

FIRST REGULAR SESSION

HOUSE BILL NO. 1541

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FARNAN.

3169H.011

JOSEPH ENGLER, Chief Clerk

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Section A. Sections 190.050, 190.051, 190.052, and 190.090, RSMo, are repealed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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ~~the ambulance districts within sixty days after the population of the county is reported to the~~
18 ~~governor for each decennial census of the United States.]~~ Notwithstanding any other
19 provision of law, if the number of candidates for the office of director is no greater than the
20 number of directors to be elected, no election shall be held, and the candidates shall assume
21 the responsibilities of their offices at the same time and in the same manner as if they have
22 been elected.

23 2. In all counties of the second class having more than one hundred five thousand
24 inhabitants located adjacent to a county of the first class having a charter form of government
25 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six
26 directors elected at large from within the district for a term of three years. Those directors
27 holding office in any district in such a county on August 13, 1976, shall continue to hold
28 office until the expiration of their terms, and their successors shall be elected from the district
29 at large for a term of three years. In any district formed in such counties after August 13,
30 1976, the governing body of the county shall cause an election to be held in that district
31 within ninety days after the order establishing the ambulance district to elect ambulance
32 district directors. Each voter shall vote for six directors. The two candidates receiving the
33 highest number of votes at such election shall be elected for a term of three years, the two
34 candidates receiving the third and fourth highest number of votes shall be elected for a term of
35 two years, the two candidates receiving the fifth and sixth highest number of votes shall be
36 elected for a term of one year; thereafter, the term of all directors shall be three years.

37 3. A candidate for director of the ambulance district shall, at the time of filing, be a
38 citizen of the United States, ~~[a qualified voter of the election district as provided in subsection~~
39 ~~4 of this section,]~~ a resident of the district for two years next preceding the election, and shall
40 be at least twenty-four years of age. In an established district which is located within the
41 jurisdiction of more than one election authority, the candidate shall file his or her declaration
42 of candidacy with the secretary of the board. In all other districts, a candidate shall file a
43 declaration of candidacy with the county clerk of the county in which he or she resides. A
44 candidate shall file a statement under oath that he or she possesses the required qualifications.
45 No candidate's name shall be printed on any official ballot unless the candidate has filed a
46 written declaration of candidacy pursuant to subsection 5 of section 115.127. If the time
47 between the county commission's call for a special election and the date of the election is not
48 sufficient to allow compliance with subsection 5 of section 115.127, the county commission
49 shall, at the time it calls the special election, set the closing date for filing declarations of
50 candidacy.

190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the
2 contrary, upon a motion by the board of directors in districts where there are six-member
3 boards, and upon approval by the voters in the district, the number of directors may be

4 increased to seven ~~[with one board member running district wide,]~~ or decreased to five or
5 three board members. The ballot to be used for the approval of the voters to increase or
6 decrease the number of members on the board of directors of the ambulance district shall be
7 substantially in the following form:

8 Shall the number of members of the board of directors of the _____ (Insert
9 name of district) Ambulance District be (increased to seven members/
10 decreased to five members/decreased to three members)?

11 ☐ YES

☐ NO

12 2. If a majority of the voters voting on a proposition to increase the number of board
13 members to seven vote in favor of the proposition, then at the next election of board members
14 after the voters vote to increase the number of directors, the voters shall select one person to
15 serve in addition to the existing six directors ~~[as the member who shall run district wide]~~.

16 3. If a majority of the voters voting on a proposition to decrease the number of board
17 members vote in favor of the proposition, ~~[then the county clerk shall redraw the district into~~
18 ~~the resulting number of subdistricts with equal population bases and hold elections by~~
19 ~~subdistricts pursuant to section 190.050]~~ **the existing board members shall complete their**
20 **terms, but at each subsequent election, one seat shall be eligible for reelection until the**
21 **correct number of directors is reached.** Thereafter, members of the board shall be elected
22 to serve terms of three years and until their successors are duly elected and qualified.

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

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

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

2. If the consolidation of existing ambulance districts is desired, a number of voters residing in an existing ambulance district equal to ten percent of the vote cast for governor in the existing district in the next preceding gubernatorial election may file with the county clerk in which the territory or greater part of the proposed consolidated district is situated a petition requesting the consolidation of two or more existing ambulance districts.

3. The petition shall be in the following form:

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

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

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

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

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

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

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

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

38 **(5) A proposed timeline for consolidation, which shall not exceed one hundred**
39 **eighty days, provided that such timeline shall be subject to modification by the board of**
40 **the consolidated district for good cause.**

41 6. Upon the filing of a petition, or a resolution, **and a consolidation plan** with the
42 county clerk from each of the ambulance districts proposed to be consolidated, the county
43 clerk shall present the petition or resolution **and the consolidation plan** to the commissioners
44 of the county ~~[commission having jurisdiction who shall thereupon order the submission of~~
45 ~~the question to the voters of the districts. The filing of each of the petitions in the ambulance~~
46 ~~districts shall have occurred within a continuous twelve-month period.~~

47 ~~6. The notice shall set forth the names of the existing ambulance districts to be~~
48 ~~included in the consolidated district.~~

49 ~~7. The question shall be submitted in substantially the following form:~~

50 ~~Shall the existing _____ ambulance districts be consolidated into one ambulance~~
51 ~~district?~~

52 ~~8. If the county commission having jurisdiction finds that the question to consolidate~~
53 ~~the districts received a majority of the votes cast, the commission shall make and enter its~~
54 ~~order declaring that the proposition passed.~~

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

58 ~~10. Within thirty days after the election of the initial board of directors of the district,~~
59 ~~the directors shall meet and the time and place of the first meeting of the board shall be~~
60 ~~designated by the county commission. At the first meeting the newly elected board of~~
61 ~~directors shall choose a name for the consolidated district and shall notify the clerk of the~~
62 ~~county commission of each county within which the consolidated district is located of the~~
63 ~~name of the consolidated district.~~

64 ~~11. On the thirtieth day following the election of the board of directors, the existing~~
65 ~~ambulance districts shall cease to exist and the consolidated district shall assume all of the~~
66 ~~powers and duties exercised by those districts. All assets and obligations of the existing~~
67 ~~ambulance districts shall become assets and obligations of the consolidated district], who~~
68 **shall record such documents in the records of the county. Petitions or resolutions shall**
69 **be received from all ambulance districts proposed to be consolidated within the same**
70 **calendar year or they shall be considered null.**

71 7. Each of the ambulance districts seeking to consolidate shall post the notice of
72 the intent to consolidate in the same manner that district public meetings are posted. In
73 addition, publication of such notice of intent shall be made in a newspaper of general
74 circulation in every county in which the proposed consolidated ambulance district shall

75 be located, with publication to be made once per week for two consecutive weeks. A
76 public hearing shall be held jointly by all ambulance districts seeking to consolidate at a
77 location within the boundaries of the proposed consolidated ambulance district,
78 provided that such hearing shall be no more than ten days after the date of the second
79 publication. The notice of intent shall be in substantially the following form:

80 NOTICE OF THE FILING OF A PETITION/RESOLUTION FOR
81 CONSOLIDATION OF THE _____ AMBULANCE DISTRICTS

82 To all voters, residents, and interested persons within the boundaries of
83 the above-described ambulance districts: You are hereby notified that a
84 petition/resolution has been filed for the consolidation of the above-
85 named ambulance districts into one consolidated ambulance district to
86 be known as _____ ambulance district. A proposed consolidation plan
87 is available for inspection at the office of the County Clerk of _____
88 County.

89 A public hearing will be held on _____ (date) at _____ (time) at the
90 following location: _____. The purpose of this public hearing shall
91 be to explain the reasons for the consolidation and answer questions
92 from the public.

93 Objections to this consolidation may be filed with the County Clerk of _
94 _____ County, provided such objections are filed in writing not more
95 than thirty days after the public hearing. Any such objection shall be
96 signed by a number of voters not less than five percent of the votes cast
97 for governor in the most recent gubernatorial election.

98 8. If no objections are filed with the county clerk within thirty days of the public
99 hearing, subject to the restrictions provided in subsection 11 of this section, within forty-
100 five days following the date of the public hearing, the county commission shall order the
101 districts consolidated in accordance with the terms of the consolidation plan and shall
102 further appoint as directors those individuals identified in the consolidation plan. The
103 county commission shall further set a date, time, and location for the first meeting of the
104 directors of the newly consolidated district.

105 9. Upon receipt of any objections filed, the county clerk shall verify that such
106 objections are signed by the necessary number of voters of the district. If such
107 objections are signed by an appropriate number of voters, the county commission of
108 each county in which the proposed consolidated district is to be located shall thereupon
109 order the submission of the question to the voters of the districts as follows:

110 Shall the existing _____ ambulance districts be consolidated into one ambulance
111 district to be known as the _____ ambulance district, and such consolidated

district be authorized to levy a property tax not to exceed the annual rate of ____
____ cents on the hundred dollars assessed valuation and/or a sales tax in an
amount not to exceed _____ percent?

If the county commission having jurisdiction finds that the question to consolidate the
districts received a majority of the votes cast, the commission shall make and enter its
order declaring that the proposition passed. The county commission shall further order
the districts consolidated in accordance with the terms of the consolidation plan and
shall further appoint as directors those individuals identified in the consolidation plan.
The county commission shall further set a date, time, and location for the first meeting
of the directors of the newly consolidated district.

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

11. In the absence of a vote of the people as provided in subsection 9 of this
section, no consolidated ambulance district shall be permitted to impose a property tax
greater than the lowest of any existing property tax rate of the districts to be
consolidated, and no consolidated ambulance district shall be permitted to impose any
sales tax greater than the lowest of any existing sales tax rate of the districts to be
consolidated.

12. Upon written certification by the board of directors of the consolidated
district to the prior district that the consolidated district has obtained the necessary
licenses and permits to operate an ambulance service and all directors of such
consolidated district have completed the training required by section 190.053, the
existing ambulance districts shall cease to exist and the consolidated district shall
assume all of the powers and duties exercised by those districts. All assets and
obligations of the existing ambulance districts shall become assets and obligations of the
consolidated district.

13. Subject to the limitations of subsection 10 of this section, any ambulance
district that has contracted for ambulance service with another ambulance district for
more than five consecutive years may submit a joint resolution executed by the boards
of both ambulance districts to the county clerk of the county in which the larger area of
the proposed consolidated district is located requesting consolidation of such districts by
consolidating the smaller districts into the larger district. Such resolution may be
accompanied by a consolidation plan as provided in this section. Upon the receipt of
such joint resolution, the county commission shall promptly order the smaller districts

149 consolidated into the larger district in accordance with the terms of the consolidation
150 plan without the necessity of notice or hearing.

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