

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 226

96TH GENERAL ASSEMBLY
2011

1363S.05T

AN ACT

To repeal sections 190.015, 190.035, 190.040, and 321.120, RSMo, and to enact in lieu thereof six new sections relating to emergency services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 190.015, 190.035, 190.040, and 321.120, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections
3 143.1016, 190.015, 190.035, 190.040, 190.056, and 321.120, to read as follows:

**143.1016. 1. For all tax years beginning on or after January 1,
2 2011, each individual or corporation entitled to a tax refund in an
3 amount sufficient to make a designation under this section may
4 designate that two dollars or any amount in excess of two dollars on a
5 single return, and four dollars or any amount in excess of four dollars
6 on a combined return, of the refund due be credited to the organ donor
7 program fund established in section 194.297. The contribution
8 designation authorized by this section shall be clearly and
9 unambiguously printed on each income tax return form provided by
10 this state. If any individual that is not entitled to a tax refund in an
11 amount sufficient to make a designation under this section wishes to
12 make a contribution to the organ donor program fund, such individual
13 may, by separate check, draft, or other negotiable instrument, send in
14 with the payment of taxes, or may send in separately, clearly
15 designated for the organ donor program fund, the amount the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 individual wishes to contribute. The department of revenue shall
17 deposit such amount to the organ donor program fund as provided in
18 subsection 2 of this section.

19 2. The director of revenue shall transfer at least monthly all
20 contributions designated by individuals under this section, less an
21 amount sufficient to cover the cost of collecting and handling by the
22 department of revenue which shall not exceed five percent of the
23 transferred contributions, to the state treasurer for deposit in the state
24 treasury to the credit of the organ donor program fund. A contribution
25 designated under this section shall only be transferred and deposited
26 in the organ donor program fund after all other claims against the
27 refund from which such contribution is to be made have been satisfied.

28 3. All moneys transferred to the fund shall be distributed as
29 provided in this section and sections 194.297 and 194.299.

30 4. Under section 23.253 of the Missouri sunset act:

31 (1) The provisions of the new program authorized under this
32 section shall automatically sunset on December thirty-first six years
33 after the effective date of this section unless reauthorized by an act of
34 the general assembly; and

35 (2) If such program is reauthorized, the program authorized
36 under this section shall automatically sunset on December thirty-first
37 twelve years after the effective date of the reauthorization of this
38 section; and

39 (3) This section shall terminate on September first of the
40 calendar year immediately following the calendar year in which the
41 program authorized under this section is sunset.

190.015. 1. Whenever the creation of an ambulance district is desired, a
2 number of voters residing in the proposed district equal to ten percent of the vote
3 cast for governor in the proposed district in the next preceding gubernatorial
4 election may file with the county clerk in which the territory or the greater part
5 thereof is situated a petition requesting the creation thereof. In case the
6 proposed district is situated in two or more counties, the petition shall be filed
7 in the office of the county clerk of the county in which the greater part of the area
8 is situated, and the commissioners of the county commission of the county shall
9 set the petition for public hearing. The petition shall set forth:

10 (1) A description of the territory to be embraced in the proposed district;

11 (2) The names of the municipalities located within the area;

- 12 (3) The name of the proposed district;
- 13 (4) The population of the district which shall not be less than two
14 thousand inhabitants;
- 15 (5) The assessed valuation of the area, which shall not be less than ten
16 million dollars; and
- 17 (6) A request that the question be submitted to the voters residing within
18 the limits of the proposed ambulance district whether they will establish an
19 ambulance district pursuant to the provisions of sections 190.001 to 190.090 to
20 be known as "..... Ambulance District" for the purpose
21 of establishing and maintaining an ambulance service.

22 2. In any county with a charter form of government and with more than
23 one million inhabitants, fire protection districts created under chapter 321 may
24 choose to create an ambulance district with boundaries congruent with each
25 participating fire protection district's existing boundaries provided no ambulance
26 district already exists in whole or part of any district being proposed and the
27 dominant provider of ambulance services within the proposed district as of
28 September 1, 2005, ceases to offer or provide ambulance services, and the board
29 of each participating district, by a majority vote, approves the formation of such
30 a district and participating fire protection districts are contiguous. Upon
31 approval by the fire protection district boards, subsection 1 of this section shall
32 be followed for formation of the ambulance district. Services provided by a
33 district under this subsection shall only include emergency ambulance services
34 as defined in section 321.225.

35 **3. Except in any county with a charter form of government and**
36 **with more than one million inhabitants, any ambulance district**
37 **established under this chapter on or after August 28, 2011, may levy**
38 **and impose a sales tax in lieu of a property tax to fund the**
39 **district. The petition to create the ambulance district shall state**
40 **whether the district will be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting
2 forth the proposition to be voted upon and a description of the territory. The
3 notice shall further state that any district upon its establishment shall have the
4 powers, objects and purposes provided by sections 190.005 to 190.085, and shall
5 have the power to levy a property tax not to exceed thirty cents on the one
6 hundred dollars valuation, **or, in lieu of a property tax, to impose a sales**
7 **tax in an amount not to exceed one-half of one percent on all retail**
8 **sales made in such ambulance district which are subject to taxation**

9 pursuant to the provisions of sections 144.010 to 144.525.

190.040. 1. For the organization of a district which shall levy a
2 property tax, the question shall be submitted in substantially the following
3 form:

4 Shall there be organized in the counties of,
5 state of Missouri, an ambulance district for the establishment and operation of
6 an ambulance service to be located within the boundaries of said proposed district
7 and having the power to impose a property tax not to exceed the annual rate of
8 thirty cents on the hundred dollars assessed valuation without voter approval,
9 and such additional tax as may be approved hereafter by vote thereon, to be
10 known as "..... Ambulance District" as prayed for by petition
11 filed with the county clerk of County, Missouri, on the day
12 of, 20....?

13 2. For the organization of a district which shall levy a sales tax,
14 the question shall be submitted in substantially the following form:

15 Shall there be organized in the counties of, state of
16 Missouri, an ambulance district for the establishment and operation of
17 an ambulance service to be located within the boundaries of said
18 district and having the power to impose a sales tax in an amount not
19 to exceed one-half of one percent without voter approval, and such
20 additional tax as may be approved hereafter by vote thereon, to be
21 known as "..... Ambulance District" as prayed
22 for by petition filed with the county clerk of County,
23 Missouri, on the day of, 20....?

24 3. If a majority of the votes cast on the proposal by the qualified
25 voters voting thereon are in favor of the proposal, then the sales tax
26 authorized in this section shall be in effect and the governing body of
27 the ambulance district shall lower the level of its tax rate by an amount
28 which reduces property tax revenues by an amount equal to fifty
29 percent of the amount of sales tax collected in the preceding year. If
30 a majority of the votes cast by the qualified voters voting are opposed
31 to the proposal, then the governing body of the ambulance district shall
32 not impose the sales tax authorized in this section unless and until the
33 governing body of such ambulance district resubmits a proposal to
34 authorize the governing body of the ambulance district to impose the
35 sales tax authorized by this section and such proposal is approved by
36 a majority of the qualified voters voting thereon.

37 4. All revenue received by a district from the tax authorized
38 pursuant to this section shall be deposited in a special trust fund, and
39 be used solely for the purposes specified in the proposal submitted
40 pursuant to this section for so long as the tax shall remain in effect.

41 5. All sales taxes collected by the director of revenue pursuant
42 to this section, less one percent for cost of collection, which shall be
43 deposited in the state's general revenue fund after payment of
44 premiums for surety bonds as provided in section 32.087, shall be
45 deposited in a special trust fund, which is hereby created, to be known
46 as the "Ambulance District Sales Tax Trust Fund". The moneys in the
47 ambulance district sales tax trust fund shall not be deemed to be state
48 funds and shall not be commingled with any funds of the state. The
49 director of revenue shall keep accurate records of the amount of money
50 in the trust and the amount collected in each district imposing a sales
51 tax pursuant to this section, and the records shall be open to inspection
52 by officers of the county and to the public. Not later than the tenth day
53 of each month, the director of revenue shall distribute all moneys
54 deposited in the trust fund during the preceding month to the
55 governing body of the district which levied the tax. Such funds shall
56 be deposited with the board treasurer of each such district.

57 6. The director of revenue may make refunds from the amounts
58 in the trust fund and credit any district for erroneous payments and
59 overpayments made, and may redeem dishonored checks and drafts
60 deposited to the credit of such district. If any district abolishes the tax,
61 the district shall notify the director of revenue of the action at least
62 ninety days prior to the effective date of the repeal and the director of
63 revenue may order retention in the trust fund, for a period of one year,
64 of two percent of the amount collected after receipt of such notice to
65 cover possible refunds or overpayment of the tax and to redeem
66 dishonored checks and drafts deposited to the credit of such
67 accounts. After one year has elapsed after the effective date of
68 abolition of the tax in such district, the director of revenue shall remit
69 the balance in the account to the district and close the account of that
70 district. The director of revenue shall notify each district of each
71 instance of any amount refunded or any check redeemed from receipts
72 due the district.

73 7. Except as modified in this section, all provisions of sections

74 **32.085 and 32.087 shall apply to the tax imposed pursuant to this**
75 **section.**

190.056. 1. Each member of an ambulance district board of
2 directors shall be subject to recall from office by the registered voters
3 of the election district from which he or she was elected. Proceedings
4 may be commenced for the recall of any such member by the filing of
5 a notice of intention to circulate a recall petition under this section.

6 2. Proceedings may not be commenced against any member if, at
7 the time of commencement, such member:

8 (1) Has not held office during his or her current term for a
9 period of more than one hundred eighty days; or

10 (2) Has one hundred eighty days or less remaining in his or her
11 term; or

12 (3) Has had a recall election determined in his or her favor
13 within the current term of office.

14 3. The notice of intention to circulate a recall petition shall be
15 served personally, or by certified mail, on the board member sought to
16 be recalled. A copy thereof shall be filed, along with an affidavit of the
17 time and manner of service, with the election authority, as defined in
18 chapter 115. A separate notice shall be filed for each board member
19 sought to be recalled and shall contain all of the following:

20 (1) The name of the board member sought to be recalled;

21 (2) A statement, not exceeding two hundred words in length, of
22 the reasons for the proposed recall; and

23 (3) The names and business or residential addresses of at least
24 one but not more than five proponents of the recall.

25 4. Within seven days after the filing of the notice of intention,
26 the board member may file with the election authority a statement, not
27 exceeding two hundred words in length, in answer to the statement of
28 the proponents. If an answer is filed, the board member shall also
29 serve a copy of it, personally or by certified mail, on one of the
30 proponents named in the notice of intention. The statement and
31 answer are intended solely to be used for the information of the voters.
32 No insufficiency in form or substance of such statements shall affect
33 the validity of the election proceedings.

34 5. Before any signature may be affixed to a recall petition, the
35 petition is required to bear all of the following:

36 (1) A request that an election be called to elect a successor to the
37 board member;

38 (2) A copy of the notice of intention, including the statement of
39 grounds for recall;

40 (3) The answer of the board member sought to be recalled, if any
41 exists. If the board member has not answered, the petition shall so
42 state; and

43 (4) A place for each signer to affix his or her signature, printed
44 name and residential address, including any address in a city, town,
45 village, or unincorporated community.

46 6. Each section of the petition, when submitted to the election
47 authority, shall have attached to it an affidavit signed by the person
48 circulating such section, setting forth all of the following:

49 (1) The printed name of the affiant;

50 (2) The residential address of the affiant;

51 (3) That the affiant circulated that section and saw the appended
52 signatures be written;

53 (4) That according to the best information and belief of the
54 affiant, each signature is the genuine signature of the person whose
55 name it purports to be;

56 (5) That the affiant is a registered voter of the election district
57 of the board member sought to be recalled; and

58 (6) The dates between which all the signatures to the petition
59 were obtained.

60 7. A recall petition shall be filed with the election authority not
61 more than one hundred eighty days after the filing of the notice of
62 intention.

63 8. The number of qualified signatures required in order to recall
64 a board member shall be equal in number to at least twenty-five
65 percent of the number of voters who voted in the most recent
66 gubernatorial election in such election district.

67 9. Within twenty days from the filing of the recall petition the
68 election authority shall determine whether or not the petition was
69 signed by the required number of qualified signatures. The election
70 authority shall file with the petition a certificate showing the results
71 of the examination. The election authority shall give the proponents a
72 copy of the certificate upon their request.

73 10. If the election authority certifies the petition to be
74 insufficient, it may be supplemented within ten days of the date of
75 certification by filing additional petition sections containing all of the
76 information required by this section. Within ten days after the
77 supplemental copies are filed, the election authority shall file with
78 them a certificate stating whether or not the petition as supplemented
79 is sufficient.

80 11. If the certificate shows that the petition as supplemented is
81 insufficient, no action shall be taken on it; however, the petition shall
82 remain on file.

83 12. If the election authority finds the signatures on the petition,
84 together with the supplementary petition sections, if any, to be
85 sufficient, it shall submit its certificate as to the sufficiency of the
86 petition to the ambulance district board of directors prior to its next
87 meeting. The certificate shall contain:

88 (1) The name of the member whose recall is sought;

89 (2) The number of signatures required by law;

90 (3) The total number of signatures on the petition; and

91 (4) The number of valid signatures on the petition.

92 13. Following the ambulance district board's receipt of the
93 certificate, the election authority shall order an election to be held on
94 one of the election days specified in section 115.123. The election shall
95 be held not less than forty-five days but not more than one hundred
96 twenty days from the date the ambulance district board receives the
97 petition. Nominations for board membership openings under this
98 section shall be made by filing a statement of candidacy with the
99 election authority.

100 14. At any time prior to forty-two days before the election, the
101 member sought to be recalled may offer his or her resignation. If his
102 or her resignation is offered, the recall question shall be removed from
103 the ballot and the office declared vacant. The member who resigned
104 shall not fill the vacancy, which shall be filled as otherwise provided
105 by law.

106 15. The provisions of chapter 115 governing the conduct of
107 elections shall apply, where appropriate, to recall elections held under
108 this section. The costs of the election shall be paid as provided in
109 chapter 115.

321.120. 1. The decree of incorporation shall not become final and
 2 conclusive until it has been submitted to an election of the voters residing within
 3 the boundaries described in such decree, and until it has been assented to by a
 4 majority vote of the voters of the district voting on the question. The decree shall
 5 also provide for the holding of the election to vote on the proposition of
 6 incorporating the district, and to select three or five persons to act as the first
 7 board of directors, and shall fix the date for holding the election.

8 2. The question shall be submitted in substantially the following form:
 9 Shall there be incorporated a fire protection district?

10 YES NO

11 3. The proposition of electing the first board of directors or the election
 12 of subsequent directors may be submitted on a separate ballot or on the same
 13 ballot which contains any other proposition of the fire protection district. The
 14 ballot to be used for the election of a director or directors shall be substantially
 15 in the following form:

16 OFFICIAL BALLOT

17 Instruction to voters:

18 Place a cross (X) mark in the square opposite the name of the candidate
 19 or candidates you favor. (Here state the number of directors to be elected and
 20 their term of office.)

21 ELECTION

22 (Here insert name of district.) Fire Protection District. (Here insert date
 23 of election.)

24 FOR BOARD OF DIRECTORS

25
 26
 27

28 4. If a majority of the voters voting on the proposition or propositions
 29 voted in favor of the proposition to incorporate the district, then the court shall
 30 enter its further order declaring the decree of incorporation to be final and
 31 conclusive. In the event, however, that the court finds that a majority of the
 32 voters voting thereon voted against the proposition to incorporate the district,
 33 then the court shall enter its further order declaring the decree of incorporation
 34 to be void and of no effect. If the court enters an order declaring the decree of
 35 incorporation to be final and conclusive, it shall at the same time designate the
 36 first board of directors of the district who have been elected by the voters voting

37 thereon. If a board of three members is elected, the person receiving the third
 38 highest number of votes shall hold office for a term of two years, the person
 39 receiving the second highest number of votes shall hold office for a term of four
 40 years, and the person receiving the highest number of votes shall hold office for
 41 a term of six years from the date of the election of the first board of directors and
 42 until their successors are duly elected and qualified. If a board of five members
 43 is elected, the person who received the highest number of votes shall hold office
 44 for a term of six years, the persons who received the second and third highest
 45 numbers of votes shall hold office for terms of four years and the persons who
 46 received the fourth and fifth highest numbers of votes shall hold office for terms
 47 of two years and until their successors are duly elected and qualified. Thereafter,
 48 members of the board shall be elected to serve terms of six years and until their
 49 successors are duly elected and qualified[, provided however, in any county with
 50 a charter form of government and with more than two hundred fifty thousand but
 51 fewer than three hundred fifty thousand inhabitants, any successor elected and
 52 qualified in the year 2005 shall hold office for a term of six years and until his
 53 or her successor is duly elected and qualified and any successor elected and
 54 qualified in the year 2006 or 2007 shall hold office for a term of five years and
 55 until his or her successor is duly elected and qualified, and thereafter, members
 56 of the board shall be elected to serve terms of four years and until their
 57 successors are duly elected and qualified]. The court shall at the same time enter
 58 an order of record declaring the result of the election on the proposition, if any,
 59 to incur bonded indebtedness.

60 5. Notwithstanding the provisions of subsections 1 to 4 of this section to
 61 the contrary, upon a motion by the board of directors in districts where there are
 62 three-member boards, and upon approval by the voters in the district, the number
 63 of directors may be increased to five, except that in any county of the first
 64 classification with a population of more than nine hundred thousand inhabitants
 65 such increase in the number of directors shall apply only in the event of a
 66 consolidation of existing districts. The ballot to be used for the approval of the
 67 voters to increase the number of members on the board of directors of the fire
 68 protection district shall be substantially in the following form:

69 Shall the number of members of the board of directors of the
 70 (Insert name of district) Fire Protection District be increased to
 71 five members?

72 YES NO

73 If a majority of the voters voting on the proposition vote in favor of the

74 proposition then at the next election of board members after the voters vote to
75 increase the number of directors, the voters shall select two persons to act in
76 addition to the existing three directors as the board of directors. The court which
77 entered the order declaring the decree of incorporation to be final shall designate
78 the additional board of directors who have been elected by the voters voting
79 thereon as follows: the one receiving the second highest number of votes to hold
80 office for a term of four years, and the one receiving the highest number of votes
81 to hold office for a term of six years from the date of the election of such
82 additional board of directors and until their successors are duly elected and
83 qualified. Thereafter, members of the board shall be elected to serve terms of six
84 years and until their successors are duly elected and qualified[, provided
85 however, in any county with a charter form of government and with more than
86 two hundred fifty thousand but fewer than three hundred fifty thousand
87 inhabitants, any successor elected and qualified in the year 2005 shall hold office
88 for a term of six years and until his or her successor is duly elected and qualified
89 and any successor elected and qualified in the year 2006 or 2007 shall hold office
90 for a term of five years and until his or her successor is duly elected and
91 qualified, and thereafter, members of the board shall be elected to serve terms of
92 four years and until their successors are duly elected and qualified].

93 6. Members of the board of directors in office on the date of an election
94 pursuant to subsection 5 of this section to elect additional members to the board
95 of directors shall serve the term to which they were elected or appointed and until
96 their successors are elected and qualified.

✓

Copy