

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1888

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1888 - By: RICHARDSON,
COLLINS AND KIESEL of the House.

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 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; providing for certain plan; specifying content of plan; relieving certain duty upon noncompliance; removing certain geographic limitation; modifying certain required content of petition; deleting certain limitation of certain payment; authorizing a county or incorporated town or city to raise revenue and levy certain assessments on gross proceeds or gross receipts from 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; 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 amended to read
2 as follows:
3 Section 1201. This act may be cited as the "~~Rural~~ Ambulance Service Districts
4 Act"."

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

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

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

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

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

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

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

1 shall be the governing body of the town. Provided, further, that when the city or town
2 with a population of eight thousand five hundred (8,500) or less is a party to a district, at
3 least one member of the board of directors shall be a resident of such participating city or
4 town.

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

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

9 B. Public rural ambulance service districts may be organized under this act the
10 Ambulance Service Districts Act for the purpose of developing and providing adequate
11 rural ambulance services to meet the needs of rural residents within the territory of the
12 district. The board of county commissioners of each county in this state shall have power
13 and it shall be their duty, upon a proper petition being presented, to incorporate and
14 order the creation of such district in the manner provided for in this act.

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

- 17 a. address funding issues and any gaps in emergency medical service
- 18 coverage.
- 19 b. address county boundaries to ensure 9-1-1 operators are able to
- 20 provide quick response, and
- 21 c. have been presented to county citizens for public comment.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 1. Whether proper notice of the hearing has been given as required by Section ~~5~~
9 1205 of this ~~act~~ title;

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

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

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

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

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

22 _____, _____ County, Oklahoma", inserting number in order of incorporation

1 and name of county, and thereupon the district shall be a body politic and corporate and
2 an agency and legally constituted authority of the State of Oklahoma for the public
3 purposes set forth in ~~this act~~ the Ambulance Service Districts Act.

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

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

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

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

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

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

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

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

- 19 1. To sue and be sued, complain and defend, in its corporate name;
- 20 2. To adopt a seal which may be altered at pleasure, and to use it, or a facsimile
21 thereof, as required by law;

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

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

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

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

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

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

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

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

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

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

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

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

21 Section 1210. A. Each county in which any of the area of a district is located shall
22 pay its proportionate share of the cost of the district, based on the ratio which that part

1 of the population of such district residing in the county bears to the total population of
2 the district. Such cost shall be paid from the county treasury, ~~but shall not exceed the~~
3 ~~equivalent of one (1) mill on each dollar of valuation in the district.~~ The county shall
4 have the power or authority to raise revenue in any manner allowed by federal and state
5 law including a levy of taxes, fees, or assessments on gross proceeds or gross receipts
6 derived from all sales or services in the county to cover the cost of the district. The
7 county shall not be subject to the two-percent-limitation set by Section 1370 of Title 68 of
8 the Oklahoma Statutes for any consumer sales tax levied for the purpose of funding
9 emergency medical services pursuant to the Ambulance Service Districts Act.

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

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

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

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

3 D. Any revenue received by the district shall be devoted, first, to the payment of
4 operating and maintenance expenses and the principal and interest on outstanding
5 obligations and, thereafter, to such reserves for improvements, retirement of
6 indebtedness, new construction, depreciation, and contingencies as the board of directors
7 may from time to time prescribe.

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

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

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

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

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

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

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

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

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

18 B. At each annual meeting after the year of the election of the original board
19 members, elections shall be held to elect directors to fill any position on the board, the
20 term of office of which has expired, and any director so elected shall hold office for a term
21 of three (3) years and until ~~his~~ a successor is elected and has qualified. For the purpose
22 of election of board members and for such other purposes as the bylaws may prescribe,

1 annual meetings of residents shall be held by each district between January 1 and March
2 1 of each year following the year of incorporation of such district. The board of directors
3 shall cause notice of the time and place of each annual meeting and the purpose thereof
4 to be given to each of its participating members. Each resident present shall be entitled
5 to a single vote.

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

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

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

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

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

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

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

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

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

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

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

20 Section 1218. A. Whenever a district owning facilities and property desires to sell
21 such facilities and property and ~~become dissolved~~ dissolve, the board of directors may
22 adopt a resolution setting forth the proposed plan and, upon such plan being approved by

1 three-fourths (3/4) of the residents of such district present at a meeting called for that
2 purpose, such resolution and plan may be submitted to the board of county
3 commissioners.

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

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

11 Section 1219. A. If it becomes apparent that a certain area included within a
12 district cannot be economically or adequately served by the services and facilities of the
13 district, or no longer needs such services or facilities, the residents of such area may
14 petition the county commissioners to release the area from the district. The petition
15 shall describe by section or fraction thereof and by township and range the area affected
16 and be signed by all three-fourths (3/4) of the residents of such area and be endorsed by
17 the board of directors of the district.

18 B. After a finding that the granting of the petition is to the best interests of the
19 affected residents and the district, the board of county commissioners shall issue a
20 certificate stating that the area involved is released and separated from the district. Full
21 minutes of the hearing shall be entered in the journal of the board of county
22 commissioners and the certificate shall be delivered to the secretary of the district who

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1 shall, within thirty (30) days, cause the records of the district to be amended to exclude
2 the area affected.

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

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

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

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

20 B. The proposal for consolidation shall be prepared in written form and shall set
21 forth in detail the reasons for consolidation and the advantages which would accrue to
22 each district from the proposal. The written proposal shall be considered and acted upon

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

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

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

19 E. If the districts seeking consolidation are situated in different counties the
20 petition shall be filed with the county clerk of the county in which the greatest portion of
21 the area of the proposed consolidated district is located, and the board to determine the
22 question of consolidation shall consist of the board of county commissioners from each of

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1 the counties, and a majority of the combined boards shall be necessary to render a
2 decision.

3 F. Upon receipt of ~~said~~ the petition, the county clerk shall thereupon give notice to
4 the board or boards of county commissioners of the filing and pendency of ~~said~~ the
5 petition, whereupon the county commissioners of the county wherein the petition is filed
6 shall enter its order setting hearing, and giving notice of the hearing, all in accordance
7 with the provisions of this act for the creation of districts in the first instance. After the
8 hearing, should the board find that the averments of the petition are true and that ~~said~~
9 the districts, or any of them, should be consolidated, the board shall enter its order
10 directing the consolidation of the districts. The order shall set forth the corporate name
11 of the consolidated district under the name of "Consolidated ~~Rural~~ Ambulance Service
12 District No. _____, _____ County(ies), Oklahoma". The order shall further
13 provide that the consolidated district shall assume and become legally liable for all of the
14 obligations of the districts consolidated into the single district.

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

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

1 be revived and continued by or against the consolidated district by an order of the court
2 substituting the name of such consolidated district.

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

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

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

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

18 Section 1370. A. Any county of this state may levy a sales tax ~~of~~ not to exceed two
19 percent (2%) upon the gross proceeds or gross receipts derived from all sales or services
20 in the county upon which a consumer's sales tax is levied by this state, except as
21 provided for in Section 1210 of Title 19 of the Oklahoma Statutes. Before a sales tax may
22 be levied by the county, the imposition of the tax shall first be approved by a majority of

1 the registered voters of the county voting thereon at a special election called by the board
2 of county commissioners or by initiative petition signed by not less than five percent (5%)
3 of the registered voters of the county who were registered at the time of the last general
4 election. However, if a majority of the registered voters of a county voting fail to approve
5 such a tax, the board of county commissioners shall not call another special election for
6 such purpose for six (6) months. Any sales tax approved by the registered voters of a
7 county shall be applicable only when the point of sale is within the territorial limits of
8 such county. Any sales tax levied or any change in the rate of a sales tax levied pursuant
9 to the provisions of this section shall become effective on the first day of the calendar
10 quarter following approval by the voters of the county unless another effective date,
11 which shall also be on the first day of a calendar quarter, is specified in the ordinance or
12 resolution levying the sales tax or changing the rate of sales tax.

13 B. The Oklahoma Tax Commission shall give notice to all vendors of a rate change
14 at least sixty (60) days prior to the effective date of the rate change. Provided, for
15 purchases from printed catalogs wherein the purchaser computed the tax based upon
16 local tax rates published in the catalog, the rate change shall not be effective until the
17 first day of a calendar quarter after a minimum of one hundred twenty (120) days' notice
18 to vendors. Failure to give notice as required by this section shall delay the effective date
19 of the rate change to the first day of the next calendar quarter.

20 C. Initiative petitions calling for a special election concerning county sales tax
21 proposals shall be in accordance with Sections 2, 3, 3.1, 6, 18 and 24 of Title 34 of the
22 Oklahoma Statutes. Petitions shall be submitted to the office of county clerk for

1 approval as to form prior to circulation. Following approval, the petitioner shall have
2 ninety (90) days to secure the required signatures. After securing the requisite number
3 of signatures, the petitioner shall submit the petition and signatures to the county clerk.
4 Following the verification of signatures, the county clerk shall present the petition to the
5 board of county commissioners. The special election shall be held within sixty (60) days
6 of receiving the petition. The ballot title presented to the voters at the special election
7 shall be identical to the ballot as presented in the initiative petition.

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

10 E. Any sales tax which may be levied by a county shall be designated for a
11 particular purpose. Such purposes may include, but are not limited to, projects owned by
12 the state, any agency or instrumentality thereof, the county and/or any political
13 subdivision located in whole or in part within such county, regional development,
14 economic development, common education, emergency medical services, general
15 operations, capital improvements, county roads, weather modification or any other
16 purpose deemed, by a majority vote of the county commissioners or as stated by initiative
17 petition, to be necessary to promote safety, security and the general well-being of the
18 people. The county shall identify the purpose of the sales tax when it is presented to the
19 voters pursuant to the provisions of subsection A of this section. Except as otherwise
20 provided in this section, the proceeds of any sales tax levied by a county shall be
21 deposited in the general revenue or sales tax revolving fund of the county and shall be
22 used only for the purpose for which such sales tax was designated. If the proceeds of any

1 sales tax levied by a county pursuant to this section are pledged for the purpose of
2 retiring indebtedness incurred for the specific purpose for which the sales tax is imposed,
3 the sales tax shall not be repealed until such time as the indebtedness is retired.
4 However, in no event shall the life of the tax be extended beyond the duration approved
5 by the voters of the county.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-26-09 - DO
11 PASS, As Amended and Coauthored.