

SECOND REGULAR SESSION

HOUSE BILL NO. 2667

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHUMAKE.

6728H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.535 and 190.060, RSMo, and to enact in lieu thereof two new sections relating to ambulance districts.

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

Section A. Sections 43.535 and 190.060, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 43.535 and 190.060, to read as follows:

43.535. 1. [Law enforcement agencies within the state of Missouri may perform a Missouri criminal record review for only open records through the MULES system for the purpose of hiring of municipal or county governmental employees. For each request, other than those related to the administration of criminal justice, the requesting entity shall pay a fee to the central repository, pursuant to section 43.530. For purposes of this section, "requesting entity" shall not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel.

2.] Municipalities and counties may, by local or county ordinance, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by local or county officials. A copy of the ordinance must be forwarded for approval to the Missouri state highway patrol prior to the submission of fingerprints to the central repository. The local or county law enforcement agency shall submit a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the central repository for the purpose of checking the person's criminal history. The set of fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner

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.

18 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section
19 610.120, all records related to any criminal history information discovered shall be accessible
20 and available to the municipal or county officials making the record request.

21 [3.] 2. All criminal record check information shall be confidential and any person who
22 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

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

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

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

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

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

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

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

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

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

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

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions
46 of section 70.615, for the volunteer members of any organized ambulance district and such other
47 benefits for their spouses and eligible unemancipated children, either through a contributory or
48 noncontributory plan, or both. For purposes of this section, "eligible unemancipated child"
49 means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled
50 with the insured, who is less than twenty-three years of age, who is not married, not employed
51 on a full-time basis, not maintaining a separate residence except for full-time students in an
52 accredited school or institution of higher learning, and who is dependent on parents or guardians
53 for at least fifty percent of his or her support. The type and amount of such benefits shall be
54 determined by the board of directors of the ambulance district within available revenues of the
55 district, including the pension program of the district. The provision and receipt of such benefits
56 shall not make the recipient an employee of the district. Directors who are also volunteer
57 members may receive such benefits while serving as a director of the district.

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

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

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

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

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

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

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

77 6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this
78 section and after a sixty-day period, the ambulance district may enter into the proposed contract,
79 however said contract shall not be implemented for at least thirty days.

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

84 7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding
85 basic life support ambulances shall require such ambulances to be equipped with an automated
86 external defibrillator and be staffed by at least one individual trained in the use of an automated
87 external defibrillator.

88 **8. The ambulance district may adopt procedures for conducting fingerprint**
89 **background checks on current and prospective employees and volunteers. The ambulance**
90 **district may submit applicant fingerprints to the Missouri state highway patrol, Missouri**
91 **criminal records repository, for the purpose of checking the person's criminal history. The**
92 **fingerprints shall be used to search the Missouri criminal records repository and shall be**
93 **submitted to the Federal Bureau of Investigation to be used for searching the federal**
94 **criminal history files. The fingerprints shall be submitted on forms and in the manner**
95 **prescribed by the Missouri state highway patrol. Fees shall be as set forth in section**
96 **43.530.**

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