

SENATE BILL NO. 813

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

3067S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 190.050, 190.051, 190.052, and 190.090, RSMo, and to enact in lieu thereof four new sections relating to ambulance districts.

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

Section A. Sections 190.050, 190.051, 190.052, and
2 190.090, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 190.050, 190.051, 190.052,
4 and 190.090, to read as follows:

190.050. 1. After the ambulance district has been
2 declared organized, the declaring county commission, except
3 in counties of the second class having more than one hundred
4 five thousand inhabitants located adjacent to a county of
5 the first class having a charter form of government which
6 has a population of over nine hundred thousand inhabitants,
7 shall [divide the district into six election districts as
8 equal in population as possible, and shall by lot number the
9 districts from one to six inclusive. The county commission
10 shall] cause an election to be held in the ambulance
11 district within ninety days after the order establishing the
12 ambulance district to elect ambulance district directors.
13 Each voter shall vote for one director from the ambulance
14 [election] district in which the voter resides. The **two**
15 directors elected [from districts one and four] **with the**
16 **lowest number of votes** shall serve for a term of one year,
17 the **two** directors elected [from districts two and five] **with**

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

18 **the third and fourth highest number of votes** shall serve for
19 a term of two years, and the **two** directors [from districts
20 three and six] **with the highest number of votes** shall serve
21 for a term of three years; thereafter, the terms of all
22 directors shall be three years. All directors shall serve
23 the term to which they were elected or appointed, and until
24 their successors are elected and qualified, except in cases
25 of resignation or disqualification. [The county commission
26 shall reapportion the ambulance districts within sixty days
27 after the population of the county is reported to the
28 governor for each decennial census of the United States.]

29 Notwithstanding any other provision of law, if the number of
30 candidates for the office of director is no greater than the
31 number of directors to be elected, no election shall be
32 held, and the candidates shall assume the responsibilities
33 of their offices at the same time and in the same manner as
34 if they have been elected.

35 2. In all counties of the second class having more
36 than one hundred five thousand inhabitants located adjacent
37 to a county of the first class having a charter form of
38 government which has a population of over nine hundred
39 thousand inhabitants, the voters shall vote for six
40 directors elected at large from within the district for a
41 term of three years. Those directors holding office in any
42 district in such a county on August 13, 1976, shall continue
43 to hold office until the expiration of their terms, and
44 their successors shall be elected from the district at large
45 for a term of three years. In any district formed in such
46 counties after August 13, 1976, the governing body of the
47 county shall cause an election to be held in that district
48 within ninety days after the order establishing the
49 ambulance district to elect ambulance district directors.

50 Each voter shall vote for six directors. The two candidates
51 receiving the highest number of votes at such election shall
52 be elected for a term of three years, the two candidates
53 receiving the third and fourth highest number of votes shall
54 be elected for a term of two years, the two candidates
55 receiving the fifth and sixth highest number of votes shall
56 be elected for a term of one year; thereafter, the term of
57 all directors shall be three years.

58 3. A candidate for director of the ambulance district
59 shall, at the time of filing, be a citizen of the United
60 States, [a qualified voter of the election district as
61 provided in subsection 1 of this section,] a resident of the
62 district for two years next preceding the election, and
63 shall be at least twenty-four years of age. In an
64 established district which is located within the
65 jurisdiction of more than one election authority, the
66 candidate shall file his or her declaration of candidacy
67 with the secretary of the board. In all other districts, a
68 candidate shall file a declaration of candidacy with the
69 county clerk of the county in which he or she resides. A
70 candidate shall file a statement under oath that he or she
71 possesses the required qualifications. No candidate's name
72 shall be printed on any official ballot unless the candidate
73 has filed a written declaration of candidacy pursuant to
74 subsection 5 of section 115.127. If the time between the
75 county commission's call for a special election and the date
76 of the election is not sufficient to allow compliance with
77 subsection 5 of section 115.127, the county commission
78 shall, at the time it calls the special election, set the
79 closing date for filing declarations of candidacy.

190.051. 1. Notwithstanding the provisions of
2 sections 190.050 and 190.052 to the contrary, upon a motion

3 by the board of directors in districts where there are six-
4 member boards, and upon approval by the voters in the
5 district, the number of directors may be increased to seven
6 [with one board member running district wide,] or decreased
7 to five or three board members. The ballot to be used for
8 the approval of the voters to increase or decrease the
9 number of members on the board of directors of the ambulance
10 district shall be substantially in the following form:

11 Shall the number of members of the board of
12 directors of the _____ (Insert name of district)
13 Ambulance District be (increased to seven
14 members/decreased to five members/decreased to
15 three members)?

16 YES NO

17 2. If a majority of the voters voting on a proposition
18 to increase the number of board members to seven vote in
19 favor of the proposition, then at the next election of board
20 members after the voters vote to increase the number of
21 directors, the voters shall select one person to serve in
22 addition to the existing six directors as the member who
23 shall run district wide.

24 3. If a majority of the voters voting on a proposition
25 to decrease the number of board members vote in favor of the
26 proposition, then [the county clerk shall redraw the
27 district into the resulting number of subdistricts with
28 equal population bases and hold elections by subdistricts
29 pursuant to section 190.050] **the existing board members**
30 **shall complete their terms, but at each subsequent election,**
31 **one seat shall be eligible for reelection until the correct**
32 **number of directors is reached.** Thereafter, members of the

33 board shall be elected to serve terms of three years and
34 until their successors are duly elected and qualified.

35 4. Members of the board of directors in office on the
36 date of an election pursuant to this section to increase or
37 decrease the number of members of the board of directors
38 shall serve the term to which they were elected or appointed
39 and until their successors are elected and qualified.

190.052. Any member of the board of directors who
2 moves residency from the district [from which the member was
3 elected] shall be disqualified as a member of the board. If
4 one or two vacancies occur in the membership of the board as
5 a result of death, resignation, or disqualification, the
6 remaining members shall appoint one or two qualified
7 persons, as provided in section 190.050, to fill the
8 vacancies until the end of the unexpired term. Such
9 appointment shall be made with the consent of a majority of
10 the remaining members of the board. If the board is unable
11 to agree in filling a vacancy within sixty days or if there
12 are more than two vacancies at any one time, the county
13 commission, upon notice from the board of failure to agree
14 in filling the vacancies, shall within ten days fill them by
15 appointment of qualified persons, as provided in section
16 190.050, and shall notify the persons in writing of their
17 appointment. The persons appointed shall serve for the
18 unexpired term.

190.090. 1. Two or more organized ambulance districts
2 may consolidate into one ambulance district by following the
3 procedures set forth in this section.

4 2. If the consolidation of existing ambulance
5 districts is desired, a number of voters residing in an
6 existing ambulance district equal to ten percent of the vote
7 cast for governor in the existing district in the next

8 preceding gubernatorial election may file with the county
9 clerk in which the territory or greater part of the proposed
10 consolidated district is situated a petition requesting the
11 consolidation of two or more existing ambulance districts.

12 3. The petition shall be in the following form:

13 We, the undersigned voters of the _____
14 ambulance district do hereby petition that
15 _____ existing ambulance districts be
16 consolidated into one consolidated ambulance
17 district **to be known as the _____ ambulance**
18 **district, subject to the attached consolidation**
19 **plan.**

20 4. An alternative procedure of consolidation may be
21 followed, if the board of directors of the existing
22 ambulance districts pass a resolution in the following form:

23 Be it resolved by the board of directors of
24 the ambulance district that the _____ ambulance
25 districts be consolidated into one consolidated
26 ambulance district **to be known as the _____**
27 **ambulance district, subject to the attached**
28 **consolidation plan.**

29 5. **Every petition or resolution shall be accompanied**
30 **by a consolidation plan outlining the process for the**
31 **proposed consolidation. At a minimum, the consolidation**
32 **plan shall include the following:**

33 (1) **The name and a legal description of the boundaries**
34 **of the proposed consolidated district and the proposed tax**
35 **levy to be imposed by the consolidated district. In the**
36 **event that the proposed plan is for the consolidation into**
37 **an existing district, the consolidation plan shall clearly**
38 **state that the existing district shall continue as the legal**
39 **entity into which the other districts are consolidated;**

40 (2) The names of the districts to be consolidated,
41 accompanied by a list of all real property owned, financial
42 assets currently held, all outstanding bonds or debts, and
43 the current tax levies imposed by each district;

44 (3) The name of the district which shall be
45 responsible for maintaining ambulance service during the
46 consolidation, including continuing operations,
47 administration, and governance of the consolidated district;
48 provided that there shall be a presumption that the district
49 with the largest operating budget in the preceding year
50 shall assume this responsibility;

51 (4) The proposed individuals who will serve as the
52 initial directors, provided that such directors shall be
53 chosen from among the existing board members of the
54 districts to be consolidated, such that there is at least
55 one director from each of the districts to be consolidated;
56 and

57 (5) A proposed time line for consolidation, which
58 shall not exceed one hundred eighty days; provided that such
59 time line shall be subject to modification by the board of
60 the consolidated district for good cause.

61 6. Upon the filing of a petition, or a resolution, and
62 a **consolidation plan** with the county clerk from each of the
63 ambulance districts proposed to be consolidated, the county
64 clerk shall present the petition or resolution and
65 **consolidation plan** to the commissioners of the county
66 [commission having jurisdiction who shall thereupon order
67 the submission of the question to the voters of the
68 districts. The filing of each of the petitions in the
69 ambulance districts shall have occurred within a continuous
70 twelve-month period].

71 [6. The notice shall set forth the names of the
72 existing ambulance districts to be included in the
73 consolidated district.

74 7. The question shall be submitted in substantially
75 the following form:

76 Shall the existing _____ ambulance
77 districts be consolidated into one ambulance
78 district?

79 8. If the county commission having jurisdiction finds
80 that the question to consolidate the districts received a
81 majority of the votes cast, the commission shall make and
82 enter its order declaring that the proposition passed.

83 9. Within thirty days after the district has been
84 declared consolidated, the county commission shall divide
85 the district into six election districts and shall order an
86 election to be held and conducted as provided in section
87 190.050 for the election of directors.

88 10. Within thirty days after the election of the
89 initial board of directors of the district, the directors
90 shall meet and the time and place of the first meeting of
91 the board shall be designated by the county commission. At
92 the first meeting the newly elected board of directors shall
93 choose a name for the consolidated district and shall notify
94 the clerk of the county commission of each county within
95 which the consolidated district is located of the name of
96 the consolidated district.

97 11. On the thirtieth day following the election of the
98 board of directors, the existing ambulance districts shall
99 cease to exist and the consolidated district shall assume
100 all of the powers and duties exercised by those districts.
101 All assets and obligations of the existing ambulance
102 districts shall become assets and obligations of the

103 consolidated district] who shall record such documents in
104 the records of the county. Petitions or resolutions shall
105 be received from all ambulance districts proposed to be
106 consolidated within the same calendar year or they shall be
107 considered null.

108 7. Each of the ambulance districts seeking to
109 consolidate shall post the notice of the intent to
110 consolidate in the same manner that district public meetings
111 are posted. In addition, publication of such notice of
112 intent shall be made in a newspaper of general circulation
113 in every county in which the proposed consolidated ambulance
114 district shall be located, with publication to be made once
115 per week for two consecutive weeks. A public hearing shall
116 be held jointly by all ambulance districts seeking to
117 consolidate at a location within the boundaries of the
118 proposed consolidated ambulance district, provided that such
119 hearing shall be no more than ten days after the date of the
120 second publication. The notice of intent shall be in
121 substantially the following form:

122 NOTICE OF THE FILING OF A PETITION/RESOLUTION FOR
123 CONSOLIDATION OF THE _____ AMBULANCE DISTRICTS

124 To all voters, residents, and interested persons
125 within the boundaries of the above-described
126 ambulance districts: You are hereby notified that
127 a petition/resolution has been filed for the
128 consolidation of the above-named ambulance
129 districts into one consolidated ambulance district
130 to be known as _____ ambulance district. A
131 proposed consolidation plan is available for
132 inspection at the office of the County Clerk of
133 _____ County.

134 A public hearing will be held on _____ (date) at
135 _____ (time) at the following location:
136 _____. The purpose of this public hearing
shall be to explain the reasons for the

137 consolidation and answer questions from the
138 public.

139 Objections to this consolidation may be filed with
140 the County Clerk of _____ County, provided such
141 objections are filed in writing not more than
142 thirty days after the public hearing. Any such
143 objection shall be signed by a number of voters
144 not less than five percent of the votes cast for
145 governor in the most recent gubernatorial
146 election.

147 8. If no objections are filed with the county clerk
148 within thirty days of the public hearing, subject to the
149 restrictions provided in subsection 11 of this section, then
150 within forty-five days following the date of the public
151 hearing, the county commission shall order the districts
152 consolidated pursuant to the terms of the consolidation plan
153 and shall further appoint as directors those individuals
154 identified in the consolidation plan. The county commission
155 shall further set a date, time, and location for the first
156 meeting of the directors of the newly consolidated district.

157 9. Upon receipt of any objections filed, the county
158 clerk shall verify that such objections are signed by the
159 necessary number of voters of the district. If said
160 objections are signed by an appropriate number of voters,
161 the county commission of each county in which the proposed
162 consolidated district is to be located shall thereupon order
163 the submission of the question to the voters of the
164 districts as follows:

165 Shall the existing _____ ambulance districts be
166 consolidated into one ambulance district to be
167 known as the _____ ambulance district, and
168 such consolidated district shall be authorized
169 to levy a property tax not to exceed the annual

170 rate of _____ cents on the hundred dollars
171 assessed valuation and/or a sales tax in an
172 amount not to exceed _____ percent?

173 If the county commission having jurisdiction finds that the
174 question to consolidate the districts received a majority of
175 the votes cast, the commission shall make and enter its
176 order declaring that the proposition passed. The county
177 commission shall further order the districts consolidated
178 pursuant to the terms of the consolidation plan and shall
179 further appoint as directors those individuals identified in
180 the consolidation plan. The county commission shall further
181 set a date, time, and location for the first meeting of the
182 directors of the newly consolidated district.

183 10. Notwithstanding any other provision of law to the
184 contrary, the consolidated district may impose an initial
185 tax levy not to exceed the highest tax levy imposed by the
186 consolidating districts, provided such tax levy is
187 specifically set forth in the question submitted to and
188 approved by the voters of the consolidating district.

189 11. In the absence of a vote of the people as provided
190 in subsection 9 of this section, no consolidated ambulance
191 district shall be permitted to impose a property tax greater
192 than the lowest of any existing property tax rate of the
193 districts to be consolidated, nor shall the consolidated
194 ambulance district be permitted to impose any sales tax
195 greater than the lowest of any existing sales tax rate of
196 the districts to be consolidated.

197 12. Upon written certification by the board of
198 directors of the consolidated district to the prior district
199 that the consolidated district has obtained the necessary
200 licenses and permits to operate an ambulance service and all

201 directors of such consolidated district have completed the
202 training required by section 190.053, the existing ambulance
203 districts shall cease to exist and the consolidated district
204 shall assume all of the powers and duties exercised by those
205 districts. All assets and obligations of the existing
206 ambulance districts shall become assets and obligations of
207 the consolidated district.

208 13. Subject to the limitations of subsection 10 of
209 this section, any ambulance district which has contracted
210 for ambulance service with another ambulance district for
211 more than five consecutive years may submit a joint
212 resolution executed by the boards of both ambulance
213 districts to the county clerk of the county in which the
214 larger area of the proposed consolidated district is located
215 requesting consolidation of said districts by consolidating
216 the smaller districts into the larger district. Such
217 resolution may be accompanied by a consolidation plan as
218 provided in this section. Upon the receipt of such joint
219 resolution, the county commission shall promptly order the
220 smaller districts consolidated into the larger district,
221 pursuant to the terms of the consolidation plan without the
222 necessity of notice or hearing.

✓