

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1586

By: Wyrick

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5
6 AS INTRODUCED

7 An Act relating to ambulance service districts;
8 amending 19 O.S. 2011, Sections 1201, 1202, 1203,
9 1204, 1205, 1206, 1207 and 1209, which relate to the
10 Ambulance Service Districts Act; declaring emergency
11 and ambulance service an essential public service;
12 providing short title; modifying definitions;
13 updating statutory language; authorizing formation of
14 certain ambulance districts by agreement of two or
15 more political entities; modifying percentage of
16 voters necessary to create certain district; stating
17 alternative procedures for creation of certain
18 ambulance districts; providing for funding of certain
19 ambulance districts; authorizing pass-through billing
20 process for certain public utilities to fund
21 ambulance service; requiring certain notice and
22 hearings; removing certain requirement protecting
23 existing ambulance service; providing for board of
24 directors; modifying powers of district; and amending
68 O.S. 2011, Section 1370, which relates to county
sales tax; authorizing counties to levy tax for
emergency medical services; providing for
codification; providing for noncodification; and
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Len Dalquest
2 and Frank Colburn Ambulance Service Districts Act".

3 SECTION 2. AMENDATORY 19 O.S. 2011, Section 1201, is
4 amended to read as follows:

5 Section 1201. A. This act may be cited as the "Ambulance
6 Service Districts Act".

7 B. For the purpose of protecting the health and safety of the
8 people of Oklahoma, emergency medical and ambulance service shall be
9 deemed an essential public service.

10 SECTION 3. AMENDATORY 19 O.S. 2011, Section 1202, is
11 amended to read as follows:

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

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

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

17 3. "Board of county commissioners" and "county clerk" shall
18 mean, respectively, the board of county commissioners and county
19 clerk of the county in which the greatest portion of the territory
20 of any proposed district is located;

21 4. "Political entities" means county, municipality, tribal
22 government, ambulance district as authorized by Section 9C of
23 Article 10 of the Oklahoma Constitution, or an existing ambulance

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1 district or hospital district/authority formed under the provisions
2 of this act, Section 1201 et seq. of this title; and

3 5. "Agreement" means an agreement between two or more political
4 entities for the purpose of creating an ambulance service district
5 in accordance with the provisions of this act.

6 SECTION 4. AMENDATORY 19 O.S. 2011, Section 1203, is
7 amended to read as follows:

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

12 B. Public ambulance service districts may be organized under
13 the Ambulance Service Districts Act for the purpose of developing
14 and providing adequate ambulance services to meet the needs of
15 residents within the territory of the district. The board of county
16 commissioners of each county in this state shall have power and it
17 shall be their duty, upon a proper petition, or agreement by two or
18 more political entities, being presented, to incorporate and order
19 the creation of such district in the manner provided for in this
20 act.

21 C. ~~By April 1, 2011, each~~ Each county of this state with a
22 population of five hundred thousand (500,000) people or less
23 according to the last Federal Decennial Census shall present to the
24 State Department of Health an emergency medical services plan. The

1 plan for each county shall be developed and maintained by the
2 ~~Emergency Response Systems Development Advisory Council~~ Trauma and
3 Emergency Response Advisory Council of the State Department of
4 Health and each county emergency services advisory board which shall
5 be comprised of the county commissioners of each county or their
6 designees. The plan shall:

- 7 1. Address funding issues;
- 8 2. Ensure countywide emergency medical services coverage; and
- 9 3. Address county boundaries to ensure 9-1-1 operators are able
10 to provide quick response.

11 SECTION 5. AMENDATORY 19 O.S. 2011, Section 1204, is
12 amended to read as follows:

13 Section 1204. A. A petition signed by at least ~~twenty-five~~
14 ~~percent (25%)~~ five percent (5%) of the registered voters in the most
15 recent election may be filed with the county clerk, verified by the
16 county election board or an agreement between two or more political
17 entities as provided by Section 6 of this act, and filed with the
18 county clerk and then presented to the board of county
19 commissioners, praying for the incorporation of a district under the
20 provisions of the Ambulance Service Districts Act. The petition or
21 agreement shall give a legal description of the area which the
22 petitioners propose to be incorporated into the proposed district
23 and shall state:

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1 1. That the 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 residents of the district;
5 and

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

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

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

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1204.1 of Title 19, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Alternatively to the petition process for creation of an
18 Ambulance Service District, as outlined in Section 1204 of this
19 title, two or more political entities, as defined in this act, shall
20 be authorized to create an agreement for the purpose of developing
21 and providing adequate ambulance services to meet the needs of
22 residents within the territory or district in accordance with the
23 provisions of this section.

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1 B. Upon creation and authorization of an agreement by the
2 governing bodies of any two or more political entities, a copy of
3 such agreement shall be filed with the county clerk of the county in
4 which the greatest portion of the territory of any proposed district
5 is located.

6 C. Upon creation of an agreement between two or more political
7 entities that makes effective use of available funding, each county
8 or municipality in which any of the area of a district or territory
9 is located may pay its agreed-upon share of the cost of the
10 district. The county or municipality shall have the power or
11 authority to raise revenue in any manner allowed by law, including
12 billing for charges for county or municipally-owned ambulance
13 services, sales of ambulance service subscriptions, voluntary
14 private service utility pass-through fee, ad valorem taxes from an
15 existing ambulance district otherwise authorized by law, or
16 assessments on gross proceeds or gross receipts derived from all
17 sales or services which are not tax exempt in the county or
18 municipality to cover the cost of the district.

19 D. The county shall not be subject to the two percent (2%)
20 limitation set by Section 1370 of Title 68 of the Oklahoma Statutes
21 for any consumer sales tax levied for the purpose of funding
22 emergency medical services pursuant to the Ambulance Service
23 Districts Act, Section 1201 et seq. of Title 19 of the Oklahoma
24 Statutes.

1 E. If an ambulance district created as herein provided utilizes
2 a voluntary pass-through fee or subscription service, as provided in
3 subsection C of this section, connected to the billing of any public
4 service utility regulated by the Corporation Commission, such public
5 utility may recover the cost of collecting such pass-through fee as
6 determined appropriate by the Corporation Commission.

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

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

12 H. With the exceptions of the alternative formation and options
13 for payments of district costs as outlined in this section, any
14 ambulance district so formed shall otherwise conform to the
15 provisions and requirements of the Ambulance Service District Act,
16 Section 1201 et seq. of Title 19 of the Oklahoma Statutes.

17 SECTION 7. AMENDATORY 19 O.S. 2011, Section 1205, is
18 amended to read as follows:

19 Section 1205. A. Whenever a petition, as provided in Section
20 1204 of this title, or an agreement as provided in Section 6 of this
21 act, is filed with the county clerk, and then, in the case of a
22 petition, verified by the county election board, the county
23 commissioners shall enter an order setting a public hearing on the
24 petition or agreement for a day certain and directing the county

1 clerk to give notice of the hearing by legal publication for two (2)
2 consecutive weeks in a newspaper published in each county containing
3 any area embraced within the boundaries of the proposed district.
4 Such newspapers shall have a general circulation in the county of
5 publication. Provided, however, if there is a county in which there
6 is no newspaper of general circulation published, notice of the
7 hearing shall be given by posting in five (5) public places within
8 the county, one of which shall be the county courthouse.

9 B. Notice shall contain:

10 1. A brief and concise statement describing the purpose of the
11 hearing;

12 2. A description of the area to be embraced within the
13 district;

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

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

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

4 SECTION 8. AMENDATORY 19 O.S. 2011, Section 1206, is
5 amended to read as follows:

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

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

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

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

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

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

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

20 B. If, upon such consideration, it shall be found that such
21 petition or agreement is in conformity with the requirements of the
22 Ambulance Service Districts Act, and that such a district should be
23 created the board of county commissioners shall thereupon
24 immediately declare the area described in the petition or any part

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

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

16 SECTION 9. AMENDATORY 19 O.S. 2011, Section 1207, is
17 amended to read as follows:

18 Section 1207. A. Immediately following the incorporation of
19 the districts by the board of county commissioners, there shall be a
20 special meeting of the residents within any such district to select
21 from their number a board of directors representative of the
22 district and to adopt bylaws for governing and administering the
23 affairs of the district. The number of members of the board, not to
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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 10. 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 or tribal government or from any corporation or
5 agency created or designated by the federal or a tribal government
6 and, in connection with such loan or grant, to enter into such
7 agreements as the federal government or such corporation or agency
8 may require; and to issue its notes or obligations therefor, and to
9 secure the payment thereof by mortgage, pledge, or deed of trust on
10 all or any property, assets, franchises, rights, privileges,
11 licenses, rights-of-way, easements, or revenues of the district;

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

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

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

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

23 9. To do and perform all acts and things, and to have and
24 exercise any and all powers as may be necessary, convenient, or

1 appropriate to effectuate the purposes for which the district is
2 created;

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

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

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

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

21 SECTION 11. AMENDATORY 68 O.S. 2011, Section 1370, is
22 amended to read as follows:

23 Section 1370. A. Any county of this state may levy a sales tax
24 ~~of~~ not to exceed two percent (2%) upon the gross proceeds or gross

1 receipts derived from all sales or services in the county upon which
2 a consumer's sales tax is levied by this state, except as provided
3 for in Section 6 of this act. Before a sales tax may be levied by
4 the county, the imposition of the tax shall first be approved by a
5 majority of the registered voters of the county voting thereon at a
6 special election called by the board of county commissioners or by
7 initiative petition signed by not less than five percent (5%) of the
8 registered voters of the county who were registered at the time of
9 the last general election. However, if a majority of the registered
10 voters of a county voting fail to approve such a tax, the board of
11 county commissioners shall not call another special election for
12 such 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 1357.10 of this title,
23 all items that are exempt from the state sales tax shall be exempt
24 from any sales tax levied by a county.

1 E. 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, including any authorized purpose
12 pursuant to the Oklahoma Community Economic Development Pooled
13 Finance Act. The county shall identify the purpose of the sales tax
14 when it is presented to the voters pursuant to the provisions of
15 subsection A of this section. Except as otherwise provided in this
16 section and except as required by the Oklahoma Community Economic
17 Development Pooled Finance Act, the proceeds of any sales tax levied
18 by a county shall be deposited in the general revenue or sales tax
19 revolving fund of the county and shall be used only for the purpose
20 for which such sales tax was designated. If the proceeds of any
21 sales tax levied by a county pursuant to this section are pledged
22 for the purpose of retiring indebtedness incurred for the specific
23 purpose for which the sales tax is imposed, the sales tax shall not
24 be repealed until such time as the indebtedness is retired.

1 However, in no event shall the life of the tax be extended beyond
2 the duration approved by the voters of the county.

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

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

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

22 H. The life of the tax could be limited or unlimited in
23 duration. The county shall identify the duration of the tax when it
24 is presented to the voters pursuant to the provisions of subsections

1 A and C of this section. The maximum duration of a levy imposed
2 pursuant to Section ~~14 of this act~~ 891.14 of Title 62 of the
3 Oklahoma Statutes shall be no longer than allowed pursuant to the
4 Oklahoma Community Economic Development Pooled Finance Act.

5 I. Except for the levies imposed pursuant to Section ~~14 of this~~
6 ~~act~~ 891.14 of Title 62 of the Oklahoma Statutes, there are hereby
7 created one or more county sales tax revolving funds in each county
8 which levies a sales tax under this section if any or all of the
9 proceeds of such tax are not to be deposited in the general revenue
10 fund of the county or comply with the provisions of subsection G of
11 this section. Each such revolving fund shall be designated for a
12 particular purpose and shall consist of all monies generated by such
13 sales tax which are designated for such purpose. Monies in such
14 funds shall only be expended for the purposes specifically
15 designated as required by this section. A county sales tax
16 revolving fund shall be a continuing fund not subject to fiscal year
17 limitations.

18 J. In the case of a levy submitted for voter approval pursuant
19 to Section ~~14 of this act~~ 891.14 of Title 62 of the Oklahoma
20 Statutes, taxes levied by a county shall not become valid until the
21 ordinance or resolution setting the rate of the levy shall have been
22 approved by a majority vote of the registered voters of each such
23 county voting on such question at a special election. Elections
24 conducted pursuant to questions submitted pursuant to Section ~~14 of~~

1 ~~this act~~ 891.14 of Title 62 of the Oklahoma Statutes shall be
2 conducted on the same date or in a sequence that provides that the
3 last vote required for approval by all participating counties or
4 municipalities occurs not later than thirty (30) days after the date
5 upon which the first vote occurs.

6 SECTION 12. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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