An Act

ENROLLED HOUSE
BILL NO. 1888

By: Richardson, Collins, Kiesel, Roan, Morgan, Cox, Auffet, Sherrer, Faught, Pittman and Dorman of the House

and

Sparks of the Senate

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220 and 1221, which relate to the Rural Ambulance Service Districts Act; modifying name of act; expanding scope of act; modifying definitions; specifying certain governing body in certain circumstance; requiring certain response; providing certain exception; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 2001, Section 1201, is amended to read as follows:

Section 1201. This act may be cited as the "~~Rural~~ Ambulance Service Districts Act".~~"~~

SECTION 2. AMENDATORY 19 O.S. 2001, Section 1202, is amended to read as follows:

Section 1202. As used in ~~this act~~ the Ambulance Service Districts Act unless the context clearly requires otherwise:

1. "District" means a public ambulance service district ~~created pursuant to this act~~ as licensed by the State Department of Health;

2. "Board" means the governing body of a district; and

3. ~~The terms~~ "~~board~~ Board of county commissioners" and "county clerk" shall mean, respectively, the board of county commissioners and county clerk of the county in which the greatest portion of the territory of any proposed district is located~~;~~

~~4. "Rural resident" means any natural person, including persons residing in a municipality of eight thousand five hundred (8,500) persons or less, residing in the rural area located within the boundaries of the district; and~~

~~5. "Rural area" means any area lying outside the corporate limits of any municipal corporation and includes any areas of open country, unincorporated communities and, with the consent of the governing body thereof by ordinance duly adopted, may include the area within the corporate limits of any municipality having a population of less than eight thousand five hundred (8,500) persons according to the latest Federal Decennial Census, when said municipality is one of the petitioners for creation of a district or for the annexation of additional area as provided by Section 13 of this act; provided, further, that when a district is totally within the municipal city limits of a city with eight thousand five hundred (8,500) population or less, the board of directors of the district shall be the governing body of the town. Provided, further, that when the city or town with a population of eight thousand five hundred (8,500) or less is a party to a district, at least one member of the board of directors shall be a resident of such participating city or town~~.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 1203, is amended to read as follows:

Section 1203. A. When a district is totally within the municipal city limits of a city, the board of directors of the district or their designee may be the governing body of the city or town.

B. Public ~~rural~~ ambulance service districts may be organized under ~~this act~~ the Ambulance Service Districts Act for the purpose of developing and providing adequate ~~rural~~ ambulance services to meet the needs of ~~rural~~ residents within the territory of the

district. The board of county commissioners of each county in this state shall have power and it shall be their duty, upon a proper petition being presented, to incorporate and order the creation of such district in the manner provided for in this act.

C. By April 1, 2011, each county of this state with a population of five hundred thousand (500,000) people or less according to the last Federal Decennial Census shall present to the State Department of Health an emergency medical services plan. The plan for each county shall be developed by the Emergency Response Systems Development Advisory Council of the State Department of Health and each county emergency services advisory board which shall be comprised of the county commissioners of each county or their designees. The plan shall:

1. Address funding issues;

2. Ensure countywide emergency medical services coverage; and

3. Address county boundaries to ensure 9-1-1 operators are able to provide quick response.

SECTION 4. AMENDATORY 19 O.S. 2001, Section 1204, is amended to read as follows:

Section 1204. A. ~~Any two (2) or more rural residents may file with the county clerk a~~ A petition ~~addressed to~~ signed by at least twenty-five percent (25%) of the registered voters in the most recent election may be filed with the county clerk, verified by the county election board and then presented to the board of county commissioners, praying for the incorporation of a district under the provisions of ~~this act~~ the Ambulance Service Districts Act. The petition shall give a legal description of the area which the petitioners propose to be incorporated into the proposed district and shall state:

1. That the ~~rural~~ residents within such territory are without adequate ambulance service to meet their needs;

2. That the installation, maintenance, and operation of an ambulance service is necessary to serve ~~rural~~ residents of the district; ~~and~~

3. That ~~such~~ service will be conducive to and will promote the public health, safety, and welfare; and

4. That existing services in the county shall not be adversely affected.

B. Attached to ~~said petitions~~ the petition shall be an accurate map or plat of the proposed area to be embraced within the district showing the location of ~~said~~ the area by reference to sections or portions thereof and the township and range wherein the same are located.

SECTION 5. AMENDATORY 19 O.S. 2001, Section 1205, is amended to read as follows:

Section 1205. A. Whenever a petition, as provided in ~~the preceding section~~ Section 1204 of this title, is filed with the county clerk, ~~he shall thereupon give notice to the county commissioners of the filing and pendency of said petition, whereupon~~ and then verified by the county election board, the county commissioners shall ~~forthwith~~ enter ~~their~~ an order setting a public hearing ~~upon said~~ on the petition for a day certain and directing the county clerk to give notice of ~~said~~ the hearing by legal publication for two (2) consecutive weeks in a newspaper published in each county containing any area embraced within the boundaries of the proposed district. Such newspapers shall have a general circulation in the county of publication. Provided, however, if there is a county in which there is no newspaper of general circulation published, notice of ~~such~~ the hearing shall be given by posting in five (5) public places within ~~said~~ the county, one of which shall be the county courthouse.

B. ~~Such notice~~ Notice shall contain: ~~a~~

1. A brief and concise statement describing the purpose of ~~such~~ the hearing~~, a~~;

2. A description of the area to be embraced within ~~said~~ the district; ~~a~~

3. A notice to all persons residing, and incorporated municipalities, within the proposed district that they may appear upon the date and at the time and place of ~~said~~ the hearing to show cause, if any ~~there be~~, why ~~said~~ the petition should not be granted; and ~~a~~

4. A notice to all ~~rural~~ residents of the proposed district that, if ~~said~~ the district shall be ordered created, immediately following the entry of the order creating ~~said~~ the district an organizational meeting to elect a board of directors and officers and to adopt bylaws will be held.

~~In addition, the~~ C. The county clerk shall, at least ten (10) days before the date fixed for ~~said~~ the hearing, give or send ~~by registered or certified mail~~ notice thereof to each of the petitioners.

SECTION 6. AMENDATORY 19 O.S. 2001, Section 1206, is amended to read as follows:

Section 1206. A. At the time and place set for the hearing and consideration of the petition, it shall be the duty of the board of county commissioners to determine:

1. Whether proper notice of the hearing has been given as required by Section ~~5~~ 1205 of this ~~act~~ title;

2. Whether the ~~rural~~ residents of the area described in the petition are without adequate ambulance service to meet their needs;

3. Whether the installation, maintenance and operation of such ambulance service is necessary to serve ~~rural~~ residents of the district;

4. Whether such ambulance service will be conducive to and will tend to promote the public health, safety and welfare; ~~and~~

5. The area which should be included in the district; and

6. Whether the new district area shall financially affect any existing service in the county adversely.

B. If, upon such consideration, it shall be found that such petition is in conformity with the requirements of ~~this act~~ the Ambulance Service Districts Act, and that such a district should be created the board of county commissioners shall thereupon immediately declare the area described in the petition or any part thereof to be incorporated as a district under the name of "~~Rural~~ Ambulance Service District No. _____, _____ County, Oklahoma", inserting number in order of incorporation and name of county, and thereupon the district shall be a body politic and

corporate and an agency and legally constituted authority of the State of Oklahoma for the public purposes set forth in ~~this act~~ the Ambulance Service Districts Act.

C. The board of county commissioners shall thereupon enter upon its records full minutes of such hearing, together with its order creating the ~~rural~~ district under ~~said~~ the corporate name for the purposes of ~~this act~~ the Ambulance Service Districts Act. Such districts shall not be political corporations or subdivisions of the state within the meaning of any constitutional debt limitations, nor shall ~~said~~ the districts have any power or authority to levy any taxes whatsoever or make any assessments on property, real or personal.

SECTION 7. AMENDATORY 19 O.S. 2001, Section 1207, is amended to read as follows:

Section 1207. A. Immediately following the incorporation of the districts by the board of county commissioners, there shall be a special meeting of the residents within any such district to select from their number a board of directors and to adopt bylaws for governing and administering the affairs of the district. The number of members of ~~said~~ the board, not to exceed nine (9), shall be determined by a majority vote of those residents present.

B. Those residents present at such special meeting may adopt and amend any of such proposed bylaws and may propose or adopt additional or other bylaws. Such bylaws may be amended at any annual or special meeting of the participating members of the district.

SECTION 8. AMENDATORY 19 O.S. 2001, Section 1208, is amended to read as follows:

Section 1208. The board shall be the governing body of the district and shall meet annually on a date prescribed by the bylaws and at such other times as may be determined by the board or upon call by the chairman or any two ~~(2)~~ members of the board. Vacancies on the board shall be filled for the unexpired term, and until such appointee's successor is elected and has qualified, by appointment by the remaining members of the board. The board shall adopt such rules and regulations in conformity with the provisions of ~~this act~~ the Ambulance Service Districts Act and the bylaws of the district as are deemed necessary for the conduct of the business of the district. It shall be the duty of the secretary to cause an entry

to be made upon its records showing all of its minutes, decisions, and orders made pursuant to the provisions of ~~this act~~ the Ambulance Service Districts Act.

SECTION 9. AMENDATORY 19 O.S. 2001, Section 1209, is amended to read as follows:

Section 1209. A. Every district incorporated hereunder shall have perpetual existence, subject to dissolution as provided by ~~this act~~ the Ambulance Service Districts Act, and shall have power:

1. To sue and be sued, complain and defend, in its corporate name;

2. To adopt a seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law;

3. To acquire by purchase, lease, gift, or in any other manner, and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein; and to construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, and mortgage buildings, equipment, apparatus, and facilities necessary to serve the residents of the district;

4. To borrow money and otherwise contract indebtedness for the purposes set forth in ~~this act~~ the Ambulance Service Districts Act, and, without limitation ~~of the generality of the foregoing~~, to borrow money and accept grants from the federal government or from any corporation or agency created or designated by the federal government and, in connection with such loan or grant, to enter into such agreements as the federal government or such corporation or agency may require; and to issue its notes or obligations therefor, and to secure the payment thereof by mortgage, pledge, or deed of trust on all or any property, assets, franchises, rights, privileges, licenses, rights-of-way, easements, or revenues of the ~~said~~ district;

5. To make bylaws for the management and regulation of its affairs;

6. To appoint officers and employees, to prescribe their duties, and to fix their compensation; and to employ such common and skilled labor and professional and other services as may be necessary to carry out the purpose of the district;

7. To sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the district;

8. To make any and all contracts necessary or convenient for the exercise of the powers of the district;

9. To do and perform all acts and things, and to have and exercise any and all powers as may be necessary, convenient, or appropriate to effectuate the purposes for which the district is created;

10. To enter into contracts with the federal government, or any agency thereof, or the State of Oklahoma, or any political subdivision or agency thereof, for the construction, operation, and maintenance of needs and demands of the district;

11. To enter into contracts jointly with any other district, municipality, city, or town, the State of Oklahoma, the federal government, or any other governmental agency, or any of them, for the purpose of purchasing, constructing, acquiring, and operating ambulance facilities or services; and

12. To determine and collect charges for services performed by the district.

B. The board of directors shall, on or before July 1 of each year, file with the county clerk of each county in which any part of ~~said~~ the district is located, an annual report for the preceding calendar year. Such report shall list all monies received and all monies disbursed during ~~said~~ the calendar year. ~~Said~~ The report shall also specify any and all indebtedness outstanding at the end of the calendar year.

SECTION 10. AMENDATORY 19 O.S. 2001, Section 1211, is amended to read as follows:

Section 1211. Area outside the boundaries of any district which can be served by the facilities of the district may be annexed to such district. ~~Any two (2) or more residents of such area shall file a~~ A petition for annexation signed by at least twenty-five percent (25%) of the registered voters in the most recent election may be filed with the county clerk ~~addressed to~~, verified by the county election board and then presented to the board of county

commissioners, which shall give the legal description of the area which the petitioners propose to be annexed to such district, and shall state:

1. The name of the district to which annexation is desired;

2. That such area is without an adequate system; and

3. That annexation to ~~said~~ the district will be conducive to and will promote the public health, safety, and welfare of ~~rural~~ residents in the area.

SECTION 11. AMENDATORY 19 O.S. 2001, Section 1212, is amended to read as follows:

Section 1212. Notice shall be given, as provided in Section ~~5~~ 1205 of this title, of the filing of a petition for annexation fixing the time and place of hearing.

SECTION 12. AMENDATORY 19 O.S. 2001, Section 1213, is amended to read as follows:

Section 1213. At the time and place set for the hearing and consideration of the petition, the board of county commissioners shall ascertain whether proper notice has been given and whether the statements contained in the petition are true. If true, and if a majority of the members of the board of the district to which annexation is desired do not object to such statement, the board of county commissioners shall enter into its minutes such findings and shall set forth in ~~said~~ the minutes a description of the new boundaries of such district. Thereafter, residents within the annexed territory shall be entitled to ambulance service.

SECTION 13. AMENDATORY 19 O.S. 2001, Section 1214, is amended to read as follows:

Section 1214. A. The term of office of every member elected to an original board shall be until the date of annual meeting of the residents of the district of either the first, second, or third year following the year of the incorporation of the district and until their successors are elected and have qualified, and as nearly as possible the terms of an equal number of directors on any such board shall expire on each of ~~said~~ the dates.

B. At each annual meeting after the year of the election of the original board members, elections shall be held to elect directors to fill any position on the board, the term of office of which has expired, and any director so elected shall hold office for a term of three (3) years and until ~~his~~ a successor is elected and has qualified. For the purpose of election of board members and for such other purposes as the bylaws may prescribe, annual meetings of residents shall be held by each district between January 1 and March 1 of each year following the year of incorporation of such district. The board of directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be given to each of its participating members. Each resident present shall be entitled to a single vote.

SECTION 14. AMENDATORY 19 O.S. 2001, Section 1215, is amended to read as follows:

Section 1215. The board of directors shall annually elect a chairman, vice-chairman, secretary, and treasurer for a term of one (1) year and until a successor is elected and has qualified.

SECTION 15. AMENDATORY 19 O.S. 2001, Section 1216, is amended to read as follows:

Section 1216. It shall be the duty of the chairman of the board of directors to keep in repair equipment, apparatus, and other property of the district and to operate the same as directed by ~~said~~ the board. The chairman and all persons who may perform any service or labor as provided herein shall be paid such just and reasonable compensation as may be allowed by the board of directors and ~~said~~ the board shall annually prepare an estimated budget for the coming year and submit such budget to the board of county commissioners for their approval. The board of directors shall cause an annual audit of the district's records and accounts to be made, and shall make a report on ~~said~~ the matters at each annual meeting.

SECTION 16. AMENDATORY 19 O.S. 2001, Section 1217, is amended to read as follows:

Section 1217. Whenever a petition signed by three-fourths (3/4) of the residents in any district organized under provisions of this act or a petition signed by all of the directors of such district is presented to the board of county commissioners and it shall appear from ~~said~~ the petition that: ~~that said~~

1. The district owns no property of any kind exclusive of records and files; ~~that all~~

2. All of its debts and obligations have been fully paid; ~~that the~~ and

3. The district is not functioning, and will probably continue to be inoperative because the board of directors is unable to obtain the necessary financing or for any other reason~~;~~,

the board of county commissioners shall, after such finding, issue a certificate stating the allegations in ~~said~~ the petition as true and declaring ~~said~~ the district dissolved, and shall make full minutes of such hearing in its journal and deliver ~~said~~ the certificate to the secretary of ~~said~~ the district. The secretary of ~~said~~ the district shall, within thirty (30) days thereafter, deliver all records and files to the county clerk, and thereupon ~~said~~ the district shall be dissolved.

SECTION 17. AMENDATORY 19 O.S. 2001, Section 1218, is amended to read as follows:

Section 1218. A. Whenever a district owning facilities and property desires to sell such facilities and property and ~~become dissolved~~ dissolve, the board of directors may adopt a resolution setting forth the proposed plan and, upon such plan being approved by three-fourths (3/4) of the residents of such district present at a meeting called for that purpose, such resolution and plan may be submitted to the board of county commissioners.

B. If approved by the commissioners, the commissioners shall thereupon authorize the board of directors to carry through ~~said~~ the plan of sale and shall further authorize the board of directors to wind up the affairs of the district, pay all debts and expenses, and distribute any excess funds to the members on an equal basis. Thereupon the district shall be dissolved as herein provided.

SECTION 18. AMENDATORY 19 O.S. 2001, Section 1219, is amended to read as follows:

Section 1219. A. If it becomes apparent that a certain area included within a district cannot be economically or adequately served by the services and facilities of the district, or no longer needs such services or facilities, the residents of such area may petition the county commissioners to release the area from the

district. The petition shall describe by section or fraction thereof and by township and range the area affected and be signed by all three-fourths (3/4) of the residents of such area and be endorsed by the board of directors of the district.

B. After a finding that the granting of the petition is to the best interests of the affected residents and the district, the board of county commissioners shall issue a certificate stating that the area involved is released and separated from the district. Full minutes of the hearing shall be entered in the journal of the board of county commissioners and the certificate shall be delivered to the secretary of the district who shall, within thirty (30) days, cause the records of the district to be amended to exclude the area affected.

SECTION 19. AMENDATORY 19 O.S. 2001, Section 1220, is amended to read as follows:

Section 1220. Districts formed hereunder shall be exempt from all excise taxes ~~of whatsoever kind or nature~~ and, further, shall be exempt from payment of assessments in any general or special taxing district levied upon the property of ~~said~~ the district, whether real, personal, or mixed. Any and all securities and evidences of indebtedness issued by a district created pursuant to ~~this act~~ the Ambulance Service Districts Act and the income interest and capital gains thereon shall not be subject to the income tax laws of this state and persons owning or holding ~~said~~ the securities and evidences of indebtedness or their heirs, devisees, successors, or assigns shall not be required to pay to the State of Oklahoma income tax upon the profits and capital gains upon ~~said~~ the securities and evidences of indebtedness.

SECTION 20. AMENDATORY 19 O.S. 2001, Section 1221, is amended to read as follows:

Section 1221. A. Two ~~(2)~~ or more districts organized under ~~this act~~ the Ambulance Service Districts Act may be consolidated into a single district by complying with the procedures prescribed in this section.

B. The proposal for consolidation shall be prepared in written form and shall set forth in detail the reasons for consolidation and the advantages which would accrue to each district from the proposal. The written proposal shall be considered and acted upon by the board of directors from each district affected at a duly

called meeting. If the board of directors of each district approves the proposal by resolution, the proposal shall then be submitted to a vote of the residents of each district present at a regular or special meeting. If the consolidation proposal is not approved by such residents of each district affected such districts may not be consolidated.

C. If the proposal is approved by such residents of each district, the boards of directors of the districts desiring to be consolidated shall join in filing a petition, addressed to the board of county commissioners having jurisdiction as provided by this section, for a hearing to consolidate such districts into a single district. ~~Said~~ The petition shall set forth the necessity for such consolidation of two ~~(2)~~ or more districts, and that the consolidation of ~~said~~ the districts shall be conducive to the public health, safety, and welfare, and the purposes for which the districts were organized. The consolidation proposal as approved by the residents and the boards of directors of each district shall be attached to the petition as exhibits.

D. If the districts seeking consolidation are situated in one county, the petition shall be filed with the county clerk of ~~said~~ the county, and the board of county commissioners of ~~said~~ the county shall have jurisdiction to hear and determine the petition.

E. If the districts seeking consolidation are situated in different counties the petition shall be filed with the county clerk of the county in which the greatest portion of the area of the proposed consolidated district is located, and the board to determine the question of consolidation shall consist of the board of county commissioners from each of the counties, and a majority of the combined boards shall be necessary to render a decision.

F. Upon receipt of ~~said~~ the petition, the county clerk shall thereupon give notice to the board or boards of county commissioners of the filing and pendency of ~~said~~ the petition, whereupon the county commissioners of the county wherein the petition is filed shall enter its order setting hearing, and giving notice of the hearing, all in accordance with the provisions of this act for the creation of districts in the first instance. After the hearing, should the board find that the averments of the petition are true and that ~~said~~ the districts, or any of them, should be consolidated, the board shall enter its order directing the consolidation of the districts. The order shall set forth the corporate name of the consolidated district under the name of "Consolidated ~~Rural~~

Ambulance Service District No. _____, _____ County(ies), Oklahoma". The order shall further provide that the consolidated district shall assume and become legally liable for all of the obligations of the districts consolidated into the single district.

G. Following the entry of ~~said~~ the order, an organizational meeting of the combined residents of each of the districts shall be held for the purpose of electing directors and officers and adopting bylaws. This organizational meeting shall be held in accordance with the provisions pertaining to the creation and organization of districts.

H. From any order of the board, an appeal may be taken in the manner as provided for appeals from decision of the board of county commissioners. All legal proceedings already instituted by or against any district involved in a consolidation proceeding may be revived and continued by or against the consolidated district by an order of the court substituting the name of such consolidated district.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2504.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is a required duty to act within the licensed area upon the acceptance of an ambulance service license. All licensed ambulance services shall respond appropriately, consistent with the level of licensure, when called for emergency service regardless of the patient's ability to pay.

B. If the ambulance service cannot physically respond within the limits of the Ambulance Service Districts Act, then the ambulance service called shall immediately call for mutual aid from a neighboring licensed ambulance service. Nonemergency, interfacility transfers are exempt from the requirements of this subsection.

SECTION 22. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 19th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 24th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 25th

day of May, **20** 10,

at 1:38 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 6th **day of**

June, **20** 10, **at** 4:20 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** June, **20** 10,

at 2:14 **o'clock** P **M.**

By: