

N.D.A.G. Letter to Slorby (April 11, 1985)

April 11, 1985

Mr. Tom P. Slorby
Ward County State's Attorney
Ward County Courthouse
Minot, North Dakota 58701

Dear Mr. Slorby:

Thank you for your letter of March 18, 1985, requesting an opinion on two questions concerning the authority of a public fire district to subsidize a private ambulance service and to charge fees for ambulance services.

As to your first question concerning the authority of a public fire district to subsidize a private non-profit ambulance service, we assume that "public fire district" refers to a fire district of a political subdivision. With this assumption, we agree with your opinion that a subsidy to a private agency is not permissible. Article X, Section 18 of the North Dakota Constitution prohibits the state and its political subdivisions from loaning, giving its credit, or making donations to or in aid of any individual, association, or corporation except for the reasonable support of the poor. This constitutional section would prohibit the apparent subsidy you are speaking of in your question.

Your second question is whether a public fire district which operates an ambulance service may charge a fee for such services. We assume that your question is in reference to rural ambulance service districts as provided for in N.D.C.C. Ch. 11-28.3. With this assumption, we agree with your opinion that such an ambulance district may not charge a fee for ambulance services. Instead, the funds needed to support the service are generated by the tax levy provided for in N.D.C.C. 11-28.3-09.

As for your implied question concerning the authority of an ambulance service district to charge fees for services rendered outside of the district, the answer appears to be provided for in N.D.C.C. §11-28.3-12. This statute provides for the ambulance district to enter into contracts for the provision of ambulance services outside of the boundaries of the ambulance district.

Sincerely,

Nicholas J. Spaeth

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