

# COUNTIES

## CHAPTER 106

### HOUSE BILL NO. 1340

(Representatives Koppelman, Cory, Marschall, Mock, Schatz)  
(Senators Clemens, Larsen, Meyer, Paulson, K. Roers, Wobbema)

AN ACT to amend and reenact subsections 8 and 10 of section 11-09.1-05, subsections 12 and 14 of section 40-05.1-06, and section 62.1-01-03 of the North Dakota Century Code, relating to home rule in counties and cities and the limitation on authority of a political subdivision regarding firearms.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsections 8 and 10 of section 11-09.1-05 of the North Dakota Century Code are amended and reenacted as follows:

8. Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and civil and criminal penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare. ~~However, this~~This subsection does not confer any authority to regulate any industry or activity which is regulated by state law or by rules adopted by a state agency. This subsection is subject to the provisions of section 62.1-01-03.
10. Provide for zoning, planning, and subdivision of public or private property within the county limits but outside the zoning authority of any city or organized township. This subsection is subject to the provisions of section 62.1-01-03.

**SECTION 2. AMENDMENT.** Subsections 12 and 14 of section 40-05.1-06 of the North Dakota Century Code are amended and reenacted as follows:

12. To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof. This subsection is subject to the provisions of section 62.1-01-03.
14. To provide for zoning, planning, and subdivision of public or private property within the city limits. To provide for such zoning, planning, and subdivision of public or private property outside the city limits as may be permitted by state law. This subsection is subject to the provisions of section 62.1-01-03.

**SECTION 3. AMENDMENT.** Section 62.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**62.1-01-03. Limitation on authority of political subdivision regarding firearms - Civil action.**

1. A political subdivision, including home rule cities or counties, may not enact a ~~zoning ordinance or any other ordinance~~ relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void.
2. A political subdivision, including home rule cities or counties, may not enact a zoning ordinance relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition. All such existing ordinances are void.
3. This section does not limit the ability of a political subdivision, including home rule cities or counties, to enforce an ordinance or zoning regulation relating to a business operation if the restriction in the ordinance or regulation:
  - a. Applies equally to all persons engaging in commerce within the area subject to the ordinance or regulation; and
  - b. Is not specifically related to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition.
4. The absence of a state law restriction relating to the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition may not be construed to allow a political subdivision, including a home rule city or county, to enact an ordinance restricting the purchase, sale, ownership, possession, transfer of ownership, registration, or licensure of firearms and ammunition.
5. A person aggrieved under ~~subsection 4~~this section may bring a civil action against a political subdivision for damages as a result of an unlawful ordinance.

Approved April 11, 2023

Filed April 12, 2023

## CHAPTER 107

### SENATE BILL NO. 2350

(Senators Clemens, Rummel, Wobbema)  
(Representatives Prichard, D. Ruby)

AN ACT to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to traffic signs.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

##### **Addition of penalty to traffic signs - Requirements.**

1. The department of transportation shall allow a county, city, or township to affix to any traffic sign prohibiting engine brakes and signifying that a vehicle noise ordinance is enforced and the amount of the penalty for violation of an offense corresponding with the purpose of the sign.
2. A county, city, or township may affix the amount of the penalty to a traffic sign under subsection 1 only if the:
  - a. County, city, or township has adopted an ordinance indicating a traffic offense;
  - b. Ordinance states the penalty for violation of the offense;
  - c. Ordinance is actively being enforced;
  - d. Department of transportation procures the sign for the county, city, or township; and
  - e. County, city, or township covers or reimburses the department of transportation all labor, equipment, and material costs related to the installation of the sign.
3. The penalty sign must be uniform in size and text in relation to the traffic sign to which it is affixed and in compliance with the manual on uniform traffic control devices.
4. This section applies only to state highways within a county, city, or township.

Approved March 20, 2023

Filed March 21, 2023

## CHAPTER 108

### HOUSE BILL NO. 1234

(Representatives Heinert, Bosch, Dockter, Hagert, Kasper, Novak, Porter, M. Ruby)  
(Senators Kannianen, Patten)

AN ACT to create and enact a new section to chapter 11-10 and a new section to chapter 40-01 of the North Dakota Century Code, relating to prohibiting a county or city from prohibiting the connection or reconnection of utilities services.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

##### **Prohibition - Connection of utility services.**

Notwithstanding any other provision of law, a county may not adopt or enforce an ordinance, resolution, or policy that prohibits or impedes, or has the effect of prohibiting or impeding, the connection or reconnection of an electric, natural gas, propane, or other energy utility service based on fuel source provided by a public utility, municipal utility, cooperative utility, or propane service.

**SECTION 2.** A new section to chapter 40-01 of the North Dakota Century Code is created and enacted as follows:

##### **Prohibition - Connection of utility services.**

Notwithstanding any other provision of law, a city may not adopt or enforce an ordinance, resolution, or policy that prohibits or impedes, or has the effect of prohibiting or impeding, the connection or reconnection of an electric, natural gas, propane, or other energy utility service based on fuel source provided by a public utility, municipal utility, cooperative utility, or propane service.

Approved March 15, 2023

Filed March 16, 2023

## CHAPTER 109

### SENATE BILL NO. 2371

(Senators Paulson, Larsen, Wobbema)  
(Representatives Fisher, Hoverson, Louser)

AN ACT to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the power of counties and municipalities to prohibit local development by a foreign adversary; to amend and reenact section 47-01-09 of the North Dakota Century Code, relating to the prohibition on ownership of real property by a foreign adversary; to provide for a legislative management study; and to provide an expiration date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 11-11 of the North Dakota Century Code is created and enacted as follows:

##### **Development by a foreign adversary - Prohibition.**

1. A board of county commissioners, including a board in a home rule county, may not procure, authorize, or approve a development agreement, building plan, or proposal relating to county development with an individual or government identified as a foreign adversary under 15 CFR 7.4(a) or a person identified on the office of foreign assets control sanctions list.
2. This section does not apply to a foreign adversary defined under subsection 1 possessing an interest in real property if the foreign adversary:
  - a. Is a duly registered business and has maintained a status of good standing with the secretary of state for seven years or longer before the effective date of this Act;
  - b. Has been approved by the committee on foreign investment in the United States; and
  - c. Maintains an active national security agreement with the federal government.

**SECTION 2.** A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

##### **Development by a foreign adversary - Prohibition.**

1. A board of city commissioners or city council, including a board or council in a home rule city, may not procure, authorize, or approve a development agreement, building plan, or proposal relating to city development with an individual or government identified as a foreign adversary under 15 CFR 7.4(a) or a person identified on the office of foreign assets control sanctions list.

2. This section does not apply to a foreign adversary as defined in subsection 1 possessing an interest in real property if the foreign adversary:
  - a. Is a duly registered business and has maintained a status of good standing with the secretary of state for seven years or longer before the effective date of this Act;
  - b. Has been approved by the committee on foreign investment in the United States; and
  - c. Maintains an active national security agreement with the federal government.

**SECTION 3. AMENDMENT.** Section 47-01-09 of the North Dakota Century Code is amended and reenacted as follows:

**47-01-09. Public or private ownership - All property subject to - Foreign ownership prohibited.**

1. All property in this state has an owner, whether that owner is the United States or the state, and the property public, or the owner an individual, and the property private. The state also may hold property as a private proprietor.
2. Notwithstanding any other provision of law, the following governments or entities may not purchase or otherwise acquire title to real property in this state after the effective date of this Act:
  - a. A foreign adversary.
  - b. A foreign business entity with a principal executive office located in a country that is identified as a foreign adversary.
  - c. A foreign business entity in which a foreign adversary owns:
    - (1) More than fifty percent of the total controlling interests or total ownership interests, as defined under section 10-19.1-01, in the foreign business entity, unless the foreign business entity was operating lawfully in the United States on the effective date of this Act;  
or
    - (2) Fifty percent or less of the total controlling interests or total ownership interests, as defined under section 10-19.1-01, in the foreign business entity, if the foreign adversary directs the business operations and affairs of the foreign business entity without the requirement of consent of any nonforeign adversary, unless the foreign business entity was operating lawfully in the United States on the effective date of this Act.
3. When requested by a city council or commission, county commission, or title agent or company, the attorney general shall complete a civil review, to the extent allowable by law, relating to the qualifications of any foreign adversary business entity acquiring real property under subdivision c of subsection 2.
4. This section does not apply to an entity possessing an interest in real property under subsection 2 if the entity:

- a. Is a duly registered business and has maintained a status of good standing with the secretary of state for seven years or longer before the effective date of this Act;
  - b. Has been approved by the committee on foreign investment in the United States; and
  - c. Maintains an active national security agreement with the federal government.
5. A foreign government or foreign business entity subject to and in violation of this section shall divest itself of all real property in this state within thirty-six months after the effective date of this Act.
  6. If a foreign government or foreign business entity subject to this section fails to divest itself of all real property in this state within the period specified under subsection 4, the state's attorney of the county in which the majority of the real property is situated may issue subpoenas to compel witnesses to appear to provide testimony or produce records.
  7. Upon receiving testimony and records, if the state's attorney concludes a foreign government or foreign business entity, in violation of this section, has failed to divest ownership of real property as required under this section, the state's attorney shall commence an action in the district court of the county in which the majority of the real property is situated. Once the action is commenced, the state's attorney shall file a notice pursuant to section 28-05-07 with the recorder of each county where the real property subject to the action is situated. If the court finds divestment of real property under this section is proper, the district court shall enter an order consistent with its findings. As part of the order, the court shall cancel the notice pursuant to section 28-05-08.
  8. Pursuant to an order for divestment, a foreign government or foreign business entity subject to an order shall divest all real property within six months from the date of the final entry of judgment. A foreign government or foreign business entity that fails to comply with the court's order is subject to a civil penalty not to exceed twenty-five thousand dollars.
  9. Any real property not divested within the period prescribed by law may be sold at a public sale in the manner provided under chapter 32-19 through an action brought by the state's attorney. A title to real property or encumbrance on the real property may not be deemed invalid by an order of divestiture under this section.
10. A person that is not subject to this section may not be required to:
    - a. Determine whether another person is subject to this section; or
    - b. Inquire if another person is subject to this section.
  11. For purposes of this section, "foreign adversary" means an individual or a government identified as a foreign adversary in 15 CFR 7.4(a) or a person identified on the office of foreign assets control sanctions list.

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**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - REAL PROPERTY AND COMMERCIAL ASSET OWNERSHIP AND OPERATION OF BUSINESS AND CHARITABLE ENTITIES BY FOREIGN ADVERSARIES.**

1. During the 2023-24 interim, the legislative management shall study the number of persons that own or control any real estate or commercial assets or operate a business within this state which is owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries or individuals acting on behalf of or in conjunction with foreign adversaries or persons listed on the office of foreign assets control sanctions list.
2. The study must attempt to craft a definition of foreign adversary and ascertain the number of such persons residing in this state which operate a business or a charitable enterprise or have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state.
3. The study must consider which federal foreign adversary list would be best suited for use for the security of this state and the impact of implementing and using a federally created list.
4. The study must determine how to define, create, and implement a security review verification system that monitors and reviews the actions of foreign adversaries that operate a business or a charitable enterprise or have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state.
5. The study must:
  - a. Identify optimal methods for state officials to work and collaborate with national intelligence agents at the state and federal level regarding background checks, national security, and state security;
  - b. Outline what constitutes a national security threat and which person or agency has the authority to declare a national security threat and security threat to this state;
  - c. Identify which state agencies are best equipped to create, implement, and operate a security review verification system that monitors and reviews foreign adversaries operating a business or a charitable enterprise or that have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state;
  - d. Identify the proper structure and function of a security review verification system;
  - e. Identify the individuals and persons eligible to operate a business or a charitable enterprise or that have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state, under the security review verification system; and
  - f. Identify other necessary changes to current industry practices relating to ownership of real property or commercial assets and the operation of business or charitable entities by a foreign adversary.
6. The study must include under which circumstances, if any, foreign adversaries are prohibited from owning real property in this state, and under which

circumstances, if any, foreign adversaries are permitted to own real property in this state.

7. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 5. EXPIRATION DATE.** This Act is effective through July 31, 2025, and after that date is ineffective.

Approved April 29, 2023

Filed May 1, 2023

## CHAPTER 110

### SENATE BILL NO. 2370

(Senators Davison, Elkin)  
(Representative Richter)

AN ACT to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to cooperative purchasing pursuant to a joint powers agreement; and to amend and reenact subsection 4 of section 11-11-14, and subsection 52 of section 40-05-01 of the North Dakota Century Code, relating to authorizing a city or a county to engage in cooperative purchasing.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 4 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

4. To control the finances, to contract debts and borrow money, to make payments of debts and expenses, to establish charges for any county or other services, and to control the property of the county, and to contract for cooperative purchases pursuant to a joint-powers agreement under chapter 54-40.3.

**SECTION 2.** A new section to chapter 11-11 of the North Dakota Century Code is created and enacted as follows:

#### **Cooperative purchasing - Authorized.**

With the approval of the board of county commissioners, a county may participate in cooperative purchasing agreements with the state, or another political subdivision of this state or any other state, by executing a joint-powers agreement under chapter 54-40.3.

**SECTION 3. AMENDMENT.** Subsection 52 of section 40-05-01 of the North Dakota Century Code is amended and reenacted as follows:

52. Supplies. To provide that supplies needed for the use of the municipality ~~shall~~ be furnished by contract let to the lowest responsible bidder, except the city may contract for cooperative purchases pursuant to a joint-powers agreement under chapter 54-40.3. This section does not apply to construction of public improvement as defined in chapter 48-01.2.

**SECTION 4.** A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

#### **Cooperative purchasing - Authorized.**

With the approval of the board of city commissioners or the city council, a city may participate in cooperative purchasing agreements with the state, or another political subdivision of this state or any other state, by executing a joint-powers agreement under chapter 54-40.3. This section does not apply to construction of a public improvement as defined in chapter 48-01.2.

Approved March 23, 2023

Filed March 23, 2023

## CHAPTER 111

### HOUSE BILL NO. 1120

(Representatives Heinert, Cory, Dockter, Longmuir, Meier, M. Ruby)

AN ACT to amend and reenact sections 11-11-05, 15.1-09-30, 40-06-02, 49-01-07, 54-16-01, and 54-17-02 of the North Dakota Century Code, relating to the recitation of the pledge of allegiance.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

##### **11-11-05. Meetings of board - Time and place - Pledge of allegiance.**

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20. At the beginning of each regularly scheduled meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

<sup>73</sup> **SECTION 2. AMENDMENT.** Section 15.1-09-30 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-09-30. School boards - Meetings - Pledge of allegiance.**

1. Each school board shall hold an initial meeting during the month of July following the annual election. The president of the school board shall select a meeting date that is convenient to the other board members and shall provide board members with written notice of the meeting.
2. Once during each month thereafter, a board shall hold a regular meeting for the transaction of business. The board of any school district having only one-room and two-room schools may meet as often as the board deems necessary, but not less than four times in each year.
3. Special meetings may be called by the president or by any two members of a board. Written notice of a special meeting must be given to each member of a board.
4. At the beginning of each regularly scheduled school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

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<sup>73</sup> Section 15.1-09-30 was also amended by section 1 of House Bill No. 1270, chapter 178.

5. The attendance of a board member at any meeting, without objection, constitutes a waiver of the notice requirement for that member.
- 5-6. A board of a school district operating under an academic cooperative agreement approved by the superintendent of public instruction may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by this section. Multiboard meetings must be for the purpose of pursuing joint academic or cooperative activities and must be held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that notice of each multiboard meeting in which the school board will participate is published in the local newspapers of general circulation at least one week before the meeting date.

**SECTION 3. AMENDMENT.** Section 40-06-02 of the North Dakota Century Code is amended and reenacted as follows:

**40-06-02. Meetings to be public - Journal of proceedings to be kept - Pledge of allegiance.**

All meetings of the governing body shall be open to the public, and a journal of its proceedings shall be kept. At the beginning of each regularly scheduled meeting of the governing body, members of the governing body must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

**SECTION 4. AMENDMENT.** Section 49-01-07 of the North Dakota Century Code is amended and reenacted as follows:

**49-01-07. Proceedings of public service commission - Pledge of allegiance.**

The commission in all cases may conduct its proceedings, when not otherwise particularly prescribed by law, in a manner most conducive to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but a commissioner shall not participate in any hearing or proceeding in which that commissioner has any direct personal pecuniary interest. The commission from time to time may make or amend such general rules or orders as may be requisite for the orderly regulation of proceedings before it, including forms of notice and the service thereof, which shall conform as nearly as possible to those in use in the courts of this state. Any party may appear before the commission and may be heard in person or by attorney. Every vote and official action of the commission shall be entered of record and its proceedings shall be public upon the request of any person interested. The commission shall have an official seal, which shall be judicially noticed, and every commissioner shall have the right to administer oaths and affirmations in any proceeding pending before the commission. At the beginning of each regularly scheduled meeting of the commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

**SECTION 5. AMENDMENT.** Section 54-16-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-16-01. Emergency commission - Members - Organization - Quorum - Meetings - Pledge of allegiance.**

The emergency commission consists of the governor, the majority leaders of the senate and house of representatives of the legislative assembly, the secretary of

state, and the chairmen of the senate and house of representatives appropriations committees. If the chairman of an appropriations committee ceases to be a member of the legislative assembly, the vice chairman of that committee succeeds to that position on the commission. An appropriations committee vice chairman may serve in the place of the appropriations committee chairman as a member of the commission at the request of the appropriate appropriations committee chairman, if the appropriations committee chairman is unable to attend a commission meeting. If a majority leader ceases to be a member of the legislative assembly, the respective house's assistant majority leader succeeds to that position on the commission. A majority leader's assistant majority leader may serve as a member of the commission in the place of the majority leader at the request of the majority leader if that majority leader is serving on the commission in another capacity or is unable to attend a commission meeting. Four members of the commission constitute a quorum. The governor is the chairman and the secretary of state is the secretary of the commission. The commission shall meet at the call of the chairman. At the beginning of each regularly scheduled meeting of the emergency commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

**SECTION 6. AMENDMENT.** Section 54-17-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-17-02. Industrial commission - Members - Quorum - Meetings - Pledge of allegiance.**

The industrial commission of North Dakota shall consist of the governor, the attorney general, and the agriculture commissioner. The governor and one member constitute a quorum for the transaction of business. The meetings of the commission must be held at such times and places as the governor or a majority of the commission may determine. It must be provided by the proper authorities with suitably furnished offices at the seat of government. At the beginning of each regularly scheduled meeting of the industrial commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

Approved April 20, 2023

Filed April 21, 2023

## CHAPTER 112

### SENATE BILL NO. 2306

(Senators Klein, Kessel, K. Roers)  
(Representatives Boschee, Nathe, Stemen)

AN ACT to create and enact a new subsection to section 11-11.1-01 of the North Dakota Century Code, relating to job development authorities.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 11-11.1-01 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any provision in this chapter, if a board of county commissioners elects to contract with an active economic development organization to perform the functions of a job development authority:

- a. The board of county commissioners may, as an alternative to subsections 2 and 3, authorize the board of directors of an active economic development organization to serve as the board of directors for the job development authority authorized under this chapter.
- b. The board of directors of the active economic development organization may elect to seat some or all of the organization's board of directors on the board of directors of the job development authority. The board of directors of the job development authority must be approved by the board of county commissioners.

Approved March 22, 2023

Filed March 23, 2023

## CHAPTER 113

### HOUSE BILL NO. 1042

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 11-19.1-11, 11-19.1-13, and 11-19.1-16 of the North Dakota Century Code, relating to autopsies, determination of cause of death, and certification of coroner fees in situations involving the unexplained sudden death in infant or child with or without intrinsic or extrinsic factors, or both.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 11-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

##### **11-19.1-11. Autopsies - Notice of results.**

1. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the deceased human body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct an autopsy be performed.
2. The autopsy must be performed by the state forensic examiner or by the state forensic examiner's authorized pathologist at a facility approved by the state forensic examiner.
3. Upon the death of a minor whose cause of death is suspected by the minor's parent or guardian or the coroner or the coroner's medical deputy to have been the unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both, the coroner or the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the body and shall arrange for the performance of the autopsy by the state forensic examiner or a pathologist designated by the state forensic examiner, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer must be promptly notified of the results of that autopsy.
4. A report of death, an autopsy report, and any working papers, notes, images, pictures, photographs, or recordings in any form are confidential but the coroner may use or disclose these materials for purposes of an investigation, inquest, or prosecution. The coroner may disclose a copy of the report of death in accordance with the authority of the state forensic examiner under section 23-01-05.5 and may disclose an autopsy photograph or other visual image or video or audio recording subject to limitations in section 44-04-18.18. The coroner shall disclose a copy of the autopsy report to the state forensic examiner.

**SECTION 2. AMENDMENT.** Section 11-19.1-13 of the North Dakota Century Code is amended and reenacted as follows:

**11-19.1-13. Cause of death - Determination.**

The cause of death, the manner of death, and the mode in which the death occurred must be incorporated in the death certificate filed with the registrar of vital statistics of this state. The term "unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both" may be entered on the death certificate as the principal cause of death only if the child is under the age of one year and the death remains unexplained after a case investigation that includes a complete autopsy of the infant at the state's expense, examination of the death scene, and a review of the clinical history of the infant.

**SECTION 3. AMENDMENT.** Section 11-19.1-16 of the North Dakota Century Code is amended and reenacted as follows:

**11-19.1-16. Coroner's fees paid out of county treasury - Fees to be charged by coroner - Duty of county auditor - Certain expenses paid by the state.**

1. The fees and mileage as provided by section 11-10-15 allowed to the coroner shall be paid out of the county treasury of the county of residence of the deceased person and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners.
2. The department of health and human services shall audit, and if found correct, certify for payment by the state treasurer duly itemized and verified claims of the coroner, the coroner's medical deputy, and pathologist for the necessary expenses incurred or paid in the performance of an autopsy of a child whose cause of death was suspected to have been the unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both.

Approved March 14, 2023

Filed March 15, 2023

## CHAPTER 114

### HOUSE BILL NO. 1365

(Representatives Fegley, Rohr, Tveit)  
(Senator Lee)

AN ACT to create and enact a new section to chapter 11-28.3 and a new section to chapter 23-27 of the North Dakota Century Code, relating to the discharge of a rural ambulance service's financial obligations and required formation of rural ambulance service districts without a vote; to amend and reenact sections 11-28.3-05 and 11-28.3-06, subsection 8 of section 11-28.3-08, sections 11-28.3-09, 11-28.3-13, 11-28.3-16, 23-12-08, 23-27-04.2, 23-46-04, and 57-15-50 of the North Dakota Century Code, relating to rural ambulance service district formation, organization, board of director powers, levies, and dissolution and withdrawal procedures, ambulance operations areas, authorization and state financial assistance for emergency medical services, and county emergency medical service levies.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

##### **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 10 of this Act, 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.

**SECTION 2. AMENDMENT.** Section 11-28.3-06 of the North Dakota Century Code is amended and reenacted as follows:

##### **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.

**SECTION 3. AMENDMENT.** Subsection 8 of section 11-28.3-08 of the North Dakota Century Code is amended and reenacted as follows:

8. Organizelf 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.

<sup>74</sup> **SECTION 4. 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 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.

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<sup>74</sup> Section 11-28.3-09 was also amended by section 2 of House Bill No. 1477, chapter 115.

- 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.
  - c. Deposited by the secretary-treasurer in a state or national bank in a district account.
  - d. 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 7 of this Act.

**SECTION 5. AMENDMENT.** Section 11-28.3-13 of the North Dakota Century Code is amended and reenacted as follows:

**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 in the manner prescribed by section 11-28.3-15 or 11-28.3-16. The petition and notice of election must state the purpose of the election is to dissolve the rural ambulance service district and must describe its boundaries. The ballot to dissolve a rural ambulance service district must be in substantially the following form:~~

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

~~Yes~~

~~No~~

~~If a majority of all votes cast on the question are in favor of dissolution, 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 is dissolved thirty days after the canvass of the vote effective the subsequent tax year. After The territory remains subject to all debts and obligations of the dissolved district are paid, any remaining funds must be deposited in the general fund of the county in which the district was contained. If the dissolved district was located in more than one county, any pursuant to the procedure under section 7 of this Act. Any funds remaining after all debts and obligations are paid must be divided among those counties 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 in each county bears to the total geographical area of the dissolved district.~~

<sup>75</sup> **SECTION 6. AMENDMENT.** Section 11-28.3-16 of the North Dakota Century Code is amended and reenacted as follows:

**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 7 of this Act.
3. Notwithstanding section 57-40.6-10, the district is not obligated to maintain the withdrawn district within the primary response area of the district.
3. ~~The territory to be withdrawn from the district under this section remains subject to and chargeable for the payment and discharge of the proportion of obligations outstanding at the time of the filing of the petition for the withdrawal of the territory. The taxable valuation of property in the territory to be withdrawn bears to the taxable valuation of all property within the district before the withdrawal.~~
4. ~~Mill levies imposed under section 11-28.3-09 remain in effect until the proportionate share of outstanding obligations are paid.~~

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<sup>75</sup> Section 11-28.3-16 was also amended by section 5 of House Bill No. 1477, chapter 115.

5. 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.
- ~~6-5.~~ 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.
- ~~7-6.~~ 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.
- ~~8-7.~~ 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.
- ~~9.~~ The board or boards of county commissioners, at a regular meeting, shall compute the indebtedness proportionately assignable to the territory sought to be withdrawn, and shall describe, by written order, the boundaries of the territory withdrawn 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.
- ~~10.~~ 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 territory.

**SECTION 7.** A new section to chapter 11-28.3 of the North Dakota Century Code is created and enacted as follows:

**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.

**SECTION 8. AMENDMENT.** Section 23-12-08 of the North Dakota Century Code is amended and reenacted as follows:

**23-12-08. Emergency medical service authorized.**

Anyf emergency medical services are not provided by a licensed ambulance service under chapter 23-27, any county or municipality of the state of North Dakota, by itself, or in combination with any other county or municipality of the state of North Dakota, may, acting through its governing body, establish, maintain, contract for, or otherwise provide emergency medical service for such county or municipality; and for this purpose, out of any funds of such county or municipality not otherwise committed, may buy, rent, lease, or otherwise contract for all such vehicles, equipment, or other facilities or services which may be necessary to effectuate such purpose.

**SECTION 9. AMENDMENT.** Section 23-27-04.2 of the North Dakota Century Code is amended and reenacted as follows:

**23-27-04.2. Emergency medical services - State assistance.**

The department of health and human services shall assist in the training of emergency medical services personnel of certain emergency medical services operations as determined by the department and financially shall assist certain emergency medical services operations as determined by the department ~~in obtaining equipment~~. Assistance provided under this section must be within the limits of legislative appropriation. The department shall adopt criteria for eligibility for assistance in the training of emergency medical services personnel of various types of emergency medical services operations. ~~To qualify for financial assistance for equipment an emergency medical services operation shall certify, in the manner required by the department, that the operation has fifty percent of the amount of funds necessary for identified equipment acquisitions. The department shall adopt a schedule of eligibility for financial assistance for equipment. The schedule must provide for a direct relationship between the amount of funds certified and the number of responses during the preceding calendar year for the purpose of rendering medical care, transportation, or both, to individuals who were sick or incapacitated. The schedule must require that as the number of responses increases, a greater amount of funds certified is required. The schedule must classify responses and the financial assistance available for various classifications.~~ The department may establish minimum and maximum amounts of financial assistance to be provided to an emergency medical services operation under this section. If applications for financial assistance exceed the amount of allocated and available funds, the department may prorate the funds among the applicants in accordance with criteria adopted by the department. No more than one-half of the funds appropriated by the legislative assembly each biennium and allocated for training assistance may be distributed in the first year of the biennium. For emergency medical service operations subject to section 10 of this Act, after June 30, 2025, financial assistance provided by this section must be distributed to the political subdivision having ownership of the

licensed ambulance service or the political subdivision responsible for the emergency medical service program for the service area.

**SECTION 10.** A new section to chapter 23-27 of the North Dakota Century Code is created and enacted as follows:

**Required formation of rural ambulance service district - Organizational meeting - Exemption - Eligibility for relicensure.**

1. Emergency medical service operations licensed under this chapter as a basic life support or advanced life support ambulance service for which a territory has been assigned pursuant to this chapter does not include a city with a population greater than six thousand five hundred according to the 2020 census data published by the United States census bureau, and is not otherwise exempted, must conduct a rural ambulance service district organizational meeting pursuant to the procedure in 11-28.3-06 prior to June 30, 2025. After such organizational meeting the district shall be deemed organized and operating under the provisions of chapter 11-28.3.
2. The following licensed ambulance services are exempt from this section:
  - a. Licensed ambulance services that are county owned.
  - b. Licensed ambulance services that are city owned.
  - c. Licensed ambulance services that are part of a joint powers agreement with a city or county-owned ambulance.
  - d. Licensed ambulance services owned by tribal or federal government.
  - e. Existing rural ambulance service districts organized pursuant to chapter 11-28.3.
3. Ambulance services not in compliance with this section may not be eligible for relicensure under this chapter.

**SECTION 11. AMENDMENT.** Section 23-46-04 of the North Dakota Century Code is amended and reenacted as follows:

**23-46-04. State financial assistance for emergency medical services - Confidential information - Annual allocation.**

Emergency medical services operations that request financial assistance from the state must provide requested fiscal information to the department of health and human services for use in financial assistance determinations. All information provided to the department under this section is confidential. The department of health and human services shall determine annually the allocation amount of state financial assistance for each emergency medical services funding area based on the department's determination of the minimum annual funding necessary to operate the emergency medical services operation or service designated to operate in the ambulance funding area, based on the financial needs unique to each emergency medical services funding area. For emergency medical service operations subject to section 10 of this Act, after June 30, 2025, financial assistance provided by this section must be distributed to the political subdivision having ownership of the licensed ambulance service or the political subdivision responsible for the emergency medical service program for the service area.

**SECTION 12. AMENDMENT.** Section 57-15-50 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-50. County emergency medical service levy.**

Upon petition of ten percent of the number of qualified electors of the county voting in the last election for governor or upon its own motion, the board of county commissioners of each county shall levy annually a tax not exceeding the limitation in subsection 10 of section 57-15-06.7, for the purpose of subsidizing county emergency medical services; provided, that this tax must be approved by a majority of the qualified electors of the county voting on the question at a regular or special countywide election. The county may budget, in addition to its annual operating budget for subsidizing emergency medical service, 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 must be in addition to the annual operating budget for subsidization, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund may not exceed the approved mill levy. If the county contains a rural ambulance service district or rural fire protection district that levies for and provides emergency medical service, the property within that district is exempt from the county tax levy under this section upon notice from the governing body of the district to the board of county commissioners of the existence of the district. After December 31, 2025, if a political subdivision having ownership of the licensed ambulance service or a political subdivision responsible for the emergency medical service program for the service area exists, special taxes levied under this section and distributed pursuant to section 23-27-04.7 must be distributed to the political subdivision.

**SECTION 13. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable years beginning after December 31, 2024.

Approved April 20, 2023

Filed April 21, 2023

## CHAPTER 115

### 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.

<sup>76</sup> **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

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<sup>76</sup> Section 11-28.3-09 was also amended by section 4 of House Bill No. 1365, chapter 114.

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.

<sup>77</sup> **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 ~~served 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

<sup>77</sup> Section 11-28.3-15 was also amended by section 4 of House Bill No. 1477, chapter 115.

existing and proposed territory approve of the annexation at a regular or special election.

<sup>78</sup> **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.

<sup>79</sup> **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.

Approved April 27, 2023

Filed April 28, 2023

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<sup>78</sup> Section 11-28.3-15 was also amended by section 3 of House Bill No. 1477, chapter 115.

<sup>79</sup> Section 11-28.3-16 was also amended by section 6 of House Bill No. 1365, chapter 114.