

ENGROSSED HOUSE
BILL NO. 1882

By: Ervin, Voskuhl and Mass
of the House

and

Haney of the Senate

(public health and safety - amending 63 O.S., Section 2814
- Nine-One-One Emergency Number Act - effective date -
emergency)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2814, as amended by Section 1, Chapter 67, O.S.L. 1993 (63 O.S. Supp. 1994, Section 2814), is amended to read as follows:

Section 2814. A. In addition to other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may, if approved by a vote of the electors, impose an emergency telephone fee for such service in areas, subject to the jurisdiction of the governing body, for which emergency telephone service has been contracted. The governing body may do such other acts as are necessary for the protection and preservation of the public health if necessary for the operation of the emergency telephone system. The governing body is hereby authorized, by ordinance in the case of municipalities and by resolution in the case of counties, to provide for the operation

of an emergency telephone service and to impose such an emergency telephone fee in an amount not to exceed five percent (5%) during the first year of the fee and not to exceed three percent (3%) in any year thereafter of the tariff rate in areas subject to the jurisdiction of the governing body for which emergency telephone service has been contracted; provided, that after the first year of operation when a governing body determines there exists a need for ancillary communications systems necessary to pass the reported emergency to the appropriate emergency service and personnel, the governing body by ordinance or resolution may restore such fee in an amount not to exceed five percent (5%) for such an additional time as is needed to purchase said ancillary communications equipment; provided, the electors of a county or municipality may vote to impose a fee of up to five percent (5%) of the tariff rate in any year or years after the first year of the fee; and provided that any such and for any year thereafter the fee shall be set by a vote of the electors of the county or municipality as provided for in subsection B of this section. Any fee imposed by a county shall not apply to any portion of the county located within the boundaries of a municipality imposing an emergency telephone fee pursuant to the provisions of Section 2811 et seq. of this title; and provided further, that any such fee imposed by the electors of a county having a population of less than thirty thousand (30,000) or municipality having a population of less than thirty thousand (30,000) shall remain as such until a new vote of the electors of such county or municipality is conducted in the manner for which such election was conducted to impose such fee the Nine-One-One Emergency Number Act. The ordinance or resolution to impose an emergency telephone fee shall be effective sixty (60) days after its publication unless a later date is specified in the ordinance or resolution, or unless the adoption of the ordinance or resolution is made subject to an election called pursuant to the provisions of

subsection B of this section, in which case the ordinance or resolution shall be effective upon certification of the election results by the county election board.

B. Within sixty (60) days of the publication of a resolution by ~~a county~~ the governing body adopted pursuant to subsection A of this section, the governing body may, upon its own initiative, call an election to submit the question of the installation and operation of emergency telephone service and imposition of the fee to the qualified voters of the county or city, or in the alternative, there may be filed with the county election board of the county a petition signed by not less than three percent (3%) of the registered voters of the county. ~~Within~~ or in the case of a city, within sixty (60) days of publication of an ordinance adopted by a city pursuant to subsection A of this section there may be filed with the county election board of the county in which the city is located a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding election of the city. Either of ~~such~~ the petitions ~~may~~ shall request that the question of the installation and operation of emergency telephone service and imposition of a fee ~~therefor~~ in the amount of three percent (3%) or greater of the tariff rate be submitted to the qualified voters of the county or the city. Upon determination of the sufficiency of ~~such~~ the petition and certification thereof by the county election board, the proposition shall be submitted to the qualified voters of the county or city not less than sixty (60) days following the certification of ~~such~~ the petition. ~~In the alternative, the governing body publishing the resolution or ordinance may, upon its own initiative, call an election to submit the question of the installation and operation of emergency telephone service and imposition of the fee therefor to the qualified voters of the county or city.~~

C. If a majority of the votes cast at the election provided pursuant to subsection B of this section are for the installation and operation of emergency telephone service and imposition of a fee ~~therefor~~ the governing body ~~may~~ shall provide for the installation and operation of ~~such~~ the service and impose ~~such~~ a fee. The fee provided pursuant to the provisions of subsection A of this section and the resolution or ordinance establishing the fee shall become effective.

D. The emergency telephone fee provided pursuant to the provisions of ~~subsection A of~~ this section may be imposed for a period not to exceed three (3) years after which the governing body may renew the fee in an amount not to exceed ~~three percent (3%) of the tariff rate~~ the amount set by the electors of the county or municipality for no longer than three (3) years at a time, ~~using the procedure provided in this section provided, however, that any such.~~ If the electors of the county or municipality fail to set a fee at the expiration of a three-year period, the fee in place at the time of the expiration of said period shall continue until a new vote of the electors of the county or municipality takes place. Any fee imposed by the electors of a county ~~having a population of less than thirty thousand (30,000)~~ or municipality ~~having a population of less than thirty thousand (30,000)~~ shall remain ~~as such~~ the same until a new vote of the electors of ~~such~~ the county or municipality is conducted in the manner for which ~~such~~ the election was conducted to impose ~~such~~ the fee. The proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in this section, and may be collected at any time subsequent to execution of a contract with the provider of ~~such~~ the emergency telephone service at the discretion of the governing body. Collection of ~~such~~ the fee may begin at any time if an existing emergency telephone service is already operative, otherwise the fee

shall not begin prior to contracting for the emergency telephone service.

E. After the first year of operation, if the governing body determines there exists a need for ancillary communications systems necessary to pass the reported emergency to the appropriate emergency service and personnel and that the imposed fee set by the electors is not sufficient to fund the ancillary communications systems, the governing body may by resolution or ordinance, upon its own initiative, call an election to submit the question of raising the fee in an amount for such additional time as determined by the governing body is necessary to purchase the ancillary communications equipment. The vote shall be conducted in the manner provided for in subsections B and C of this section.

~~E.~~ F. The tariff rate used for initial calculation of the emergency telephone service fee shall remain static for the purpose of calculating future fees for emergency telephone service. Therefore, future rate changes for emergency telephone service shall be stated as a percentage of the initial tariff rate.

~~F.~~ G. The emergency telephone fee shall be imposed only upon the amount received from the tariff for exchange telephone service or its equivalent. No ~~such~~ fee shall be imposed upon more than one hundred exchange access lines or their equivalent per person per location.

~~G.~~ H. Every billed service user shall be liable for any fee imposed pursuant to this section until it has been paid to the local exchange telephone company.

~~H.~~ I. The duty to collect any fee imposed pursuant to the authority of the Nine-One-One Emergency Number Act, ~~Section 2811 et seq. of this title,~~ from a service user shall commence at such time as specified by the governing body. Fees imposed pursuant to the authority of this section and that are required to be collected by

the local exchange telephone company shall be added to and may be stated separately in the billings to the service user.

~~I.~~ J. The local exchange telephone company shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this section, however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for exchange telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company shall annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company to be nonpayment of any fee imposed pursuant to the authority of this section.

~~J.~~ K. Any fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for exchange telephone service in accordance with the regular billing practice of the local exchange telephone service. The tariff rates determined by or stated in the billing of the local exchange telephone company shall be presumed to be correct if such charges were made in accordance with the business practices of the local exchange telephone company. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

SECTION 2. This act shall become effective July 1, 1995.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 8th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate