



OFFICES OF THE  
**ATTORNEY GENERAL OF MISSOURI**  
JEFFERSON CITY

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ATTORNEY GENERAL

November 21, 1974

OPINION LETTER NO. 279

Honorable Dan Bollow  
Prosecuting Attorney  
Shelby County  
308 East Walnut Street  
Shelbina, Missouri 63468

Dear Mr. Bollow:

You have requested our legal opinion on the question of whether Section 190.070, RSMo, permits an organized ambulance district to annex a portion of an adjoining organized ambulance district.

The Ambulance District Law, Sections 190.005-190.085 (L. Mo. 1971-1972, p. 231), provides for the formation of such districts out of contiguous territory in one or more counties, such territory having at least two thousand inhabitants and an assessed valuation of two million five hundred thousand dollars. The territory may include municipalities, but it may not include any part of an existing incorporated ambulance district, Section 190.010, RSMo. If upon referendum there is a simple majority vote in favor of the district, the county court must declare its organization, Section 190.045, RSMo. Ten percent of the persons or fifty percent of the voters residing within the territory not a part of the ambulance district may petition for inclusion within the district; and if upon referendum a simple majority of votes in the district and in the proposed added area approve the annexation, the county must declare the territory a part of the district and describe its altered boundaries, Section 190.070, RSMo. When an organized district does not operate an ambulance service and the voters therein have refused to authorize bonds at three elections, a referendum to dissolve the district must be conducted and the district dissolved upon majority vote to do so at such referendum, Section 190.085, RSMo.

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The statute providing for annexation of area to an organized ambulance district (Section 190.070, RSMo) does not expressly stipulate that the proposed added area must not lie within another organized ambulance district as do annexation provisions in other laws governing special purpose districts, e.g., street light maintenance districts, Section 235.210(2), RSMo (L. Mo. 1947, Vol. 1, p. 452); sewer districts, Section 249.132(1), RSMo (L. Mo. 1951, p. 627); fire protection districts, Section 321.300(2), RSMo (L. Mo. 1947, Vol. 1, p. 432).

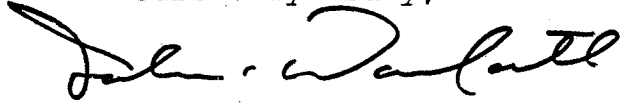
On the other hand, the ambulance district law contains no express authorization for an organized ambulance district to extend its boundaries so as to include territory situated in a different organized ambulance district. Neither does it contain any provision for detachment or exclusion of specific territory from an organized ambulance district as do other special purpose district laws, e.g., public water supply districts (area to be served by city water supply system), Section 247.170, RSMo (L. Mo. 1949, p. 255); fire protection districts, Section 321.310, RSMo (L. Mo. 1947, Vol. 1, p. 432); county library district (area to be served by school district's free public library), Section 182.130, RSMo (L. Mo. 1965, p. 312); street light maintenance districts, Section 235.220, RSMo (L. Mo. 1947, Vol. 1, p. 452).

In these circumstances, we cannot assume that the legislature intended that an ambulance district whose boundaries have been definitely described (Section 190.015) as an incident of its initial organization can thereafter surrender or lose a portion of its territory to an adjoining organized ambulance district. Since there is no provision for detachment and exclusion of area from an organized ambulance district, such an interpretation would produce the anomaly of the annexing ambulance district being permitted to do subsequently what in view of Section 190.010 it could not do initially (i.e., include within its boundaries area within an organized ambulance district). Furthermore, without detachment and exclusion provisions, annexation of territory from one ambulance district could result in the affected area receiving duplicative ambulance service (Section 190.060) and be subjected to a double tax (the fifteen cents ordinary levy of each district and any additional levy for bonded indebtedness approved by either district). Finally, if annexation of area from one ambulance district to another could be said to have necessarily caused a detachment and exclusion of the area from the losing ambulance district, thereby avoiding a duality of service and taxation in the area, there would exist the possible anomaly of the losing district having less than the minimum population or assessed property valuation than was required for its initial organization, Section 190.015, RSMo.

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We are accordingly of the opinion that an ambulance district, organized under the Ambulance District Law (Sections 190.005-190.085, RSMo), may not annex and add to its area any territory situated in an adjoining organized ambulance district.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH  
Attorney General