

FIRST REGULAR SESSION

HOUSE BILL NO. 748

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLT (Sponsor), CURLS, HICKEY AND LUETKENHAUS.

Read 1st time February 12, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1496L.011

AN ACT

To repeal section 190.060, RSMo 2000, relating to powers of ambulance districts, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 190.060, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 190.060, to read as follows:

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

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

17 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
19 compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise
20 provided by the Constitution of the state of Missouri;

21 (6) To employ or enter into contracts for the employment of any person, firm, or
22 corporation, and for professional services, necessary or desirable for the accomplishment of the
23 objects of the district or the proper administration, management, protection or control of its
24 property;

25 (7) To maintain the ambulance service for the benefit of the inhabitants of the area
26 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and
27 regulations as may be necessary to render the highest quality of emergency medical care; to
28 exclude from the use of the ambulance service all persons who willfully disregard any of the
29 rules and regulations so established; to extend the privileges and use of the ambulance service
30 to persons residing outside the area of the district upon such terms and conditions as the board
31 of directors prescribes by its rules and regulations;

32 (8) To provide for health, accident, disability and pension benefits for the salaried
33 members of its organized ambulance district and such other benefits for the members' spouses
34 and minor children, through either, or both, a contributory or noncontributory plan. The type and
35 amount of such benefits shall be determined by the board of directors of the ambulance district
36 within the level of available revenue of the pension program and other available revenue of the
37 district. If an employee contributory plan is adopted, then at least one voting member of the
38 board of trustees shall be a member of the ambulance district elected by the contributing
39 members. The board of trustees shall not be the same as the board of directors;

40 (9) To purchase insurance indemnifying the district and its employees, officers,
41 volunteers and directors against liability in rendering services incidental to the furnishing of
42 ambulance services. Purchase of insurance pursuant to this section is not intended to waive
43 sovereign immunity, official immunity or the Missouri public duty doctrine defenses; [and]

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions
46 of section 70.615, RSMo, for the volunteer members of any organized ambulance district and
47 such other benefits for their spouses and eligible unemancipated children, either through a
48 contributory or noncontributory plan, or both. For purposes of this section, "eligible
49 unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured
50 who is domiciled with the insured, who is less than twenty-three years of age, who is not
51 married, not employed on a full-time basis, not maintaining a separate residence except for
52 full-time students in an accredited school or institution of higher learning, and who is dependent

53 on parents or guardians for at least fifty percent of his or her support. The type and amount of
54 such benefits shall be determined by the board of directors of the ambulance district within
55 available revenues of the district, including the pension program of the district. The provision
56 and receipt of such benefits shall not make the recipient an employee of the district. Directors
57 who are also volunteer members may receive such benefits while serving as a director of the
58 district; and

59 **(11) To have and exercise the power of eminent domain and in the manner**
60 **provided by law for the condemnation of private property for public use to take any**
61 **property within the district necessary to the exercise of the powers herein granted.**

62 2. The use of any ambulance service of a district shall be subject to the reasonable
63 regulation and control of the district and upon such reasonable terms and conditions as shall be
64 established by its board of directors.

65 3. A regulatory ordinance of a district adopted pursuant to any provision of this section
66 may provide for a suspension or revocation of any rights or privileges within the control of the
67 district for a violation of any regulatory ordinance.

68 4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be
69 construed to authorize the district or board to establish or enforce any regulation or rule in
70 respect to the operation or maintenance of the ambulance service within its jurisdiction which
71 is in conflict with any federal or state law or regulation applicable to the same subject matter.

72 5. After August 28, 1998, the board of directors of an ambulance district that proposes
73 to contract for the total management and operation of the ambulance service, when that
74 ambulance district has not previously contracted out for said service, shall hold a public hearing
75 within a thirty-day period and shall make a finding that the proposed contract to manage and
76 operate the ambulance service will:

77 (1) Provide benefits to the public health that outweigh the associated costs;

78 (2) Maintain or enhance public access to ambulance service;

79 (3) Maintain or improve the public health and promote the continued development of
80 the regional emergency medical services system.

81 6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this
82 section and after a sixty-day period, the ambulance district may enter into the proposed contract,
83 however said contract shall not be implemented for at least thirty days.

84 (2) The provisions of subsection 5 of this section shall not apply to contracts which were
85 executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the
86 signing of a new contract with an ambulance service provider for services that were previously
87 contracted out.