AN ACT

ENTITLED, An Act to revise certain provisions regarding the 911 emergency surcharge, the public safety 911 emergency fund, and revenue distribution and to repeal the 911 emergency surcharge sunset clause.

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

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

34-45-4. A monthly uniform 911 emergency surcharge of one dollar and twenty-five cents shall be assessed per service user line. The proceeds of the 911 emergency surcharge shall be used to pay for allowable nonrecurring and recurring costs of the 911 system. No 911 emergency surcharge may be imposed upon more than one hundred service user lines or equivalent service, per customer account billed, per month. In the case of multi-station network systems, the service user lines shall be equal to the number of calls that can simultaneously be made from the system to the public switched telephone network. No prepaid wireless telecommunications service is subject to the 911 emergency surcharge imposed under this section.

Section 2. That chapter 34-45 be amended by adding a NEW SECTION to read:

The Department of Revenue shall transfer the surcharges collected pursuant to §§ 34-45-4 and 34-45-4.2 to the Department of Public Safety. The Department of Public Safety shall remit each month seventy percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 to the public agency where the surcharges were collected. However, if the public safety answering point is not in compliance with the standards for operation and utilization of public safety answering points as determined by the board, the board shall notify the public agency receiving the revenue. If within ninety days the public safety answering point serving the public agency does not become compliant with the standards for operation or utilization or submit a plan to the board to be approved by the board, detailing how the public safety answering point will become compliant, the

Department of Public Safety shall withhold the revenue from the public agency. If within one hundred eighty days of the notice given to the public agency, the public safety answering point does not become compliant or receive approval from the board of the plan to become compliant, the revenue collected within the public agency shall be deposited into the public safety 911 emergency fund created pursuant to section 3 of this Act. If within one hundred eighty days of the notice given to the public agency, the public safety answering point becomes compliant or receives approval from the board of a plan to become compliant, any revenue to the public agency withheld by the department shall be remitted to the public agency.

The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public agency its share of the distribution. The Department of Public Safety shall deposit thirty percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 into the public safety 911 emergency fund created pursuant to section 3 of this Act. The Department of Public Safety shall deposit all of the revenue collected from the prepaid wireless service surcharge imposed by § 34-45-4.2 into the South Dakota 911 coordination fund created pursuant to § 34-45-12.

Section 3. That chapter 34-45 be amended by adding a NEW SECTION to read:

There is hereby created within the state treasury the public safety 911 emergency fund. Any money in the public safety 911 emergency fund is continuously appropriated for distribution as provided in this section. A public safety answering point is eligible to receive a distribution from the public safety 911 emergency fund if the public safety answering point is in compliance with the standards for operation and utilization of public safety answering points as determined by the board and either serves a population of more than thirty thousand or covers an area that includes three or more counties. The board shall notify each public safety answering point when the list of public safety answering points eligible for funding pursuant to this section changes. The Department of

Public Safety shall:

(1) Distribute twenty-six percent of the money deposited in the fund based on the ratio of the population of each eligible public safety answering point to the population of all the eligible public safety answering points; and

(2) Transfer seventy-four percent of the money deposited in the fund to the South Dakota 911 coordination fund.

The Department of Public Safety shall base the allocation of money for population on the most recent decennial census of the United States Department of Commerce, Bureau of the Census and the population estimate published by the United States Census Bureau for each year ending in five. The Department of Public Safety shall make distributions from the public safety 911 emergency fund each quarter. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public safety answering point its share of the distribution.

Section 4. That section 24 of chapter 188 of the 2012 Session Laws be repealed.

Section 5. That section 25 of chapter 188 of the 2012 Session Laws be repealed.

Section 6. That section 26 of chapter 188 of the 2012 Session Laws be repealed.

Section 7. That section 28 of chapter 188 of the 2012 Session Laws be repealed.

Section 8. That section 2 of chapter 162 of the 2017 Session Laws be repealed.

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I certify that the attached Act originated in the

SENATE as Bill No. 98

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Secretary of the Senate

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President of the Senate

Attest:

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Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 98
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State