

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3133

By: Cockroft

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5
6 AS INTRODUCED

7 An Act relating to ambulance service districts;
8 amending 19 O.S. 2011, Sections 1202, 1203, 1204,
9 1205, 1206, 1207, 1209 and 1210, which relate to the
10 Ambulance Service Districts Act; adding definitions;
11 authorizing formation of certain ambulance districts
12 by agreement of two or more political entities;
13 updating statutory language; reducing required
14 signatures for certain petition; providing
15 alternative procedures for creation of certain
16 ambulance districts; requiring certain notice and
17 hearings; modifying duties of board of county
18 commissioners when considering certain agreement;
19 specifying certain board of directors be
20 representative of the district; modifying powers of
21 district; providing for funding of certain ambulance
22 districts; authorizing pass-through billing process
23 for certain public utilities to fund ambulance
24 service; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 1202, is
amended to read as follows:

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

1. "District" means a public ambulance service district as
licensed by the State Department of Health;

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

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

6 4. "Political entities" means county, municipality or tribal
7 government ambulance service districts as authorized by Section 9C
8 of Article 10 of the Oklahoma Constitution, hospital district or
9 authority or existing ambulance service districts formed under the
10 provisions of the Ambulance Service Districts Act; and

11 5. "Agreement" means an agreement between two or more political
12 entities for the purpose of creating an ambulance service district
13 in accordance with the provisions of the Ambulance Service Districts
14 Act.

15 SECTION 2. AMENDATORY 19 O.S. 2011, Section 1203, is
16 amended to read as follows:

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

21 B. Public ambulance service districts may be organized under
22 the Ambulance Service Districts Act for the purpose of developing
23 and providing adequate ambulance services to meet the needs of
24 residents within the territory of the district. The board of county

1 commissioners of each county in this state shall have power and it
2 shall be their duty, upon a proper petition or agreement by two or
3 more political entities being presented, to incorporate and order
4 the creation of such district in the manner provided for in ~~this act~~
5 the Ambulance Service Districts Act.

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

- 16 1. Address funding issues;
- 17 2. Ensure countywide emergency medical services coverage; and
- 18 3. Address county boundaries to ensure 9-1-1 operators are able
19 to provide quick response.

20 SECTION 3. AMENDATORY 19 O.S. 2011, Section 1204, is
21 amended to read as follows:

22 Section 1204. A. A petition signed by at least ~~twenty-five~~
23 ~~percent (25%)~~ ten percent (10%) of the registered voters in the most
24 recent election may be filed with the county clerk, verified by the

1 county election board or an agreement between two or more political
2 entities and filed with the county clerk and then presented to the
3 board of county commissioners, praying for the incorporation of a
4 district under the provisions of the Ambulance Service Districts
5 Act. The petition shall give a legal description of the area which
6 the petitioners propose to be incorporated into the proposed
7 district and shall state:

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

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

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

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

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

21 SECTION 4. AMENDATORY 19 O.S. 2011, Section 1205, is
22 amended to read as follows:

23 Section 1205. A. Whenever a petition, as provided in Section
24 1204 of this title, or an agreement is filed with the county clerk,

1 and then, in the case of a petition, verified by the county election
2 board, the county commissioners shall enter an order setting a
3 public hearing on the petition or agreement for a day certain and
4 directing the county clerk to give notice of the hearing by legal
5 publication for two (2) consecutive weeks in a newspaper published
6 in each county containing any area embraced within the boundaries of
7 the proposed district. Such newspapers shall have a general
8 circulation in the county of publication. Provided, however, if
9 there is a county in which there is no newspaper of general
10 circulation published, notice of the hearing shall be given by
11 posting in five (5) public places within the county, one of which
12 shall be the county courthouse.

13 B. Notice shall contain:

14 1. A brief and concise statement describing the purpose of the
15 hearing;

16 2. A description of the area to be embraced within the
17 district;

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

22 4. A notice to all residents of the proposed district that, if
23 the district shall be ordered created, immediately following the
24 entry of the order creating the district an organizational meeting

1 to elect a board of directors and officers and to adopt bylaws will
2 be held.

3 C. The county clerk shall, at least ten (10) days before the
4 date fixed for the hearing, give or send notice thereof to each of
5 the petitioners.

6 SECTION 5. AMENDATORY 19 O.S. 2011, Section 1206, is
7 amended to read as follows:

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

11 1. Whether proper notice of the hearing has been given as
12 required by Section 1205 of this title;

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

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

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

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

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

22 B. If, upon such consideration, it shall be found that such
23 petition is in conformity with the requirements of the Ambulance
24 Service Districts Act, and that such a district should be created

1 the board of county commissioners shall thereupon immediately
2 declare the area described in the petition or any part thereof to be
3 incorporated as a district under the name of "Ambulance Service
4 District No. _____, _____ County, Oklahoma", inserting
5 number in order of incorporation and name of county, and thereupon
6 the district shall be a body politic and corporate and an agency and
7 legally constituted authority of the State of Oklahoma for the
8 public purposes set forth in the Ambulance Service Districts Act.

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

17 SECTION 6. AMENDATORY 19 O.S. 2011, Section 1207, is
18 amended to read as follows:

19 Section 1207. A. Immediately following the incorporation of
20 the districts by the board of county commissioners, there shall be a
21 special meeting of the residents within any such district to select
22 from their number a board of directors representative of the
23 district and to adopt bylaws for governing and administering the
24 affairs of the district. The number of members of the board, not to

1 exceed nine (9), shall be determined by a majority vote of those
2 residents present.

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

8 SECTION 7. AMENDATORY 19 O.S. 2011, Section 1209, is
9 amended to read as follows:

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

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

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

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

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1 4. To borrow money and otherwise contract indebtedness for the
2 purposes set forth in the Ambulance Service Districts Act, and,
3 without limitation, to borrow money and accept grants from the
4 federal government, a tribal government or from any corporation or
5 agency created or designated by the federal government or a tribal
6 government and, in connection with such loan or grant, to enter into
7 such agreements as the federal government or such corporation or
8 agency may require; and to issue its notes or obligations therefor,
9 and to secure the payment thereof by mortgage, pledge, or deed of
10 trust on all or any property, assets, franchises, rights,
11 privileges, licenses, rights-of-way, easements, or revenues of the
12 district;

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

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

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

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

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

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

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

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

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

23 SECTION 8. AMENDATORY 19 O.S. 2011, Section 1210, is
24 amended to read as follows:

1 Section 1210. A. Each county in which any of the area of a
2 district is located shall pay its ~~proportionate~~ share of the cost of
3 the district, ~~based on the ratio which that part of the population~~
4 ~~of such district residing in the county bears to the total~~
5 ~~population of the district.~~ Such cost shall be paid from the county
6 treasury, but shall not exceed the equivalent of one (1) mill on
7 each dollar of valuation in the district. The county shall have the
8 power and authority to raise revenue in any manner allowed by
9 federal and state law including billing for charges for county-owned
10 ambulance services, sales of ambulance subscriptions, ad valorem
11 taxes from an existing ambulance district authorized by Section 9C
12 of Article X of the Oklahoma Constitution, or assessments on gross
13 proceeds or gross receipts derived from all sales or services which
14 are not tax exempt in the county to cover the cost of the district.

15 B. Any incorporated town or city that is a party to the
16 district shall pay a ~~proportionate~~ share of the cost of the
17 district, ~~based on the ratio which that part of the population of~~
18 ~~such district residing in the town or city, bears to the total~~
19 ~~population of the district.~~ Any incorporated town or city shall
20 have the power and authority to raise revenue in any manner allowed
21 by federal and state law including billing for charges for city- or
22 town- owned ambulance services, sales of ambulance subscriptions, ad
23 valorem taxes from an existing ambulance district authorized by
24 Section 9C of Article X of the Oklahoma Constitution, or assessments

1 on gross proceeds or gross receipts derived from all sales or
2 services which are not tax exempt in the county to cover the cost of
3 the district.

4 C. Such cost shall include so much of the following as is not
5 paid from revenues of the district:

6 1. All operating and maintenance expenses necessary or
7 desirable for the prudent conduct of affairs of the district and the
8 principal of and interest on the obligations issued or assumed by
9 the district in the performance of the purposes for which it was
10 organized; and

11 2. Adequate reserves for the retirement of indebtedness,
12 maintenance and other purposes necessary and expedient to meeting
13 all obligations of the district.

14 D. Any revenue received by the district shall be devoted,
15 first, to the payment of operating and maintenance expenses and the
16 principal and interest on outstanding obligations and, thereafter,
17 to such reserves for improvements, retirement of indebtedness, new
18 construction, depreciation and contingencies as the board of
19 directors may from time to time prescribe.

20 E. If an ambulance district created as herein provided utilizes
21 a voluntary or subscription service, as provided in subsection A or
22 B of this section, connected to the billing of any public service
23 utility regulated by the Oklahoma Corporation Commission, such
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1 public utility may recover the cost of collecting such pass-through
2 fee as determined appropriate by the Corporation Commission.

3 F. Any utility company, whether public or private, shall not be
4 liable for any civil action incurred by the ambulance district.

5 G. Any private utility operating within the ambulance district
6 or territory shall have the option of collecting a pass-through fee
7 to protect the health and safety of the people in its service area.

8 SECTION 9. This act shall become effective November 1, 2016.

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