

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4474-03  
Bill No.: HCS for SB 978  
Subject: Ambulance Districts: Board Members, Recall Elections  
Type: Original  
Date: April 11, 2008

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Bill Summary: Allows members of an ambulance district board of directors to be subject to recall from office, allows a state officer or employee to hold office of director of a fire protection district, and allows fire protection district boards to delegate certain powers and responsibilities to the Fire Chief

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

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**FISCAL ANALYSIS**

ASSUMPTION

**Section 190.056 - Recall of an ambulance district board member:**

Officials of the **Office of Secretary of State - Elections Division** assume no fiscal impact to their office.

Officials of the **Platte County Board of Elections Commission** assume no fiscal impact to their board.

**Oversight** assumes this proposal could have fiscal impact to ambulance districts if one would have a board member recalled and an election were held to remove and if the member is removed to replace the member recalled. The amount of costs would be unknown and would depend upon the size of the district, how many other political subdivisions are holding an election at the same time and other variables.

**Oversight** will show fiscal impact to ambulance districts unknown costs for an election. Many districts may never have a recall election due to the narrow time frame within which a member could be recalled.

**Oversight** assumes the provisions of **Section 321.015**, which allows state officers and employees to hold the office of fire protection district director, would have no fiscal impact.

**Oversight** assumes the provisions of **Section 321.200**, which allows fire protection district boards to delegate certain powers and responsibilities to the Fire Chief, would have no fiscal impact. **Oversight** assumes the decision to delegate certain powers or responsibilities is a discretionary act.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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**AMBULANCE DISTRICTS**

<b>Cost</b> - To Ambulance Districts from the recall process of board members of ambulance districts.	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT TO LOCAL GOVERNMENT</b>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement answering the statement of the proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.

DESCRIPTION (continued)

The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.

If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.

Any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

SECTION 321.015

Under this act, a person holding state office or employment is not prohibited from holding the office of fire protection district director.

SECTION 321.200

This act authorizes fire protection district boards to delegate certain powers and responsibilities to the fire chief and to rescind that delegation upon a majority vote of the board. The powers and responsibilities that may be delegated include the power to enter into contracts, hire personnel, purchase, maintain, receive, and dispose of real and personal property, and manage, control, and supervise all the business and affairs of the district.

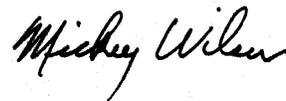
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State- Elections  
Platte County Board of Elections Commission

NOT RESPONDING

St. Louis City Board of Election  
Kansas City Board of Election  
Clay County Board of Election Commission  
St. Louis County Board of Election Commission  
Jackson County Board of Election Commission  
Butler County Clerk  
Callaway County Clerk  
Camden County Clerk  
Cape Girardeau County Clerk  
Carroll County Clerk  
Johnson County Clerk  
Laclede County Clerk  
Lincoln County Clerk  
Marion County Clerk  
Pemiscot County Clerk  
St. Charles County Ambulance District  
Taney County Ambulance District  
Valley Ambulance District



Mickey Wilson, CPA  
Director  
April 11, 2008