

HOUSE BILL NO. 1412  
with Conference Committee Amendments

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; 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 and remains  
3           in effect until changed under this section.

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

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.