

26-8a-414 Annexations.

- (1) A municipality shall comply with the provisions of this section if the municipality is licensed under this chapter and desires to provide service to an area that is:
 - (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation; and
 - (b) currently serviced by another provider licensed under this chapter.
- (2)
 - (a)
 - (i) At least 45 days prior to approving a petition for annexation, the municipality shall certify to the department that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and
 - (ii) no later than three business days after the municipality files a petition for annexation in accordance with Section 10-2-403, provide written notice of the petition for annexation to:
 - (A) the existing licensee providing service to the area included in the petition of annexation; and
 - (B) the department.
 - (b)
 - (i) After receiving a certification under Subsection (2)(a), but prior to the municipality approving a petition for annexation, the department may audit the municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).
 - (ii) If the department elects to conduct an audit, the department shall make a finding that the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area if the department finds that the municipality has or will have by the time of the approval of the annexation:
 - (A) adequate trained personnel to deliver basic and advanced life support services;
 - (B) adequate apparatus and equipment to deliver emergency medical services;
 - (C) adequate funding for personnel and equipment; and
 - (D) appropriate medical controls, such as a medical director and base hospital.
 - (iii) The department shall submit the results of the audit in writing to the municipal legislative body.
- (3)
 - (a) If the department audit finds that the municipality meets the requirements of Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all other affected licensees to reflect the municipality's new boundaries after the department receives notice of the approval of the petition for annexation from the municipality in accordance with Section 10-2-425.
 - (b)
 - (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the department audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the petition for annexation while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.
 - (ii) The department shall conduct an adjudicative proceeding when requested under Subsection (3)(b)(i).
 - (iii) Notwithstanding the provisions of Sections 26-8a-404 through 26-8a-409, in any adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the department bears the burden of establishing that the municipality cannot, by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

- (c) If, at the time of the approval of the annexation, an adjudicative proceeding is pending under the provisions of Subsection (3)(b)(i), the department shall issue amended licenses if the municipality prevails in the adjudicative proceeding.

Amended by Chapter 382, 2008 General Session