

HOUSE BILL NO. 1207

Introduced by

Representatives Drovdal, Belter, Delzer

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 for an emergency services communication system.

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 telephone exchange**
7 **access service and on wireless service - Procedure.** The governing body of a county or city
8 may impose a fee on the use of telephone exchange access service and on the use of wireless
9 service 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~~ seventy-five cents per month
17 per telephone access line and per wireless access line.

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

- 1 the proposition. The ballot must be worded so that a "yes" vote authorizes
2 imposition of the fee for an initial six-year period.
- 3 3. Any political subdivision that desires to increase the fee, subject to the limitations in
4 subsection 1, before the end of the six-year term, must use the same ballot
5 procedure originally used to authorize the fee. The new ballot question may apply
6 to only the proposed increase and not to the original amount or the original term. If
7 the increase is approved, the new amount may be collected for the balance of the
8 original six-year term. If the fee authorized by this section is approved by the
9 electors, the fee may be reimposed for six additional years without resubmitting the
10 question to the electors.
- 11 4. In any geographic area, only one political subdivision may impose the fee and
12 imposition must be based on the subscriber service address.
- 13 5. In the interest of public safety, where the subscriber's telephone exchange access
14 service boundary and the boundary of the political subdivision imposing the fee do
15 not coincide, and where all of the political subdivisions within the subscriber's
16 telephone exchange access service boundary have not complied with
17 subsection 1, and where a majority of the E911 subscribers within the subscriber's
18 telephone exchange access service boundary have voted for the fee, a telephone
19 exchange access service subscriber whose subscriber service address is outside
20 the political subdivision may receive E911 services by signing a contract
21 agreement with the political subdivision providing the emergency services
22 communications system. The telephone exchange access service provider may
23 collect an additional fee, equal in amount to the basic fee on those subscribers
24 within the exchange boundary. The additional fee amounts collected must be
25 remitted as provided in this chapter.
- 26 6. A fee imposed under this section before August 1, 2001, may be extended to all
27 wireless service at each subscriber service address within the area in which the fee
28 is imposed only if that extension of the fee has been approved by a majority vote of
29 the governing body of the city or county upon at least thirty days' prior notice in the
30 official newspaper of the city or county that the governing body will consider the
31 issue or by majority vote of the electors of the city or county voting on the question

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- 1 upon placement of the question on the ballot by the governing body of the city or
2 county at a regular or special city or county election.
- 3 7. Any fee authorized before August 1, 2005, is valid after the effective date of this
4 Act but may not exceed seventy-five cents per month per telephone access line
5 and per wireless access line.