

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1888 \_\_\_\_\_  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_

Amendment submitted by: Mike Reynolds \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1888

By: Richardson, Collins and  
Kiesel

6  
7 FLOOR SUBSTITUTE

8  
9 An Act relating to counties and county officers;  
10 amending 19 O.S. 2001, Sections 1201, 1202, 1203,  
11 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212,  
12 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220 and  
13 1221, which relate to the Rural Ambulance Service  
14 Districts Act; modifying name of act; expanding scope  
15 of act; modifying definitions; specifying certain  
16 governing body in certain circumstance; providing for  
17 certain plan; specifying content of plan; relieving  
18 certain duty upon noncompliance; removing certain  
19 geographic limitation; modifying certain required  
20 content of petition; deleting certain limitation of  
21 certain payment; authorizing a county or incorporated  
22 town or city to raise revenue and levy certain  
23 assessments on gross proceeds or gross receipts from  
24 sales or services to cover certain costs; providing  
for certain duty to act; requiring certain response;  
providing certain exception; providing certain  
exemption; amending 68 O.S. 2001, Section 1370, as  
last amended by Section 4, Chapter 136, O.S.L. 2007  
(68 O.S. Supp. 2008, Section 1370), which relates to  
county sales tax; exempting emergency medical  
services from certain limitation; requiring approval  
by voters at the next general election; providing for  
codification; and providing an effective date.

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

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

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

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

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

9 1. "District" means a public ambulance service district created  
10 pursuant to ~~this act~~ the Ambulance Service Districts Act;

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

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

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

20 5. ~~"Rural area" means any area lying outside the corporate~~  
21 ~~limits of any municipal corporation and includes any areas of open~~  
22 ~~country, unincorporated communities and, with the consent of the~~  
23 ~~governing body thereof by ordinance duly adopted, may include the~~  
24 ~~area within the corporate limits of any municipality having a~~

1 ~~population of less than eight thousand five hundred (8,500) persons~~  
2 ~~according to the latest Federal Decennial Census, when said~~  
3 ~~municipality is one of the petitioners for creation of a district or~~  
4 ~~for the annexation of additional area as provided by Section 13 of~~  
5 ~~this act; provided, further, that when a district is totally within~~  
6 ~~the municipal city limits of a city with eight thousand five hundred~~  
7 ~~(8,500) population or less, the board of directors of the district~~  
8 ~~shall be the governing body of the town. Provided, further, that~~  
9 ~~when the city or town with a population of eight thousand five~~  
10 ~~hundred (8,500) or less is a party to a district, at least one~~  
11 ~~member of the board of directors shall be a resident of such~~  
12 ~~participating city or town.~~

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

15 Section 1203. A. When a district is totally within the  
16 municipal city limits of a city, the board of directors of the  
17 district shall be the governing body of the city or town.

18 B. Public ~~rural~~ ambulance service districts may be organized  
19 under ~~this act~~ the Ambulance Service Districts Act for the purpose  
20 of developing and providing adequate ~~rural~~ ambulance services to  
21 meet the needs of ~~rural~~ residents within the territory of the  
22 district. The board of county commissioners of each county in this  
23 state shall have power and it shall be their duty, upon a proper  
24

1 petition being presented, to incorporate and order the creation of  
2 such district in the manner provided for in this act.

3 C. 1. By November 1, 2010, each county of this state shall  
4 present to the Legislature and Governor an emergency medical  
5 services coverage plan. The plan shall:

6 a. address funding issues and any gaps in emergency  
7 medical service coverage,

8 b. address county boundaries to ensure 9-1-1 operators  
9 are able to provide quick response, and

10 c. have been presented to county citizens for public  
11 comment.

12 2. If a county does not provide a plan in accordance with this  
13 section, then a licensed ambulance service shall no longer have a  
14 duty to act as required by Section 22 of this act.

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

17 Section 1204. A. Any two ~~(2)~~ or more ~~rural~~ residents may file  
18 with the county clerk a petition addressed to the board of county  
19 commissioners praying for the incorporation of a district under the  
20 provisions of ~~this act~~ the Ambulance Service Districts Act. The  
21 petition shall give a legal description of the area which the  
22 petitioners propose to be incorporated into the proposed district  
23 and shall state:

24

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

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

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

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

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

15 Section 1205. A. Whenever a petition, as provided in ~~the~~  
16 ~~preceding section~~ Section 1204 of this title, is filed with the  
17 county clerk, ~~he~~ the clerk shall thereupon give notice to the county  
18 commissioners of the filing and pendency of ~~said~~ the petition,  
19 whereupon the county commissioners shall ~~forthwith~~ enter their an  
20 order setting a public hearing ~~upon said~~ on the petition for a day  
21 certain and directing the county clerk to give notice of ~~said~~ the  
22 hearing by legal publication for two (2) consecutive weeks in a  
23 newspaper published in each county containing any area embraced  
24 within the boundaries of the proposed district. Such newspapers

1 shall have a general circulation in the county of publication.  
2 Provided, however, if there is a county in which there is no  
3 newspaper of general circulation published, notice of ~~such~~ the  
4 hearing shall be given by posting in five (5) public places within  
5 ~~said~~ the county, one of which shall be the county courthouse.

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

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

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

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

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

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

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

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

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

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

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

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

15 5. The area which should be included in the district.

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

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

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

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

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

22 B. Those residents present at such special meeting may adopt  
23 and amend any of such proposed bylaws and may propose or adopt  
24 additional or other bylaws. Such bylaws may be amended at any

1 annual or special meeting of the participating members of the  
2 district.

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

5 Section 1208. The board shall be the governing body of the  
6 district and shall meet annually on a date prescribed by the bylaws  
7 and at such other times as may be determined by the board or upon  
8 call by the chairman or any two ~~(2)~~ members of the board. Vacancies  
9 on the board shall be filled for the unexpired term, and until such  
10 appointee's successor is elected and has qualified, by appointment  
11 by the remaining members of the board. The board shall adopt such  
12 rules and regulations in conformity with the provisions of ~~this act~~  
13 the Ambulance Service Districts Act and the bylaws of the district  
14 as are deemed necessary for the conduct of the business of the  
15 district. It shall be the duty of the secretary to cause an entry  
16 to be made upon its records showing all of its minutes, decisions,  
17 and orders made pursuant to the provisions of ~~this act~~ the Ambulance  
18 Service Districts Act.

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

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

24

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

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

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

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

24

- 1           5. To make bylaws for the management and regulation of its  
2 affairs;
- 3           6. To appoint officers and employees, to prescribe their  
4 duties, and to fix their compensation; and to employ such common and  
5 skilled labor and professional and other services as may be  
6 necessary to carry out the purpose of the district;
- 7           7. To sell or otherwise dispose of any property of any kind,  
8 real, personal, or mixed, or any interest therein, which shall not  
9 be necessary to the carrying on of the business of the district;
- 10          8. To make any and all contracts necessary or convenient for  
11 the exercise of the powers of the district;
- 12          9. To do and perform all acts and things, and to have and  
13 exercise any and all powers as may be necessary, convenient, or  
14 appropriate to effectuate the purposes for which the district is  
15 created;
- 16          10. To enter into contracts with the federal government, or any  
17 agency thereof, or the State of Oklahoma, or any political  
18 subdivision or agency thereof, for the construction, operation, and  
19 maintenance of needs and demands of the district;
- 20          11. To enter into contracts jointly with any other district,  
21 municipality, city, or town, the State of Oklahoma, the federal  
22 government, or any other governmental agency, or any of them, for  
23 the purpose of purchasing, constructing, acquiring, and operating  
24 ambulance facilities or services;

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

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

10 SECTION 10. AMENDATORY 19 O.S. 2001, Section 1210, is  
11 amended to read as follows:

12 Section 1210. A. Each county in which any of the area of a  
13 district is located shall pay its proportionate share of the cost of  
14 the district, based on the ratio which that part of the population  
15 of such district residing in the county bears to the total  
16 population of the district. Such cost shall be paid from the county  
17 treasury, ~~but shall not exceed the equivalent of one (1) mill on~~  
18 ~~each dollar of valuation in the district.~~ The county shall have the  
19 power or authority to raise revenue in any manner allowed by federal  
20 and state law including a levy of taxes, fees, or assessments on  
21 gross proceeds or gross receipts derived from all sales or services  
22 in the county to cover the cost of the district. The county shall  
23 not be subject to the two-percent-limitation set by Section 1370 of  
24 Title 68 of the Oklahoma Statutes for any consumer sales tax levied

1 for the purpose of funding emergency medical services pursuant to  
2 the Ambulance Service Districts Act.

3 B. Any incorporated town or city that is a party to the  
4 district shall pay a proportionate share of the cost of the  
5 district<sub>7</sub>. The share shall be based on the ratio which that part of  
6 the population of such district residing in the town or city<sub>7</sub> bears  
7 to the total population of the district. Any incorporated town or  
8 city shall have the power or authority to raise revenue in any  
9 manner allowed under federal and state law including a levy of  
10 taxes, fees, or assessments on gross proceeds or gross receipts  
11 derived from all sales or services in the town or city to cover the  
12 cost of the district.

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

15 1. All operating and maintenance expenses necessary or  
16 desirable for the prudent conduct of affairs of the district and the  
17 principal of and interest on the obligations issued or assumed by  
18 the district in the performance of the purposes for which it was  
19 organized; and

20 2. Adequate reserves for the retirement of indebtedness,  
21 maintenance, and other purposes necessary and expedient to meeting  
22 all obligations of the district.

23 D. Any revenue received by the district shall be devoted,  
24 first, to the payment of operating and maintenance expenses and the

1 principal and interest on outstanding obligations and, thereafter,  
2 to such reserves for improvements, retirement of indebtedness, new  
3 construction, depreciation, and contingencies as the board of  
4 directors may from time to time prescribe.

5 SECTION 11. AMENDATORY 19 O.S. 2001, Section 1211, is  
6 amended to read as follows:

7 Section 1211. Area outside the boundaries of any district which  
8 can be served by the facilities of the district may be annexed to  
9 such district. Any two ~~(2)~~ or more residents of such area shall  
10 file a petition for annexation with the county clerk addressed to  
11 the board of county commissioners, which shall give the legal  
12 description of the area which the petitioners propose to be annexed  
13 to such district, and shall state:

- 14 1. The name of the district to which annexation is desired;
- 15 2. That such area is without an adequate system; and
- 16 3. That annexation to ~~said~~ the district will be conducive to  
17 and will promote the public health, safety, and welfare of ~~rural~~  
18 residents in the area.

19 SECTION 12. AMENDATORY 19 O.S. 2001, Section 1212, is  
20 amended to read as follows:

21 Section 1212. Notice shall be given, as provided in Section 5  
22 1205 of this title, of the filing of a petition for annexation  
23 fixing the time and place of hearing.

24

1 SECTION 13. AMENDATORY 19 O.S. 2001, Section 1213, is  
2 amended to read as follows:

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

13 SECTION 14. AMENDATORY 19 O.S. 2001, Section 1214, is  
14 amended to read as follows:

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

22 B. At each annual meeting after the year of the election of the  
23 original board members, elections shall be held to elect directors  
24 to fill any position on the board, the term of office of which has

1 expired, and any director so elected shall hold office for a term of  
2 three (3) years and until ~~his~~ a successor is elected and has  
3 qualified. For the purpose of election of board members and for  
4 such other purposes as the bylaws may prescribe, annual meetings of  
5 residents shall be held by each district between January 1 and March  
6 1 of each year following the year of incorporation of such district.  
7 The board of directors shall cause notice of the time and place of  
8 each annual meeting and the purpose thereof to be given to each of  
9 its participating members. Each resident present shall be entitled  
10 to a single vote.

11 SECTION 15. AMENDATORY 19 O.S. 2001, Section 1215, is  
12 amended to read as follows:

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

16 SECTION 16. AMENDATORY 19 O.S. 2001, Section 1216, is  
17 amended to read as follows:

18 Section 1216. It shall be the duty of the chairman of the board  
19 of directors to keep in repair equipment, apparatus, and other  
20 property of the district and to operate the same as directed by ~~said~~  
21 the board. The chairman and all persons who may perform any service  
22 or labor as provided herein shall be paid such just and reasonable  
23 compensation as may be allowed by the board of directors and ~~said~~  
24 the board shall annually prepare an estimated budget for the coming

1 year and submit such budget to the board of county commissioners for  
2 their approval. The board of directors shall cause an annual audit  
3 of the district's records and accounts to be made, and shall make a  
4 report on ~~said~~ the matters at each annual meeting.

5 SECTION 17. AMENDATORY 19 O.S. 2001, Section 1217, is  
6 amended to read as follows:

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

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

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

16 3. The district is not functioning, and will probably continue  
17 to be inoperative because the board of directors is unable to obtain  
18 the necessary financing or for any other reason<sup>r,</sup>  
19 the board of county commissioners shall, after such finding, issue a  
20 certificate stating the allegations in ~~said~~ the petition as true and  
21 declaring ~~said~~ the district dissolved, and shall make full minutes  
22 of such hearing in its journal and deliver ~~said~~ the certificate to  
23 the secretary of ~~said~~ the district. The secretary of ~~said~~ the  
24 district shall, within thirty (30) days thereafter, deliver all

1 records and files to the county clerk, and thereupon ~~said~~ the  
2 district shall be dissolved.

3 SECTION 18. AMENDATORY 19 O.S. 2001, Section 1218, is  
4 amended to read as follows:

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

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

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

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

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

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

14 SECTION 20. AMENDATORY 19 O.S. 2001, Section 1220, is  
15 amended to read as follows:

16 Section 1220. Districts formed hereunder shall be exempt from  
17 all excise taxes ~~of whatsoever kind or nature~~ and, further, shall be  
18 exempt from payment of assessments in any general or special taxing  
19 district levied upon the property of ~~said~~ the district, whether  
20 real, personal, or mixed. Any and all securities and evidences of  
21 indebtedness issued by a district created pursuant to ~~this act~~ the  
22 Ambulance Service Districts Act and the income interest and capital  
23 gains thereon shall not be subject to the income tax laws of this  
24 state and persons owning or holding ~~said~~ the securities and

1 evidences of indebtedness or their heirs, devisees, successors, or  
2 assigns shall not be required to pay to the State of Oklahoma income  
3 tax upon the profits and capital gains upon ~~said~~ the securities and  
4 evidences of indebtedness.

5 SECTION 21. AMENDATORY 19 O.S. 2001, Section 1221, is  
6 amended to read as follows:

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

11 B. The proposal for consolidation shall be prepared in written  
12 form and shall set forth in detail the reasons for consolidation and  
13 the advantages which would accrue to each district from the  
14 proposal. The written proposal shall be considered and acted upon  
15 by the board of directors from each district affected at a duly  
16 called meeting. If the board of directors of each district approves  
17 the proposal by resolution, the proposal shall then be submitted to  
18 a vote of the residents of each district present at a regular or  
19 special meeting. If the consolidation proposal is not approved by  
20 such residents of each district affected such districts may not be  
21 consolidated.

22 C. If the proposal is approved by such residents of each  
23 district, the boards of directors of the districts desiring to be  
24 consolidated shall join in filing a petition, addressed to the board

1 of county commissioners having jurisdiction as provided by this  
2 section, for a hearing to consolidate such districts into a single  
3 district. ~~Said~~ The petition shall set forth the necessity for such  
4 consolidation of two ~~(2)~~ or more districts, and that the  
5 consolidation of ~~said~~ the districts shall be conducive to the public  
6 health, safety, and welfare, and the purposes for which the  
7 districts were organized. The consolidation proposal as approved by  
8 the residents and the boards of directors of each district shall be  
9 attached to the petition as exhibits.

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

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

21 F. Upon receipt of ~~said~~ the petition, the county clerk shall  
22 thereupon give notice to the board or boards of county commissioners  
23 of the filing and pendency of ~~said~~ the petition, whereupon the  
24 county commissioners of the county wherein the petition is filed

1 shall enter its order setting hearing, and giving notice of the  
2 hearing, all in accordance with the provisions of this act for the  
3 creation of districts in the first instance. After the hearing,  
4 should the board find that the averments of the petition are true  
5 and that ~~said~~ the districts, or any of them, should be consolidated,  
6 the board shall enter its order directing the consolidation of the  
7 districts. The order shall set forth the corporate name of the  
8 consolidated district under the name of "Consolidated Rural  
9 Ambulance Service District No. \_\_\_\_\_, \_\_\_\_\_ County(ies),  
10 Oklahoma".<sup>u</sup> The order shall further provide that the consolidated  
11 district shall assume and become legally liable for all of the  
12 obligations of the districts consolidated into the single district.

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

19 H. From any order of the board, an appeal may be taken in the  
20 manner as provided for appeals from decision of the board of county  
21 commissioners. All legal proceedings already instituted by or  
22 against any district involved in a consolidation proceeding may be  
23 revived and continued by or against the consolidated district by an  
24

1 order of the court substituting the name of such consolidated  
2 district.

3 SECTION 22. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-2504.1 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. There is a required duty to act upon the acceptance of an  
7 ambulance service license. All licensed ambulance services shall  
8 respond when called for an emergency within the primary service area  
9 of the ambulance, as defined by the description and map submitted  
10 with the most recent license application or renewal. The ambulance  
11 service shall respond regardless of the ability to pay of the  
12 patient.

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

19 SECTION 23. AMENDATORY 68 O.S. 2001, Section 1370, as  
20 last amended by Section 4, Chapter 136, O.S.L. 2007 (68 O.S. Supp.  
21 2008, Section 1370), is amended to read as follows:

22 Section 1370. A. Any county of this state may levy a sales tax  
23 of not to exceed two percent (2%) upon the gross proceeds or gross  
24 receipts derived from all sales or services in the county upon which

1 a consumer's sales tax is levied by this state, except as provided  
2 for in Section 1210 of Title 19 of the Oklahoma Statutes. Before a  
3 sales tax may be levied by the county, the imposition of the tax  
4 shall first be approved by a majority of the registered voters of  
5 the county voting thereon at ~~a special~~ the next general election  
6 ~~called by the board of county commissioners or by initiative~~  
7 ~~petition signed by not less than five percent (5%) of the registered~~  
8 ~~voters of the county who were registered at the time of the last~~  
9 ~~general election. However, if a majority of the registered voters~~  
10 ~~of a county voting fail to approve such a tax, the board of county~~  
11 ~~commissioners shall not call another special election for such~~  
12 ~~purpose for six (6) months.~~ Any sales tax approved by the  
13 registered voters of a county shall be applicable only when the  
14 point of sale is within the territorial limits of such county. Any  
15 sales tax levied or any change in the rate of a sales tax levied  
16 pursuant to the provisions of this section shall become effective on  
17 the first day of the calendar quarter following approval by the  
18 voters of the county unless another effective date, which shall also  
19 be on the first day of a calendar quarter, is specified in the  
20 ordinance or resolution levying the sales tax or changing the rate  
21 of sales tax.

22 B. The Oklahoma Tax Commission shall give notice to all vendors  
23 of a rate change at least sixty (60) days prior to the effective  
24 date of the rate change. Provided, for purchases from printed

1 catalogs wherein the purchaser computed the tax based upon local tax  
2 rates published in the catalog, the rate change shall not be  
3 effective until the first day of a calendar quarter after a minimum  
4 of one hundred twenty (120) days' notice to vendors. Failure to  
5 give notice as required by this section shall delay the effective  
6 date of the rate change to the first day of the next calendar  
7 quarter.

8 C. ~~Initiative petitions calling for a special election~~  
9 ~~concerning county sales tax proposals shall be in accordance with~~  
10 ~~Sections 2, 3, 3.1, 6, 18 and 24 of Title 34 of the Oklahoma~~  
11 ~~Statutes. Petitions shall be submitted to the office of county~~  
12 ~~clerk for approval as to form prior to circulation. Following~~  
13 ~~approval, the petitioner shall have ninety (90) days to secure the~~  
14 ~~required signatures. After securing the requisite number of~~  
15 ~~signatures, the petitioner shall submit the petition and signatures~~  
16 ~~to the county clerk. Following the verification of signatures, the~~  
17 ~~county clerk shall present the petition to the board of county~~  
18 ~~commissioners. The special election shall be held within sixty (60)~~  
19 ~~days of receiving the petition. The ballot title presented to the~~  
20 ~~voters at the special election shall be identical to the ballot as~~  
21 ~~presented in the initiative petition.~~

22 D. Subject to the provisions of Section 3 1357.10 of this act  
23 title, all items that are exempt from the state sales tax shall be  
24 exempt from any sales tax levied by a county.

1        ~~E-~~ D. Any sales tax which may be levied by a county shall be  
2 designated for a particular purpose. Such purposes may include, but  
3 are not limited to, projects owned by the state, any agency or  
4 instrumentality thereof, the county and/or any political subdivision  
5 located in whole or in part within such county, regional  
6 development, economic development, common education, emergency  
7 medical services, general operations, capital improvements, county  
8 roads, weather modification or any other purpose deemed, by a  
9 majority vote of the county commissioners or as stated by initiative  
10 petition, to be necessary to promote safety, security and the  
11 general well-being of the people. The county shall identify the  
12 purpose of the sales tax when it is presented to the voters pursuant  
13 to the provisions of subsection A of this section. Except as  
14 otherwise provided in this section, the proceeds of any sales tax  
15 levied by a county shall be deposited in the general revenue or  
16 sales tax revolving fund of the county and shall be used only for  
17 the purpose for which such sales tax was designated. If the  
18 proceeds of any sales tax levied by a county pursuant to this  
19 section are pledged for the purpose of retiring indebtedness  
20 incurred for the specific purpose for which the sales tax is  
21 imposed, the sales tax shall not be repealed until such time as the  
22 indebtedness is retired. However, in no event shall the life of the  
23 tax be extended beyond the duration approved by the voters of the  
24 county.

1       ~~F.~~ E. 1. Notwithstanding any other provisions of law, any  
2 county that has approved a sales tax for the construction, support  
3 or operation of a county hospital may continue to collect such tax  
4 if such hospital is subsequently sold. Such collection shall only  
5 continue if the county remains indebted for the past construction,  
6 support or operation of such hospital. The collection may continue  
7 only until the debt is repaid or for the stated term of the sales  
8 tax, whichever period is shorter.

9       2. If the construction, support or operation of a hospital is  
10 funded through the levy of a county sales tax pursuant to this  
11 section and such hospital is subsequently sold, the county levying  
12 the tax may dissolve the governing board of such hospital following  
13 the sale. Upon the sale of the hospital and dissolution of any  
14 governing board, the county is relieved of any future liability for  
15 the operation of such hospital.

16       ~~G.~~ F. Proceeds from any sales tax levied that is designated to  
17 be used solely by the sheriff for the operation of the office of  
18 sheriff shall be placed in the special revenue account of the  
19 sheriff.

20       ~~H.~~ G. The life of the tax could be limited or unlimited in  
21 duration. The county shall identify the duration of the tax when it  
22 is presented to the voters pursuant to the provisions of subsections  
23 A and C of this section.

24

1        ~~I.~~ H. There are hereby created one or more county sales tax  
2 revolving funds in each county which levies a sales tax under this  
3 section if any or all of the proceeds of such tax are not to be  
4 deposited in the general revenue fund of the county or comply with  
5 the provisions of subsection ~~G~~ F of this section. Each such  
6 revolving fund shall be designated for a particular purpose and  
7 shall consist of all monies generated by such sales tax which are  
8 designated for such purpose. Monies in such funds shall only be  
9 expended for the purposes specifically designated as required by  
10 this section. A county sales tax revolving fund shall be a  
11 continuing fund not subject to fiscal year limitations.

12        SECTION 24. This act shall become effective November 1, 2009.

13

14        52-1-7282            SAB            03/03/09

15

16

17

18

19

20

21

22

23

24