

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2600

103RD GENERAL ASSEMBLY

4533H.03P

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 six 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2 repealed and six new sections enacted in lieu thereof, to be known as sections 190.050,  
3 190.051, 190.052, 190.070, 190.089, 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  
5 divide the district into six election districts as equal in population as possible~~]~~ and **or**  
6 **provide for the election of six directors elected at large from within the district.**

7 **(1) If the county commission divides the district into election districts, the**  
8 **commission** shall by lot number the districts from one to six inclusive. The county  
9 commission shall cause an election to be held in the ambulance district **on the next regularly**  
10 **scheduled election date** ~~[within ninety days]~~ after the order establishing the ambulance  
11 district to elect ambulance district directors. Each voter shall vote for one director from the  
12 ambulance election district in which the voter resides. The directors elected from districts  
13 one and four shall serve for a term of one year, the directors elected from districts two and  
14 five shall serve for a term of two years, and the directors from districts three and six shall  
15 serve for a term of three years; thereafter, the terms of all directors shall be three years. All  
16 directors shall serve the term to which they were elected or appointed, and until their

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

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

42 ~~[3-]~~ **2.** A candidate for director of the ambulance district shall, at the time of filing, be  
43 a citizen of the United States, ~~[a qualified voter of the election district as provided in~~  
44 ~~subsection 1 of this section,]~~ a resident of the district for two years next preceding the  
45 election, and shall be at least twenty-four years of age. In an established district which is  
46 located within the jurisdiction of more than one election authority, the candidate shall file his  
47 or her declaration of candidacy with the secretary of the board. In all other districts, a  
48 candidate shall file a declaration of candidacy with the county clerk of the county in which he  
49 or she resides. A candidate shall file a statement under oath that he or she possesses the  
50 required qualifications. No candidate's name shall be printed on any official ballot unless the  
51 candidate has filed a written declaration of candidacy pursuant to subsection 5 of section  
52 115.127. If the time between the county commission's call for a special election and the date  
53 of the election is not sufficient to allow compliance with subsection 5 of section 115.127, the

54 county commission shall, at the time it calls the special election, set the closing date for filing  
55 declarations of candidacy.

56 **3. An ambulance district may, following a public hearing subject to the**  
57 **provisions of chapter 610, by an ordinance adopted by an affirmative vote of two-thirds**  
58 **of the members of the board of directors, abolish the boundaries of any existing election**  
59 **subdistricts if the board is unable to find a qualified candidate to fill the director**  
60 **position of each such subdistrict. Such ordinance may eliminate the subdistricts entirely**  
61 **and provide for the election of directors at large. A copy of the ordinance shall be filed**  
62 **with the county clerk. Upon the abolition of such election subdistricts, all current**  
63 **directors shall serve as directors at large for the remainder of their existing terms.**

64 **4. Any ambulance district may, by an ordinance adopted by an affirmative vote**  
65 **of two thirds of the members of the board of directors, establish election subdistricts.**  
66 **Each election subdistrict shall consist of contiguous territory and shall be as compact**  
67 **and nearly equal in population as practicable. The boundaries of such subdistricts shall**  
68 **be established by the county commission. Each board member shall be a resident of the**  
69 **election subdistrict that he or she represents at the time of election and shall remain a**  
70 **resident of such subdistrict for the duration of the member's term.**

71 **5. Notwithstanding any other provision of law to the contrary, if the number of**  
72 **candidates for the office of director is less than the number of directors to be elected, no**  
73 **election shall be held, and the candidates shall assume the responsibilities of their offices**  
74 **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 district  
23 into the resulting number of subdistricts with equal population bases and hold elections by  
24 subdistricts pursuant to section 190.050. Thereafter, members of the board shall be elected to  
25 serve terms of three years and until their successors are duly elected and qualified.

26           ~~[4. Members of the board of directors in office on the date of an election pursuant to~~  
27 ~~this section to increase or decrease the number of members of the board of directors shall~~  
28 ~~serve the term to which they were elected or appointed and until their successors are elected~~  
29 ~~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. A hearing shall be held thereon ~~[as nearly as~~  
6 ~~possible as in the case of a formation petition]~~ **within thirty days of the filing of such**  
7 **petition.** If upon the hearing the commissioners of the county commission find that the  
8 petition is in compliance with the provisions of sections 190.005 to 190.085, they shall order  
9 the question to be submitted to the voters within the territory and within the district.

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

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

15           3. If a majority of the votes cast on the question [~~in the district and in the territory~~  
16 ~~described in the petition, respectively,~~] are in favor of the annexation, the commissioners of  
17 the county commission shall, **within thirty days of the certification of the election results,**  
18 by order declare the territory annexed and shall describe the altered boundaries of the district.  
19 **A copy of the same shall be filed with the county clerk.**

**190.089. Upon voter approval of an ambulance district consolidation at an**  
2 **election, the department shall prioritize and expedite any activities necessary to**  
3 **facilitate the consolidation.**

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.

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

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

9           We, the undersigned voters of the \_\_\_\_\_ ambulance district do hereby petition that \_  
10 \_\_\_\_\_ existing ambulance districts be consolidated into one consolidated ambulance district  
11 **to be known as the \_\_\_\_\_ Ambulance District, subject to the attached consolidation**  
12 **plan.**

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

15           Be it resolved by the board of directors of the ambulance district that the \_\_\_\_\_  
16 ambulance districts be consolidated into one consolidated ambulance district **to be known as**  
17 **the \_\_\_\_\_ Ambulance District, subject to the attached consolidation plan.**

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

21           (1) **The name of the proposed consolidated district, a legal description of the**  
22 **boundaries of such consolidated district, and the proposed tax levy to be imposed by the**  
23 **consolidated district. In the event that the proposed plan is for the consolidation into an**

24 existing district, the consolidation plan shall clearly state that the existing district shall  
25 continue as the legal entity into which the other districts are consolidated;

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

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

35 (4) The proposed number of board members and specific individuals who will  
36 serve as the initial directors, provided that such directors shall be chosen from among  
37 the existing board members of the districts to be consolidated such that there is at least  
38 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 thirty 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 residing in the proposed consolidated**

98 district that is not less than five percent of the votes cast for governor  
99 in the district in the most recent gubernatorial election.

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

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

112 Shall the existing \_\_\_\_\_ ambulance districts be consolidated into one  
113 ambulance district to be known as the \_\_\_\_\_ Ambulance District,  
114 with such consolidated district authorized to levy a property tax not  
115 to exceed the annual rate of \_\_\_\_\_ cents on the hundred dollars  
116 assessed valuation or a sales tax in an amount not to exceed \_\_\_\_\_  
117 percent, or a combination of both?  
118

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

126 10. Notwithstanding any other provision of law to the contrary, the consolidated  
127 district may impose an initial tax levy up to the highest tax levy of the consolidating  
128 districts, provided such tax levy is specifically set forth in the ballot language submitted  
129 to and approved by the voters of the consolidating district.

130 11. Without a vote of the residents of the consolidated district as provided in this  
131 section, no consolidated ambulance district shall be permitted to impose a property tax  
132 greater than the lowest of any existing property tax rate of the districts to be  
133 consolidated, nor shall the consolidated ambulance district be permitted to impose any

134 sales tax greater than the lowest of any existing sales tax rate of the districts to be  
135 consolidated.

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

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