

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0277

SENATE ENGROSSED NO. **HB 1016** - 3/3/2010

Introduced by: The Committee on State Affairs at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding 911 emergency
2 services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-45-10 be amended to read as follows:

5 34-45-10. At least once every calendar year, prior to September first, the governing body
6 shall review the current charge and establish a rate of charge to be effective on the next January
7 first, not to exceed the amount authorized, that together with any surplus revenues carried
8 forward will produce sufficient revenues to fund the expenditures authorized by §§ 34-45-3 and
9 34-45-4. Any amount collected in excess of expenses within a given year shall be carried
10 forward to the next year. Immediately upon making ~~such the~~ determination and fixing ~~such the~~
11 rate, the governing body shall publish its new rate, and it shall notify by registered mail every
12 service provider at least ninety days before ~~such the~~ new rate ~~will become~~ becomes effective.
13 The board or governing body may, at its own expense, require an annual audit of a service
14 provider's books and records concerning the collection and remittance of the charge authorized
15 by §§ 34-45-3 and 34-45-4.



1 Section 2. That § 34-45-12 be amended to read as follows:

2 34-45-12. There is hereby created within the state treasury the South Dakota 911
3 coordination fund. Any funds collected from prepaid wireless telecommunications service
4 pursuant to § 34-45-4 shall be deposited in the South Dakota 911 coordination fund. The board
5 ~~may~~ shall authorize disbursements from the fund pursuant to this chapter for the expenses of the
6 board and for approved nonrecurring costs requested by the governing body of eligible 911
7 public safety answering points.

8 Section 3. That § 34-45-17 be amended to read as follows:

9 34-45-17. The 911 emergency reporting system provided by this chapter is within the
10 governmental powers and authority of the governing body or public agency. In contracting for
11 ~~such~~ the 911 emergency reporting system or the provisioning of ~~such~~ the 911 service, except for
12 willful or wanton negligence or intentional acts, the board, the governing body, public agency,
13 service provider, and service supplier, their employees and agents, are immune from liability
14 for a failure in the use or operation of the 911 system. The immunity provided by this section
15 does not extend to the installation or maintenance of the 911 system.

16 Section 4. That § 34-45-21 be amended to read as follows:

17 34-45-21. Each 911 emergency reporting system created by a governing body of a public
18 corporation pursuant to an ordinance authorized by § 34-45-2 shall cooperate fully with the ~~task~~
19 ~~force~~ board and provide operational and financial information ~~to the task force~~ in a timely
20 manner as prescribed by the board.

21 Section 5. That § 34-45-18.2 be amended to read as follows:

22 34-45-18.2. The board may promulgate rules pursuant to chapter 1-26 setting:

- 23 (1) Minimum technical, operational, and procedural standards for the operation and
24 utilization of a public safety answering point;

1 (2) Requirements and amounts for reimbursement of recurring and nonrecurring costs;
2 and

3 (3) Standards for coordination of effective 911 service on a statewide basis.

4 Moreover, prior to December 31, 2010, the board shall promulgate rules specifying
5 alternative arrangements that can be utilized by a public safety answering point to comply with
6 ARSD 50:02:04:02(2). A public safety answering point shall comply with ARSD
7 50:02:04:02(2) if the Legislature increases the monthly uniform charge, regardless of the
8 amount of the increase. Furthermore, no public safety answering point may be required to
9 comply with the provisions of ARSD 50:02:04:02(2) if the public safety answering point
10 forswears the acceptance of revenue from any future legislative increase in the monthly uniform
11 charge and formally resolves to continue to maintain itself pursuant to all other statutes, rules,
12 and standards.