page 1, line 21, by inserting after the word
4 "patients" the following: "to a hospital or other
5 medical facility".

6 2. Page 1, line 22, by inserting after the word
7 "patients" the following: "to a hospital or other
8 medical facility".

By LUKAN of Dubuque

H-8452 FILED APRIL 3, 2006

HOUSE AMENDMENT TO
SENATE FILE 2318

S-5164

1 Amend Senate File 2318, as passed by the Senate, as
2 follows:

3 1. Page 1, line 21, by inserting after the word
4 "patients" the following: "to a hospital or other
5 medical facility".

6 2. Page 1, line 22, by inserting after the word
7 "patients" the following: "to a hospital or other
8 medical facility".

RECEIVED FROM THE HOUSE

S-5164 FILED APRIL 4, 2006

having obtained proper authorization to transport patients to a hospital or other medical facility under this subchapter.

SENATE FILE 2318

AN ACT

RELATING TO AN EXCEPTION FROM EMERGENCY MEDICAL CARE REQUIREMENTS FOR PERSONS PROVIDING CARE WITHIN THE SCOPE OF THEIR CERTIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 147A.15 EXCEPTION FOR CARE WITHIN SCOPE OF CERTIFICATION.

1. This subchapter does not apply to a registered member of the national ski patrol system, an industrial safety officer, a lifeguard, or a person employed or volunteering in a similar capacity in which the person provides on-site emergency medical care at a facility solely to the patrons or employees of that facility, provided that such person provides emergency medical care only within the scope of the person's training and certification and the person does not claim to be a certified emergency medical care provider or use any other term to indicate or imply that the person is a certified emergency medical care provider.

2. This subchapter does not apply to the national ski patrol system or any similar system in which the system provides on-site emergency medical care at a facility solely to the patrons or employees of that facility, provided that such system does not provide transportation to a hospital or other medical facility and provided that such system does not use any term to indicate or imply authorization to transport patients to a hospital or other medical facility without

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2318, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor