



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 11, 1977

ATTORNEY GENERAL OPINION NO. 77- 88

Mr. Lloyd Kitch, Sr.
Mr. James Lucian
Mr. John O. Delmont, Jr.
Board of County Commissioners
Cherokee County Courthouse
Columbus, Kansas 66725

Re: Counties--Ambulance Service--Cities

Synopsis: The fact that a county has initiated countywide ambulance service pursuant to K.S.A. 19-261 does not prevent a city in said county from thereafter commencing its own ambulance service and claiming the right to reimbursement from the county as provided in the cited section.

* * *

Gentlemen:

You advise that Cherokee County has levied one mill for ambulance services pursuant to K.S.A. 19-261, and that you intend to contract with the two local ambulance services to provide countywide ambulance service. You inquire whether, after the countywide service has been established, a city may undertake to provide ambulance service and be entitled to reimbursement from the county, or whether the fact that the county already is providing countywide service will preclude a city from providing ambulance service within its own jurisdiction.


K.S.A. 19-261 provides in pertinent part thus:

Mr. Lloyd Kitch. Sr.
Mr. James Lucian
Mr. John O. Delmont, Jr.
Page Two
March 11, 1977

"The board of county commissioners of any county may provide as a county function or may contract with any city, person, firm, or corporation for the furnishing of ambulance services within all or any part of their respective counties upon such terms and conditions, and for such compensation as may be agreed upon which shall be payable from the county general fund The board of county commissioners shall not provide ambulance service under the provisions of this act in any part of the county which receives adequate ambulance service, but the county shall reimburse any taxing district which provides ambulance service to such district with its proportionate share of the county general fund budgeted for ambulance service within the county." [Emphasis supplied.]

Under this section, the right of a local taxing district, such as a city, to initiate and operate its own ambulance service is not foreclosed by the fact that the county has begun a countywide operation. Indeed, the county is expressly prohibited from providing ambulance service under this act in any part of the county which receives adequate ambulance service, whether that local service was commenced before or after the countywide service was begun. Thus, even though the county has provided for countywide ambulance service, any city in the county may nonetheless thereafter initiate its own service and claim reimbursement from the county as permitted in the cited statute.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj