

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0277

HOUSE BILL NO. 1016

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.