

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1477

(Representatives Hatlestad, B. Anderson, Fegley, Heinert, Longmuir, M. Ruby)
(Senator Larson)

AN ACT to amend and reenact sections 11-28.3-01 and 11-28.3-09, subsections 1 and 2 of section 11-28.3-15, and subsection 2 of section 11-28.3-16 of the North Dakota Century Code, relating to rural ambulance service districts; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

Whenever fifty qualified electors, or if there are fewer than fifty qualified electors, fifty percent of the qualified electors residing in any rural territory, as defined by the department of health and human services, equivalent in area to one township or more not presently served by an existing ambulance service district, elect to form, organize, establish, equip, and maintain a rural ambulance service district, the qualified electors shall signify their intention by presenting to the county auditor of the county or counties in which the territory is situated a petition setting forth the desires and purposes of the petitioners. The petition must contain the full names and post-office addresses of the petitioners, the suggested name of the proposed district, the area in square miles [hectares] to be included therein, and a complete description according to government survey, wherever possible, of the boundaries of the real properties intended to be embraced in the proposed rural ambulance service district. A plat or map showing the suggested boundaries of the proposed district must accompany the petition, and the petitioner also shall deposit with the county auditor a sum sufficient to defray the expense of publishing the notices required by sections 11-28.3-02 and 11-28.3-03. ~~Provided further that any city located within the area, whether such city has emergency medical services or not, may be included in the rural ambulance district if twenty percent or more of the qualified electors residing in the city sign the petition.~~ An incorporated city lying within the boundaries of the proposed rural ambulance service district is subject to the petition requirements in this section.

SECTION 2. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The board of directors shall establish a general emergency medical service policy for the district and annually shall estimate the probable expense for carrying out that policy. The estimate must be certified by the president and secretary to the proper county auditor or county auditors, on or before ~~June thirtieth~~ August tenth of each year. In the year for which the levy is sought, a board of directors of a rural ambulance service district seeking approval of a property tax levy under this chapter shall file with the county auditor of the counties within the rural ambulance service district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the rural ambulance service district during that year. The board or boards of county commissioners may levy a tax not to exceed the mill rate approved by the electors of the district under section 11-28.3-04. If the board wishes to levy a tax in excess of that approved by the electors, the board, upon its own motion, may place the question of increasing the maximum allowable mill levy for the electors to approve at a regular or special election. The amount levied under this section may not exceed a mill rate of fifteen mills upon the taxable property within the district for the maintenance of the rural ambulance service district for the

fiscal year as provided by law. A rural ambulance service district may be dissolved by approval of electors of the district as provided in section 11-28.3-13.

2. The tax levied for a rural ambulance service district must be:
 - a. Collected as other taxes are collected in the county.
 - b. ~~Turned over to the secretary-treasurer of the rural ambulance service district, who must be bonded in the amount of at least five thousand dollars.~~
 - e. Deposited by the secretary-treasurer in a state or national bank in a district bank or credit union account.
 - ~~d.c.~~ Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.
3. The amount of the tax levy may not exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the amount of revenue that would be generated by application of the maximum mill levy approved by the electors.

SECTION 3. AMENDMENT. Subsection 1 of section 11-28.3-15 of the North Dakota Century Code is amended and reenacted as follows:

1. Any territory adjacent to the boundary of an existing ambulance district may be annexed to the district. If the territory to be annexed is ~~serviced by the district under section 57-40.6-10~~within the designated service area as established under subsection 1 of section 23-27-01, the board, upon its own motion, may annex the territory, ~~provided if~~ a majority of qualified electors residing in the existing and proposed territory approve of the annexation at a regular or special election.

SECTION 4. AMENDMENT. Subsection 2 of section 11-28.3-15 of the North Dakota Century Code is amended and reenacted as follows:

2. If the area to be annexed is not ~~serviced by the district under section 57-40.6-10~~within the designated service area as established under subsection 1 of section 23-27-01, the proceedings for the annexation may be initiated by a presentation to the county auditor. If more than one county is in the proposed annexed territory, the auditor serving the larger portion shall coordinate with other county auditors to create a petition stating the desires and purposes of the petitioners signed by fifty qualified electors, or if there are not fifty qualified electors in the proposed territory, fifty percent of qualified electors residing within the boundaries of the territory. The petition must contain a description of the boundaries of the territory proposed to be annexed and must be accompanied by a map or plat and a deposit for publication costs.

SECTION 5. AMENDMENT. Subsection 2 of section 11-28.3-16 of the North Dakota Century Code is amended and reenacted as follows:

2. Notwithstanding ~~section 57-40.6-10~~ subsection 1 of section 23-27-01 designating an ambulance service area, the district is not obligated to maintain the withdrawn district within the primary response area of the district.

SECTION 6. APPROPRIATION - COMMUNITY HEALTH TRUST FUND - DEPARTMENT OF HEALTH AND HUMAN SERVICES - EMERGENCY MEDICAL SERVICES AND RURAL AMBULANCE SERVICE DISTRICTS. There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of aiding the functions and operations of rural emergency medical services and rural ambulance service districts, for the biennium beginning July 1, 2023, and ending June 30, 2025.

Dennis E. Lehman
Speaker of the House

Tammy J. Smith
President of the Senate

Bulle T. Reed
Chief Clerk of the House

David M. Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1477.

House Vote: Yeas 90 Nays 1 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Bulle T. Reed
Chief Clerk of the House

Received by the Governor at 11:30 AM. on April 26, 2023.

Approved at 3:45 PM. on April 27, 2023.

Doug Burgum
Governor

Filed in this office this 28 day of April, 2023,

at 9:41 o'clock A M.

Michael Howe
Secretary of State