

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2246**

Introduced by

Senators Olafson, Lyson

Representatives Frantsvog, Kreun

1 A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code,  
2 relating to fees 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. (Effective through June 30, 2012) Authority of counties or cities to impose**  
7 **fee on assessed communications service - Procedure.**

8 The governing body of a county or city may impose a fee on all assessed communications  
9 services in accordance with the following requirements:

- 10 1. The governing body shall adopt a resolution that proposes the adoption of the fee  
11 permitted under this section. The resolution must specify an effective date for the fee  
12 which is no more than two years before the expected implementation date of the  
13 emergency services communication system to be funded by the fee. The resolution  
14 must include a provision for submitting the proposed fee to the electors of the county  
15 or city before the imposition of the fee is effective. The resolution must specify a fee  
16 that does not exceed one dollar per month per communication connection and must  
17 be applied equally upon all assessed communications services.
- 18 2. The question of the adoption of the fee must be submitted on a petition on which the  
19 petition title of the proposition includes the maximum monthly rate of the proposed fee  
20 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 of  
23 the governing body adopting the resolution proposing the adoption of the fee. The fee  
24 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.
5. In any geographic area, only one political subdivision may impose the fee and imposition must be based on the subscriber service address.
6. 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 the political subdivision may receive E911 services by signing a contract agreement with the political subdivision providing the emergency services communication system. The telephone exchange access service provider may collect an additional fee, equal in amount to the basic fee on those subscribers within the exchange boundary. The additional fee amounts collected must be remitted as provided in this chapter.
7. A fee imposed under this section before August 1, 2007, on telephone exchange access service is extended to all assessed communications services and remains in effect until changed under this section.

- 1       8. Political subdivisions within an intrastate multicounty public safety answering point  
2       may exceed the maximum fee of one dollar to an amount not to exceed one dollar and  
3       fifty cents. The governing body of the political subdivision may increase the fee by  
4       resolution subject to a vote in that political subdivision at the next general election.

5       **(Effective after June 30, 2012) Authority of counties or cities to impose fee on**  
6       **assessed communications service - Procedure.** The governing body of a county or city may  
7       impose a fee on all assessed communications services in accordance with the following  
8       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 fee  
11       which is no more than two years before the expected implementation date of the  
12       emergency services communication system to be funded by the fee. The resolution  
13       must include a provision for submitting the proposed fee to the electors of the county  
14       or city before the imposition of the fee is effective. The resolution must specify a fee  
15       that does not exceed one dollar per month per communication connection and must  
16       be applied equally upon all assessed communications services.
- 17       2. The question of the adoption of the fee must be submitted on a petition on which the  
18       petition title of the proposition includes the maximum monthly rate of the proposed fee  
19       authorized under subsection 1. The question of the adoption of the fee may be  
20       submitted to electors at a general, primary, or special election or at a school district  
21       election if the boundaries of the school district are coterminous with the boundaries of  
22       the governing body adopting the resolution proposing the adoption of the fee. The fee  
23       is not effective unless it is approved by a majority of the electors voting on the  
24       proposition. The ballot must be worded so that a "yes" vote authorizes imposition of  
25       the fee for an initial six-year period.
- 26       3. ~~If the electors have approved imposition of a fee under this section before July 1,~~  
27       ~~2005, and the governing body of the city or county has not implemented that fee by~~  
28       ~~June 30, 2005, the approval by the electors remains valid until the fee is implemented~~  
29       ~~and, upon implementation, the fee may be imposed for a six-year period and is subject~~  
30       ~~to reimposition under subsection 4.~~

- 1       4.   Any political subdivision that desires to increase the fee, subject to the limitations in-  
2       subsection 1, before the end of the six-year term, must use the same ballot procedure  
3       originally used to authorize the fee. The new ballot question may apply to only the  
4       proposed increase and not to the original amount or the original term. If the increase is  
5       approved, the new amount may be collected for the balance of the original six-year  
6       term. If the fee authorized by this section is approved by the electors, the fee may be  
7       reimposed for six additional years without resubmitting the question to the  
8       electors.Once established by this section, the maximum fee may be increased,  
9       decreased, or eliminated by a majority vote of the electors. The question may be  
10      placed on the ballot of any general, primary, or special election by a resolution of the  
11      governing body, or by a petition signed by ten percent or more of the total number of  
12      qualified electors of the political subdivision voting for governor at the most recent  
13      gubernatorial election and submitted to the governing body. By action of the governing  
14      body, the fee amount collected may be adjusted, subject to the maximum approved by  
15      the voters, to meet the costs allowed by this chapter.
- 16      5.   In any geographic area, only one political subdivision may impose the fee and  
17      imposition must be based on the subscriber service address.
- 18      6.   In the interest of public safety, where the subscriber's telephone exchange access  
19      service boundary and the boundary of the political subdivision imposing the fee do not  
20      coincide, and where all of the political subdivisions within the subscriber's telephone  
21      exchange access service boundary have not complied with subsection 1, and where a  
22      majority of the E911 subscribers within the subscriber's telephone exchange access  
23      service boundary have voted for the fee, a telephone exchange access service  
24      subscriber whose subscriber service address is outside the political subdivision may  
25      receive E911 services by signing a contract agreement with the political subdivision  
26      providing the emergency services communication system. The telephone exchange  
27      access service provider may collect an additional fee, equal in amount to the basic fee  
28      on those subscribers within the exchange boundary. The additional fee amounts  
29      collected must be remitted as provided in this chapter.

- 1           7.   A fee imposed under this section before August 1, 2007, on telephone exchange
- 2               access service is extended to all assessed communications services and will remain in
- 3               effect until changed pursuant to subsection 4.