HOUSE BILL NO. 1412
with Conference Committee Amendments

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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; to provide for a legislative

3 council study; and to provide an expiration date.

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

5 **SECTION 1. AMENDMENT.** Section 57-40.6-02 of the North Dakota Century Code is

6 amended and reenacted as follows:

7 **57-40.6-02. Authority of counties or cities to impose fee on assessed**

8 **communications service - Procedure.** The governing body of a county or city may impose a

9 fee on all assessed communications 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

12   fee which is no more than two years before the expected implementation date of

13   the emergency services communication system to be funded by the fee. The

14   resolution must include a provision for submitting the proposed fee to the electors

15   of the county or city before the imposition of the fee is effective. The resolution

16   must specify a fee that does not exceed one dollar per month per communication

17   connection and must be applied equally upon all assessed communications

18   services.

19   2.   The question of the adoption of the fee must be submitted on a ballot on which the

20   ballot title of the proposition includes the maximum monthly rate of the proposed

21   fee authorized under subsection 1. The question of the adoption of the fee may be

22   submitted to electors at a general, primary, or special election or at a school district

23   election if the boundaries of the school district are coterminous with the boundaries

24   of the governing body adopting the resolution proposing the adoption of the fee.

1   The fee is not effective unless it is approved by a majority of the electors voting on

2   the proposition. The ballot must be worded so that a "yes" vote authorizes

3   imposition of the fee for an initial six-year period.

4   3.   If the electors have approved imposition of a fee under this section before July 1,

5   2005, and the governing body of the city or county has not implemented that fee by

6   June 30, 2005, the approval by the electors remains valid until the fee is

7   implemented and, upon implementation, the fee may be imposed for a six-year

8   period and is subject to reimposition under subsection 4.

9   4.   Any political subdivision that desires to increase the fee, subject to the limitations

10   in subsection 1, before the end of the six-year term, must use the same ballot

11   procedure originally used to authorize the fee. The new ballot question may apply

12   to only the proposed increase and not to the original amount or the original term. If

13   the increase is approved, the new amount may be collected for the balance of the

14   original six-year term. If the fee authorized by this section is approved by the

15   electors, the fee may be reimposed for six additional years without resubmitting the

16   question to the electors.

17 5.   In any geographic area, only one political subdivision may impose the fee and

18   imposition must be based on the subscriber service address.

19 6.   In the interest of public safety, where the subscriber's telephone exchange access

20   service boundary and the boundary of the political subdivision imposing the fee do

21   not coincide, and where all of the political subdivisions within the subscriber's

22   telephone exchange access service boundary have not complied with

23   subsection 1, and where a majority of the E911 subscribers within the subscriber's

24   telephone exchange access service boundary have voted for the fee, a telephone

25   exchange access service subscriber whose subscriber service address is outside

26   the political subdivision may receive E911 services by signing a contract

27   agreement with the political subdivision providing the emergency services

28   communication system. The telephone exchange access service provider may

29   collect an additional fee, equal in amount to the basic fee on those subscribers

30   within the exchange boundary. The additional fee amounts collected must be

31   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 <u>and remains</u>

3   <u>in effect until changed under this section</u>.

4   <u>8.</u>   <u>Political subdivisions within an intrastate multicounty public safety answering point</u>

5   <u>may exceed the maximum fee of one dollar to an amount not to exceed one dollar</u>

6   <u>and fifty cents. The governing body of the political subdivision may increase the</u>

7   <u>fee by resolution subject to a vote in that political subdivision at the next general</u>

8   <u>election.</u>

9   **SECTION 2. LEGISLATIVE COUNCIL STUDY - EMERGENCY SERVICES**

10 **COMMUNICATION.** During the 2009-10 interim, the legislative council shall consider studying

11 the equity of the 911 fee structure, including consideration of fees, taxes, assessments for

12 services, equity of services, and payments among residents within service areas; fee collection

13 methods; and current and future funding of emergency services communications in the state.

14 The legislative council shall report its findings and recommendations, together with any

15 legislation required to implement the recommendations, to the sixty-second legislative

16 assembly.

17   **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through June 30,

18 2012, and after that date is ineffective.