

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1186

Introduced by

Representatives Nehring, Fegley, Porter, Thomas

1 A BILL for an Act to create and enact sections 11-28.3-15 and 11-28.3-16 of the North Dakota
2 Century Code, relating to rural ambulance service districts; and to amend and reenact sections
3 11-28.3-01, 11-28.3-02, 11-28.3-03, 11-28.3-05, 11-28.3-06, 11-28.3-07, 11-28.3-09, 11-28.3-12,
4 11-28.3-13, 11-28.3-14, and 57-15-30.2 of the North Dakota Century Code, relating to rural
5 ambulance service districts.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 11-28.3-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-28.3-01. Territory to be organized - Petition.**

10 Whenever ~~twenty~~fifty qualified electors, or if there are fewer than ~~fifty~~qualified electors, fifty
11 percent of the qualified electors, ~~as determined by the vote cast in the last preceding~~
12 ~~gubernatorial election~~, residing in any rural territory, as defined by the state department of
13 health, equivalent in area to one township or more not presently served by an existing
14 ~~emergency medical~~ambulance service district, elect to form, organize, establish, equip, and
15 maintain a rural ambulance service district, ~~they~~the qualified electors shall signify their intention
16 by presenting to the county auditor of the county or counties in which the territory is situated a
17 petition setting forth the desires and purposes of the petitioners. The petition ~~shall~~must contain
18 the full names and post-office addresses of the petitioners, the suggested name of the
19 proposed district, the area in square miles [hectares] to be included therein, and a complete
20 description according to government survey, wherever possible, of the boundaries of the real
21 properties intended to be embraced in the proposed rural ambulance service district. A plat or
22 map showing the suggested boundaries of the proposed district ~~shall~~must accompany the
23 petition, and the petitioner also shall ~~also~~ deposit with the county auditor a sum sufficient to
24 defray the expense of publishing the notices required by sections 11-28.3-02 and 11-28.3-03.

1 Provided further that any city located within the area, whether such city has emergency medical
2 services or not, may be included in the rural ambulance district if twenty percent or more of the
3 qualified electors residing in the city sign the petition.

4 **SECTION 2. AMENDMENT.** Section 11-28.3-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-28.3-02. Election in affected counties.**

7 When a petition is filed in the office of the county auditor pursuant to section 11-28.3-01, the
8 county auditor shall determine and certify that the petition has been signed by at least
9 ~~twenty~~twenty-five qualified electors, or if there are fewer than ~~fifty~~ qualified electors residing in the
10 ~~territory, fifty~~ percent of the ~~qualified electors voting at the last general election for governor~~
11 ~~and eligible voters~~ residing within the boundaries of the proposed district. If the proposed district
12 is situated within two or more counties, the county auditor of the county wherein most of the
13 petitioners reside shall confer with the other affected county auditors for the purpose of
14 determining the adequacy of the petitions in all the counties affected.

15 If the county auditor or county auditors determine that the petitions submitted are adequate
16 according to the provisions of this chapter, the question of whether the rural ambulance service
17 district ~~shall~~is to be formed and organized ~~shall~~must be submitted to a vote of the qualified
18 electors residing in the proposed district at the next ensuing countywide special, primary, or
19 general election. The election provided for by this chapter ~~shall~~must be conducted in the same
20 manner as other county elections are conducted, except as otherwise provided by this chapter.

21 **SECTION 3. AMENDMENT.** Section 11-28.3-03 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **11-28.3-03. Notice of election.**

24 In addition to the usual requirements of notices of election, the notice for an election at
25 which the question provided for in this chapter will be voted upon ~~shall~~must include a statement
26 describing the boundaries of the proposed rural ambulance service district, expressed,
27 wherever possible, in terms of the government survey, a statement setting forth a
28 ~~specified~~maximum allowed mill levy for the proposed district, which levy ~~shall~~may not exceed
29 the limitation in section 11-28.3-09. The notice of election ~~shall~~ also must state the voting areas
30 in which the question provided by this chapter will be on the ballot.

1 **SECTION 4. AMENDMENT.** Section 11-28.3-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **11-28.3-05. Notice by county auditor of meeting to organize district.**

4 If a rural ambulance service district is approved as provided in this chapter, the county
5 auditor of the county in which the proposed district is located shall issue notice of a public
6 meeting to organize the rural ambulance service district. The notice ~~shall~~must be given by
7 publication once a week for two consecutive weeks, the last notice appearing seven days
8 before the date of the meeting in a newspaper of general circulation within the proposed district.
9 The notice ~~shall~~must be addressed to all qualified electors residing within the boundaries of the
10 district, ~~shall~~ describe the boundaries of the district, and ~~shall~~ state the date, time, and place of
11 the meeting. If the district is located within two or more counties, the county auditors of the
12 counties shall confer and set the date, time, and place of the meeting and shall cause the
13 publication of the meeting notice in each of said counties.

14 **SECTION 5. AMENDMENT.** Section 11-28.3-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **11-28.3-06. Organization - Board of directors.**

17 At the time and place fixed by the county auditor for the public meeting as provided in
18 section 11-28.3-05, the qualified electors present who reside within the boundaries of the district
19 shall proceed to organize the district. Permanent organization must be effected by the election
20 of a board of directors consisting of not less than five nor more than ten residents of the district.
21 The board of directors shall meet as soon after the organizational meeting as possible to elect a
22 president, a vice president, and a secretary-treasurer. All directors and officers must be elected
23 for two years and hold office until their successors have been elected and qualified, except that
24 at the first election the vice president must be elected as provided in this section for a one-year
25 term, and one-half, or as close to one-half as possible depending upon the total number of
26 directors, of the directors elected at the first election after July 1, 1977, must be selected by lot
27 in the presence of a majority of such directors to serve one-year terms. A district may specify in
28 its bylaws a specified number of directors within the limitations in this section, provided each
29 township or group of townships receives equal representation on the board with respect to the
30 regions. The bylaws also may allow for a combination of regional directors and at-large
31 directors. If a vacancy occurs in a board position due to a resignation, a special meeting must

1 be called and held within sixty days of the resignation for the purpose of electing a director to
2 serve the remainder of the term. All officers and directors shall serve without pay, except the
3 secretary-treasurer, who may be paid a salary determined by the board of directors.

4 **SECTION 6. AMENDMENT.** Section 11-28.3-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-28.3-07. Regular meeting to be held - Special meeting.**

7 ~~A regular~~An annual meeting of the electors who reside within the boundaries of a district
8 ~~shall~~must be held in the first quarter of each calendar year, ~~and special meetings may be called~~
9 ~~by the board of directors at any time.~~ The secretary-treasurer shall give notice of the annual
10 meeting by one publication in a legal newspaper of general circulation in each county in which
11 the district is situated. The meeting shall be held not less than seven nor more than fourteen
12 days after the date of publication of the notice. With proper notice as required under section
13 44-04-20, the board of directors may call special meetings as necessary.

14 **SECTION 7. AMENDMENT.** Section 11-28.3-09 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **11-28.3-09. Emergency medical service policy - Levy - Financial report.**

17 1. The board of directors shall establish a general emergency medical service policy for
18 the district and annually shall ~~annually~~ estimate the probable expense for carrying out
19 that policy. The estimate ~~shall~~must be certified by the president and secretary to the
20 proper county auditor or county auditors, on or before June thirtieth of each year. In
21 the year for which the levy is sought, a board of directors of a rural ambulance service
22 district seeking approval of a property tax levy under this chapter ~~must~~shall file with
23 the county auditor of the counties within the rural ambulance service district, at a time
24 and in a format prescribed by the county auditors, a financial report for the preceding
25 calendar year showing the ending balances of each fund held by the rural ambulance
26 service district during that year. The board or boards of county commissioners may
27 levy a tax not to exceed the mill rate approved by the electors of the district under
28 section 11-28.3-04, ~~and in no event exceeding.~~ If the board wishes to levy a tax in
29 excess of that approved by the electors, the board, upon its own motion, may place
30 the question of increasing the maximum allowable mill levy for the electors to approve
31 at a regular or special election. The amount levied under this section may not exceed

- 1 a mill rate of fifteen mills upon the taxable property within the district for the
2 maintenance of the rural ambulance service district for the fiscal year as provided by
3 law. A rural ambulance service district may be dissolved by approval of electors of the
4 district as provided in section 11-28.3-13.
- 5 2. The tax levied for a rural ambulance service district ~~shall~~must be:
- 6 a. Collected as other taxes are collected in the county.
- 7 b. Turned over to the secretary-treasurer of the rural ambulance service district,
8 who ~~shall~~must be bonded in the amount of at least five thousand dollars.
- 9 c. Deposited by the secretary-treasurer in a state or national bank in a district
10 account.
- 11 d. Paid out upon warrants drawn upon the district account by authority of the board
12 of directors of the district, bearing the signature of the secretary-treasurer and the
13 countersignature of the president.
- 14 3. ~~In no case shall the~~The amount of the tax levy may not exceed the amount of funds
15 required to defray the expenses of the district for a period of one year as embraced in
16 the annual estimate of expense, including the amount of principal and interest upon
17 the indebtedness of the district for the ensuing year. The district may include in its
18 operating budget no more than ten percent of its annual operating budget as a
19 depreciation expense to be set aside in a dedicated emergency medical services
20 sinking fund deposited with the treasurer for the replacement of equipment and
21 ambulances. The ten percent emergency medical services sinking fund may be in
22 addition to the actual annual operating budget, but the total of the annual operating
23 budget and the annual ten percent emergency medical services sinking fund shall not
24 exceed the amount of revenue that would be generated by application of the
25 maximum mill levy approved by the electors.

26 **SECTION 8. AMENDMENT.** Section 11-28.3-12 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **11-28.3-12. Rural ambulance service district may enter ~~into~~ contract.**

29 Any rural ambulance service district may enter ~~into~~ a contract with another rural ambulance
30 service district, or other emergency service operation, to consolidate or cooperate for mutual
31 ambulance services or emergency vehicle services, or may enter ~~into~~ a contract with any

1 federal, state, or local government agency for ambulance services or emergency vehicle
2 services, upon terms suitable to all concerned.

3 **SECTION 9. AMENDMENT.** Section 11-28.3-13 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **11-28.3-13. Boundaries of rural ambulance service district - Dissolution of the district.**

6 The boundaries of any rural ambulance service district organized under the provisions of
7 this chapter may be changed in the manner prescribed by sections ~~11-28.3-01 through~~
8 ~~11-28.3-06~~11-28.3-15 or 11-28.3-16, but a change in the boundary of a district does not impair
9 or affect its organization or its right in or to property; nor does it impair, affect, or discharge any
10 contract, obligation, lien, or charge for or upon which it might be liable had such change of
11 boundaries not been made. ~~When a boundary change is requested, the petition, notice of~~
12 ~~election, and ballot must all indicate that the purpose of the election is to alter the boundaries of~~
13 ~~an existing rural ambulance service district. The petition and notice of election must describe~~
14 ~~with particularity both the present and the proposed boundaries of the district.~~

15 Dissolution of a rural ambulance service district may be accomplished in the manner
16 prescribed by sections ~~11-28.3-01 through 11-28.3-04~~11-28.3-15 or 11-28.3-16. The petition and
17 notice of election must state that the purpose of the election is to dissolve the rural ambulance
18 service district and must describe its boundaries. The ballot to dissolve a rural ambulance
19 service district must be in substantially the following form:

20 Shall (name of taxing district or districts) cease to levy a tax for the purpose of maintaining a
21 rural ambulance service district, and shall such district be dissolved?

22 Yes

23 No

24 If a majority of all votes cast on the question are in favor of dissolution, ~~then~~ the district is
25 dissolved thirty days after the canvass of the votes. After all debts and obligations of the district
26 are paid, any remaining funds must be deposited in the general fund of the county in which the
27 district was contained. If the dissolved district was located in more than one county, ~~then~~ any
28 funds remaining after all debts and obligations are paid must be divided among those counties
29 in the same proportion as the geographical area of the district in each county bears to the total
30 geographical area of the dissolved district.

1 **SECTION 10. AMENDMENT.** Section 11-28.3-14 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **11-28.3-14. Payments by certain organizations.**

4 Any property tax-exempt club, lodge, chapter, charitable home, dormitory, state or county
5 fair association, or like organization located within a rural ambulance service district and outside
6 the boundaries of any city shall pay to the board of directors of the district annually for
7 emergency medical service an amount agreed upon, but not less than twenty-five percent of the
8 amount which would be levied against the property under the provisions of this chapter if the
9 property were subject to levy.

10 Funds derived from such payments ~~shall~~must be expended by the district for emergency
11 medical service supplies and equipment and the training of emergency medical service
12 personnel.

13 **SECTION 11.** Section 11-28.3-15 of the North Dakota Century Code is created and enacted
14 as follows:

15 **11-28.3-15. Territory to be annexed.**

- 16 1. Any territory adjacent to the boundary of an existing ambulance district may be
17 annexed to the district. If the territory to be annexed is served by the district under
18 section 57-40.6-10, the board, upon its own motion, may annex the territory, provided
19 a majority of qualified electors residing in the existing and proposed territory approve
20 of the annexation at a regular or special election.
- 21 2. If the area to be annexed is not serviced by the district under section 57-40.6-10, the
22 proceedings for the annexation may be initiated by a presentation to the county
23 auditor. If more than one county is in the proposed annexed territory, the auditor
24 servicing the larger portion shall coordinate with other county auditors to create a
25 petition stating the desires and purposes of the petitioners signed by fifty qualified
26 electors, or if there are not fifty qualified electors in the proposed territory, fifty percent
27 of qualified electors residing within the boundaries of the territory. The petition must
28 contain a description of the boundaries of the territory proposed to be annexed and
29 must be accompanied by a map or plat and a deposit for publication costs.
- 30 3. The county auditor shall determine and certify whether the petition complies with the
31 requirements of this section and ensure the qualified electors signing the petition

1 reside within the boundaries. The county auditor shall forward a completed petition,
2 map or plat, and certificate to the board of directors of the district the annexed property
3 is seeking to join.

4 4. Within thirty days after receiving the petition, map or plat, and certificate of the county
5 auditor, the board of directors shall send a written report approving or denying the
6 proposal to the county auditor.

7 5. If the report of the board of directors denies the proposal, the petition must be
8 rejected. If the report is favorable, the county auditor promptly shall designate a time
9 and place for an election upon the petition and shall give notice of the election in the
10 manner prescribed by section 11-28.3-03. At the election, any qualified elector residing
11 within the boundaries of the territory to be annexed may cast a vote. If the majority
12 cast a vote in favor of the question of annexation, the new territory must be annexed.

13 **SECTION 12.** Section 11-28.3-16 of the North Dakota Century Code is created and enacted
14 as follows:

15 **11-28.3-16. Withdrawal from ambulance service district - Restrictions.**

16 1. Any elector who resides in an area subject to a mill levy under section 11-28.3-09 and
17 wishes to withdraw from the ambulance service district may do so if the territory to be
18 withdrawn from the district:

19 a. Borders on the outer boundary of the district; and

20 b. Has a written agreement with an adjacent emergency medical services operation
21 licensed by the state department of health to provide coverage to the territory if
22 the territory is withdrawn successfully.

23 2. Notwithstanding section 57-40.6-10, the district is not obligated to maintain the
24 withdrawn district within the primary response area of the district.

25 3. The territory to be withdrawn from the district under this section remains subject to and
26 chargeable for the payment and discharge of the proportion of obligations outstanding
27 at the time of the filing of the petition for the withdrawal of the territory. The taxable
28 valuation of property in the territory to be withdrawn bears to the taxable valuation of
29 all property within the district before the withdrawal.

30 4. Mill levies imposed under section 11-28.3-09 remain in effect until the proportionate
31 share of outstanding obligations are paid.

- 1 5. The proceedings for withdrawal must be initiated by the filing of a petition with the
2 appropriate county auditor or signed by fifty electors, or if there are not fifty electors
3 residing in the area, fifty percent of the qualified electors in the territory sought to be
4 withdrawn and the petition must contain a description of the boundaries of the territory
5 sought to be withdrawn and a map or plat illustrating the area.
- 6 6. The county auditor shall determine whether the petition complies with the
7 requirements of subsection 5. If the petition is accepted, the county auditor promptly
8 shall designate a time and place for an election upon the petition and shall give notice
9 of the election in the manner prescribed by section 11-28.3-03. At the election, any
10 qualified elector residing within the boundaries of the territory to be withdrawn may
11 cast a vote. If the majority cast a vote in favor of the question of withdrawal, the
12 territory is considered withdrawn from the district.
- 13 7. The county auditor shall determine and certify the respective percentage proportions
14 of the taxable valuation of the territory petitioned to be withdrawn to the taxable
15 valuation of all property in the district before withdrawal to the board of directors of the
16 district withdrawn.
- 17 8. Within thirty days after receipt of the petition, verification, and computation of
18 respective percentage proportions, the board of directors of the district withdrawn shall
19 attach to the petition a statement of outstanding obligations of the district and shall
20 forward the petition to the appropriate board or boards of county commissioners.
- 21 9. The board or boards of county commissioners, at a regular meeting, shall compute the
22 indebtedness proportionately assignable to the territory sought to be withdrawn, and
23 shall describe, by written order, the boundaries of the territory withdrawn and the
24 indebtedness of the district assigned to the territory and subject to continued levy
25 under section 11-28.3-09. The order and computation must be filed in the office of the
26 county auditor.
- 27 10. The annual estimate required under section 11-28.3-09 must reflect the annual
28 expense of retiring principal and interest upon the proportionate share of district
29 indebtedness assigned to the withdrawn territory.

30 **SECTION 13. AMENDMENT.** Section 57-15-30.2 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-15-30.2. Financial reporting requirements for taxing entities.**

2 The governing body of any county, city, township, school district, park district, recreation
3 service district, rural fire protection district, rural ambulance service district, soil conservation
4 district, conservancy district, water authority, or any other taxing entity authorized to levy
5 property taxes or have property taxes levied on its behalf, in the year for which the levy will
6 apply, ~~must~~shall file with the county auditor of each county in which the taxing entity is located,
7 at a time and in a format prescribed by the county auditor, a financial report for the preceding
8 calendar year showing the ending balances of each fund or account held by the taxing entity
9 during that year.