

SECOND REGULAR SESSION

# HOUSE BILL NO. 2600

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FARNAN.

4533H.02I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 190.050, 190.051, 190.052, 190.070, and 190.090, RSMo, and to enact in lieu thereof five new sections relating to ambulance districts.

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

Section A. Sections 190.050, 190.051, 190.052, 190.070, and 190.090, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 190.050,  
3 190.051, 190.052, 190.070, 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~~  
3 ~~five thousand inhabitants located adjacent to a county of the first class having a charter form~~  
4 ~~of 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 election~~  
7 ~~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 directors elected from~~  
10 ~~districts one and four shall serve for a term of one year, the directors elected from districts~~  
11 ~~two and five shall serve for a term of two years, and the directors from districts three and six~~  
12 ~~shall serve for a term of three years; thereafter, the terms of all directors shall be three years.~~  
13 ~~All directors shall serve the term to which they were elected or appointed, and until their~~  
14 ~~successors are elected and qualified, except in cases of resignation or disqualification. The~~  
15 ~~county commission shall reapportion the ambulance districts within sixty days after the~~  
16 ~~population of the county is reported to the governor for each decennial census of the United~~

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

21       2. ~~In all counties of the second class having more than one hundred five thousand~~  
22 ~~inhabitants located adjacent to a county of the first class having a charter form of government~~  
23 ~~which has a population of over nine hundred thousand inhabitants,]~~ **shall order an election**  
24 **be held on the next regularly scheduled election date and** the voters shall vote for six  
25 directors elected at large from within the district for a term of three years. ~~[Those directors~~  
26 ~~holding office in any district in such a county on August 13, 1976, shall continue to hold~~  
27 ~~office until the expiration of their terms, and their successors shall be elected from the district~~  
28 ~~at large for a term of three years. In any district formed in such counties after August 13,~~  
29 ~~1976, the governing body of the county shall cause an election to be held in that district~~  
30 ~~within ninety days after the order establishing the ambulance district to elect ambulance~~  
31 ~~district directors.]~~ Each voter shall vote for six directors. The two candidates receiving the  
32 highest number of votes at such election shall be elected for a term of three years, the two  
33 candidates receiving the third and fourth highest number of votes shall be elected for a term of  
34 two years, the two candidates receiving the fifth and sixth highest number of votes shall be  
35 elected for a term of one year; thereafter, the term of all directors shall be three years. **A**  
36 **director holding office as of August 28, 2026, shall continue as an at-large director for**  
37 **the remainder of such director's existing term.**

38       ~~[3-]~~ 2. A candidate for director of the ambulance district shall, at the time of filing, be  
39 a citizen of the United States, ~~[a qualified voter of the election district as provided in~~  
40 ~~subsection 1 of this section,]~~ a resident of the district for two years next preceding the  
41 election, and shall be at least twenty-four years of age. In an established district which is  
42 located within the jurisdiction of more than one election authority, the candidate shall file his  
43 or her declaration of candidacy with the secretary of the board. In all other districts, a  
44 candidate shall file a declaration of candidacy with the county clerk of the county in which he  
45 or she resides. A candidate shall file a statement under oath that he or she possesses the  
46 required qualifications. No candidate's name shall be printed on any official ballot unless the  
47 candidate has filed a written declaration of candidacy pursuant to subsection 5 of section  
48 115.127. If the time between the county commission's call for a special election and the date  
49 of the election is not sufficient to allow compliance with subsection 5 of section 115.127, the  
50 county commission shall, at the time it calls the special election, set the closing date for filing  
51 declarations of candidacy.

52       **3. Any ambulance district may adopt and establish election subdistricts by**  
53 **ordinance, providing that each election subdistrict shall be composed of contiguous**

54 territory as compact and as nearly equal in population as may be, and that each board  
55 member shall be a resident of the election subdistrict that they represent at the time of  
56 their election and for the duration of their term. Such ordinance shall only be adopted,  
57 amended, or repealed by a two-thirds majority vote of the board of directors.

58 4. Notwithstanding any other provision of law to the contrary, if the number of  
59 candidates for the office of director is less than the number of directors to be elected, no  
60 election shall be held, and the candidates shall assume the responsibilities of their offices  
61 at the same time and in the same manner as if they were elected.

190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the  
2 contrary, upon a ~~[motion]~~ **resolution adopted** by the board of directors in districts where  
3 there are six-member boards, and upon approval by the voters in the district, the number of  
4 directors may be increased to seven ~~[with one board member running district wide,]~~ or  
5 decreased to five or three board members. **The resolution shall state the names of the**  
6 **existing directors who will fill the positions on the board if such measure is approved by**  
7 **the voters, as well as any vacancies to be filled by subsequent election, and shall state the**  
8 **dates on which those terms shall conclude.**

9 2. The ballot to be used for the approval of the voters to increase or decrease the  
10 number of members on the board of directors of the ambulance district shall be substantially  
11 in the following form:

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

15 ☐ YES ☐ NO

16 ~~[2-]~~ 3. If a majority of the voters voting on a proposition to increase the number of  
17 board members ~~[to seven]~~ vote in favor of the proposition, then at the next election of board  
18 members after the voters vote to increase the number of directors, the voters shall select ~~[one~~  
19 ~~person to serve in addition to the existing six directors as the member who shall run district~~  
20 ~~wide]~~ **additional persons to fill any such vacancies.**

21 ~~[3-]~~ 4. If a majority of the voters voting on a proposition to decrease the number of  
22 board members vote in favor of the proposition, then the ~~[county clerk shall redraw the~~  
23 ~~district into the resulting number of subdistricts with equal population bases and hold~~  
24 ~~elections by subdistricts pursuant to section 190.050]~~ **existing board members stated in the**  
25 **board resolution shall complete the terms specified therein.** Thereafter, members of the  
26 board shall be elected to serve terms of three years and until their successors are duly elected  
27 and qualified.

28 ~~[4- Members of the board of directors in office on the date of an election pursuant to~~  
29 ~~this section to increase or decrease the number of members of the board of directors shall~~

30 ~~serve the term to which they were elected or appointed and until their successors are elected~~  
31 ~~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~~  
9 ~~board of failure to agree in filling the vacancies]~~ **the written request of a majority of the**  
10 **remaining board members or the ambulance service administrator, as described in**  
11 **section 190.112,** shall within ~~[ten]~~ **thirty calendar** days fill them by appointment of qualified  
12 persons, as provided in section 190.050, and shall notify the persons in writing of their  
13 appointment. The persons appointed shall serve for the unexpired term.

190.070. 1. A petition for annexation of land to an ambulance district shall be signed  
2 by not less than ten percent or fifty voters, whichever is fewer, residing within the territory  
3 therein described proposed for annexation and shall be ~~[filed with the county clerk of the~~  
4 ~~county in which the district or the greater portion thereof is situated, and shall be addressed to~~  
5 ~~the commissioners of the county commission]~~ **presented to the board of directors of the**  
6 **ambulance district.** A hearing shall be held thereon as nearly as possible as in the case of a  
7 formation petition. If upon the hearing the ~~[commissioners of the county commission find]~~  
8 **board of directors finds** that the petition is in compliance with the provisions of sections  
9 190.005 to 190.085, they shall order the question to be submitted to the voters within the  
10 territory and within the district.

11 2. The question shall be submitted in substantially the following form **to all of the**  
12 **voters in the existing ambulance district and the area proposed to be annexed:**

13 Shall \_\_\_\_\_ (description of territory) be annexed to the \_\_\_\_\_ ambulance district,  
14 **and a tax imposed within such annexed area equal to the existing rate of the \_\_\_\_\_**  
15 **ambulance district?**

16 3. If a majority of the votes cast on the question ~~[in the district and in the territory~~  
17 ~~described in the petition, respectively,]~~ are in favor of the annexation, the ~~[commissioners of~~  
18 ~~the county commission shall by order declare]~~ **board of directors shall enact an ordinance**  
19 **incorporating** the territory annexed and shall describe the altered boundaries of the district.  
20 **A copy of the same shall be filed with the county clerk.**

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 of the proposed consolidated district, a legal description of the boundaries of such 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 and financial assets currently held by the district, all outstanding bonds or debts of each of said districts, and the current tax levies imposed by each of said districts;

(3) The name of the district which 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 fiscal year shall assume such responsibility;

(4) The proposed number of board members and specific 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

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

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

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

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

51           ~~Shall the existing \_\_\_\_\_ ambulance districts be consolidated into one ambulance~~  
52 ~~district?~~

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

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

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

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

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

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

81 NOTICE OF THE FILING OF A PETITION/RESOLUTION FOR  
82 CONSOLIDATION OF THE \_\_\_\_\_ AMBULANCE DISTRICTS

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

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

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

99 8. If no objections are filed with the county clerk within thirty days after the  
100 public hearing, then within forty-five days following the date of the public hearing, the  
101 county commission shall order the districts consolidated pursuant to the terms of the  
102 consolidation plan and shall further appoint as directors those individuals identified in  
103 the consolidation plan. The county commission shall further set a date, time, and  
104 location for the first meeting of the 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 said  
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. The question shall be  
110 submitted in substantially the following form:

111 Shall the existing \_\_\_\_\_ ambulance districts be consolidated into one  
112 ambulance district to be known as the \_\_\_\_\_ Ambulance District,

with such consolidated district authorized to levy a property tax not to exceed the annual rate of \_\_\_\_\_ cents on the hundred dollars assessed valuation or a sales tax in an amount not to exceed \_\_\_\_\_ percent, or a combination of both?

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 pursuant to 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 up to the highest tax levy of the consolidating districts, provided such tax levy is specifically set forth in the ballot language submitted to and approved by the voters of the consolidating district.

11. Without a vote of the residents of the consolidated district as provided in 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, nor shall the consolidated ambulance district 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. 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 said districts by consolidating the smaller districts into the larger district. Such resolution shall be accompanied by a consolidation plan as



149 provided in this section. Upon the receipt of such joint resolution, the county  
150 commission shall promptly order the smaller districts consolidated into the larger  
151 district pursuant to the terms of the consolidation plan without the necessity of  
152 providing notice or public hearing.

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