

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1412

Introduced by

Representatives Brandenburg, J. Kelsh, Kretschmar, Vigesaa

Senators Erbele, Taylor

1 A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code,  
2 relating to the fee imposed for emergency services communications.

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

4 **SECTION 1. AMENDMENT.** Section 57-40.6-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **57-40.6-02. Authority of counties or cities to impose fee on assessed**  
7 **communications service - Procedure.** The governing body of a county or city may impose a  
8 fee on all assessed communications services in accordance with the following requirements:

9 1. The governing body shall adopt a resolution that proposes the adoption of the fee  
10 permitted under this section. The resolution must specify an effective date for the  
11 fee which is no more than two years before the expected implementation date of  
12 the emergency services communication system to be funded by the fee. The  
13 resolution must include a provision for submitting the proposed fee to the electors  
14 of the county or city before the imposition of the fee is effective. The resolution  
15 must specify a maximum fee that ~~does not exceed one dollar~~ will be assessed per  
16 month per communication connection and the fee must be applied equally upon all  
17 assessed communications services.

18 2. The question of the adoption of the fee must be submitted on a ballot on which the  
19 ballot title of the proposition includes the maximum monthly rate of the proposed  
20 fee authorized under subsection 1. The question of the adoption of the fee may be  
21 submitted to electors at a general, primary, or special election or at a school district  
22 election if the boundaries of the school district are coterminous with the boundaries  
23 of the governing body adopting the resolution proposing the adoption of the fee.  
24 The fee is not effective unless it is approved by a majority of the electors voting on

the proposition. The ballot must be worded so that a "yes" vote authorizes imposition of the fee for an initial six year period.

~~3. If the electors have approved imposition of a fee under this section before July 1, 2005, and the governing body of the city or county has not implemented that fee by June 30, 2005, the approval by the electors remains valid until the fee is implemented and, upon implementation, the fee may be imposed for a six year period and is subject to reimposition under subsection 4.~~

~~4. Any political subdivision that desires to increase the fee, subject to the limitations in subsection 1, before the end of the six year term, must use the same ballot procedure originally used to authorize the fee. The new ballot question may apply to only the proposed increase and not to the original amount or the original term. If the increase is approved, the new amount may be collected for the balance of the original six year term. If the fee authorized by this section is approved by the electors, the fee may be reimposed for six additional years without resubmitting the question to the electors. Once established by this section, the maximum fee may be increased, decreased, or eliminated by a majority vote of the electors. The question may be placed on the ballot of a general, primary, or special election by a resolution of the governing body, or by a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body. By action of the governing body, the fee amount collected may be adjusted, subject to the maximum approved by the voters, to meet the costs allowed by this chapter.~~

~~5. 3.~~ In any geographic area, only one political subdivision may impose the fee and imposition must be based on the subscriber service address.

~~6. 4.~~ In the interest of public safety, where the subscriber's telephone exchange access service boundary and the boundary of the political subdivision imposing the fee do not coincide, and where all of the political subdivisions within the subscriber's telephone exchange access service boundary have not complied with subsection 1, and where a majority of the E911 subscribers within the subscriber's telephone exchange access service boundary have voted for the fee, a telephone exchange access service subscriber whose subscriber service address is outside

1           the political subdivision may receive E911 services by signing a contract  
2           agreement with the political subdivision providing the emergency services  
3           communication system. The telephone exchange access service provider may  
4           collect an additional fee, equal in amount to the basic fee on those subscribers  
5           within the exchange boundary. The additional fee amounts collected must be  
6           remitted as provided in this chapter.

7       ~~7.~~ 5. A fee imposed under this section before August 1, 2007, on telephone exchange  
8           access service is extended to all assessed communications services and remains  
9           in effect until changed pursuant to subsection 2.