

**CHAPTER 11-28.3
RURAL AMBULANCE SERVICE DISTRICTS**

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. An incorporated city lying within the boundaries of the proposed rural ambulance service district is subject to the petition requirements in this section.

11-28.3-02. Election in affected counties.

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

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

11-28.3-03. Notice of election.

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

11-28.3-04. Form of ballot - Vote required to approve.

The ballot on the question of forming a rural ambulance service district must be in substantially the following form:

Shall (name of taxing district or districts) levy a tax of not to exceed _____ mills for the purpose of forming a rural ambulance district?

Yes

No

If a majority of all the votes cast on the question of levying a tax and forming a rural ambulance service district are in favor of such a tax levy, then the formation of the district is approved.

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

If a rural ambulance service district is approved as provided in this chapter or as required by section 23-27-07, the county auditor of the county in which the proposed district is located shall issue notice of a public meeting to organize the rural ambulance service district. The notice must be given by publication once a week for two consecutive weeks, the last notice appearing seven days before the date of the meeting in a newspaper of general circulation within the proposed district. The notice must be addressed to all qualified electors residing within the boundaries of the district, describe the boundaries of the district, and state the date, time, and place of the meeting. If the district is located within two or more counties, the county auditors of the counties shall confer and set the date, time, and place of the meeting and shall cause the publication of the meeting notice in each of said counties.

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

At the time and place fixed by the county auditor for the public meeting as provided in section 11-28.3-05, the qualified electors present who reside within the boundaries of the district shall proceed to organize the district. Permanent organization must be effected by the election of a board of directors consisting of not less than five nor more than ten residents of the district. The board of directors shall meet as soon after the organizational meeting as possible to elect a president, a vice president, and a secretary-treasurer. All directors and officers must be elected for two years and hold office until their successors have been elected and qualified, except that at the first election the vice president must be elected as provided in this section for a one-year term, and one-half, or as close to one-half as possible depending upon the total number of directors, of the directors elected at the first election after July 1, 1977, must be selected by lot in the presence of a majority of such directors to serve one-year terms. A district may specify in its bylaws a specified number of directors within the limitations in this section, provided each township or group of townships receives equal representation on the board with respect to the regions. The bylaws also may allow for a combination of regional directors and at-large directors. If a vacancy occurs in a board position due to a resignation, a special meeting must be called and held within sixty days of the resignation for the purpose of electing a director to serve the remainder of the term. All officers and directors shall serve without pay, except the secretary-treasurer, who may be paid a salary determined by the board of directors. No more than two elected members of the board may be members of the licensed ambulance service serving the district territory and those board members must meet the definition of volunteer in section 23-27-04.1.

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

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

11-28.3-08. Powers of board of directors.

The board of directors shall have the following general powers to:

1. Develop a general emergency medical service program for the district.
2. Make an annual estimate of the probable expense of carrying out the program.
3. Annually certify that estimate to the proper county auditor in the manner provided by section 11-28.3-09.
4. Manage and conduct the business affairs of the district.
5. Make and execute contracts in the name of and on behalf of the district with regard to a general emergency medical service program.
6. Purchase or lease ambulances, or other emergency vehicles, supplies, and other real or personal property as shall be necessary and proper to carry out the general emergency medical service program of the district.

7. Incur indebtedness on behalf of the district within the limits prescribed by section 11-28.3-10, authorize the issuance of evidences of indebtedness permitted under section 11-28.3-10, and pledge any real or personal property owned or acquired by the district as security for the same.
8. If emergency medical services are not provided by a licensed ambulance service under chapter 23-27, a district may organize, establish, equip, maintain, and supervise an emergency medical service company to serve the district.
9. Generally perform all acts necessary to fully carry out the purposes of this chapter.

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 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.
2. The tax levied for a rural ambulance service district must be:
 - a. Collected as other taxes are collected in the county.
 - b. Deposited by the secretary-treasurer in a bank or credit union account.
 - 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.
4. If an ambulance operations area identified by the department of health and human services under section 23-27-01 is situated, in whole or in part, within the boundaries of a rural ambulance service district formed under this chapter, and the district does not provide emergency medical services to the territory in the ambulance operations area, whether directly or through a contract under section 11-28.3-12, the property situated in the ambulance operations area which does not receive emergency medical services from the district is exempt from the district's tax levy under this section. Changes to the ambulance operations area will not impact the district under this section until the subsequent tax year. The excluded territory remains responsible and must discharge its proportionate share of outstanding obligations pursuant to the procedure under section 11-28.3-17.

11-28.3-10. Indebtedness of district limited.

No district shall become indebted for an amount that may not be payable from ninety percent of twenty times the current annual maximum tax levy as authorized by section 11-28.3-09. Within the limits herein authorized, the district may borrow money and issue appropriate evidence of indebtedness. No evidence of indebtedness issued under the provisions of this chapter and sold privately shall bear interest at a rate or rates and be sold at a price resulting in an average annual net interest cost higher than eight percent. There shall be no interest rate ceiling on those issues sold at public sale. No evidence of indebtedness issued under the provisions of this chapter shall be sold for less than ninety-eight percent of par value plus accrued interest, if any interest has accrued as of the date of delivery thereof.

11-28.3-11. Funds collected to be deposited.

All funds collected on behalf of the district through the levy of taxes, all donations, contributions, bequests, or annuities, and all borrowed money received by or on behalf of the district shall be deposited in a state or national bank to the credit of the district account and shall be drawn out only by warrant.

Claim vouchers shall be authorized by the board of directors and shall bear the signature of the secretary-treasurer and the countersignature of the president. The secretary-treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district.

11-28.3-12. Rural ambulance service district may enter contract.

Any rural ambulance service district may enter a contract with another rural ambulance service district, or other emergency service operation, to consolidate or cooperate for mutual ambulance services or emergency vehicle services, or may enter a contract with any federal, state, or local government agency for ambulance services or emergency vehicle services, upon terms suitable to all concerned.

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

The boundaries of any rural ambulance service district organized under this chapter may be changed in the manner prescribed by section 11-28.3-15 or 11-28.3-16, but a change in the boundary of a district does not impair or affect its organization or its right in or to property; nor does it impair, affect, or discharge any contract, obligation, lien, or charge for or upon which it might be liable had such change of boundaries not been made.

Dissolution of a rural ambulance service district may be accomplished as provided in this section. If an ambulance service district in whole does not provide emergency medical services under section 23-27-01, whether directly or through a contract under section 11-28.3-12, the district board, upon its own motion and vote, may dissolve the district effective the subsequent tax year. The territory remains subject to all debts and obligations of the dissolved district pursuant to the procedure under section 11-28.3-17. Any funds remaining after all debts and obligations are paid must be divided among those rural ambulance service districts or political subdivisions responsible for emergency medical service operations in the jurisdiction in the same proportion as the geographical area of the district.

11-28.3-14. Payments by certain organizations.

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

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

11-28.3-15. Territory to be annexed.

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 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 if a majority of qualified electors residing in the existing and proposed territory approve of the annexation at a regular or special election.
2. If the area to be annexed is not 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.
3. The county auditor shall determine and certify whether the petition complies with the requirements of this section and ensure the qualified electors signing the petition reside within the boundaries. The county auditor shall forward a completed petition, map or plat, and certificate to the board of directors of the district the annexed property is seeking to join.
4. Within thirty days after receiving the petition, map or plat, and certificate of the county auditor, the board of directors shall send a written report approving or denying the proposal to the county auditor.
5. If the report of the board of directors denies the proposal, the petition must be rejected. If the report is favorable, the county auditor promptly shall designate a time and place for an election upon the petition and shall give notice of the election in the manner prescribed by section 11-28.3-03. At the election, any qualified elector residing within the boundaries of the territory to be annexed may cast a vote. If the majority cast a vote in favor of the question of annexation, the new territory must be annexed.

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

1. Any elector who resides in an area subject to a mill levy under section 11-28.3-09 and wishes to withdraw from the ambulance service district may do so if the territory to be withdrawn from the district:
 - a. Borders on the outer boundary of the district; and
 - b. Has a written agreement with an adjacent emergency medical services operation licensed by the department of health and human services to provide coverage to the territory if the territory is withdrawn successfully.
2. The district shall discharge its financial obligations pursuant to the procedure under section 11-28.3-17.
3. Notwithstanding 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.
4. The proceedings for withdrawal must be initiated by the filing of a petition with the appropriate county auditor or signed by fifty electors, or if there are not fifty electors residing in the area, fifty percent of the qualified electors in the territory sought to be withdrawn and the petition must contain a description of the boundaries of the territory sought to be withdrawn and a map or plat illustrating the area.
5. The county auditor shall determine whether the petition complies with the requirements of subsection 5. If the petition is accepted, the county auditor promptly shall designate a time and place for an election upon the petition and shall give notice of the election in the manner prescribed by section 11-28.3-03. At the election, any qualified elector residing within the boundaries of the territory to be withdrawn may cast a vote. If the majority cast a vote in favor of the question of withdrawal, the territory is considered withdrawn from the district.

6. The county auditor shall determine and certify the respective percentage proportions of the taxable valuation of the territory petitioned to be withdrawn to the taxable valuation of all property in the district before withdrawal to the board of directors of the district withdrawn.
7. Within thirty days after receipt of the petition, verification, and computation of respective percentage proportions, the board of directors of the district withdrawn shall attach to the petition a statement of outstanding obligations of the district and shall forward the petition to the appropriate board or boards of county commissioners.

11-28.3-17. Discharge of financial obligations.

1. The territory to be withdrawn, exempted, or dissolved from the district under this chapter remains subject to and chargeable for the payment and discharge of the proportion of obligations outstanding at the time of the withdrawal, exemption, or dissolution. The taxable valuation of property in the territory to be withdrawn, exempt, or dissolved bears to the taxable valuation of all property within the district before the withdrawal, exemption, or dissolution.
2. Mill levies imposed under section 11-28.3-09 remain in effect until the proportionate share of outstanding obligations are paid.
3. The board or boards of county commissioners, at a regular meeting, shall compute the indebtedness proportionately assignable to the territory sought to be withdrawn, exempted, or dissolved, and shall describe, by written order, the boundaries of the territory withdrawn, exempted, or dissolved and the indebtedness of the district assigned to the territory and subject to continued levy under section 11-28.3-09. The order and computation must be filed in the office of the county auditor.
4. The annual estimate required under section 11-28.3-09 must reflect the annual expense of retiring principal and interest upon the proportionate share of district indebtedness assigned to the withdrawn, exempted, or dissolved territory.