

3 Senate Bill No. 963

4 SENATE BILL NO. 963 - By: LEFTWICH of the Senate and NANCE of the
5 House.

6 An Act relating to public health and safety; amending 63
7 O.S. 2001, Section 2815, which relates to the Nine-One-One
8 Emergency Number Act; imposing a penalty on local exchange
9 telephone companies for failure to timely remit fees to
10 governing bodies; and providing an effective date.

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

12 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2815, is
13 amended to read as follows:

14 Section 2815. A. Any fee imposed pursuant to Section 2814 of
15 this title and the amounts required to be collected are due monthly.
16 The amount of fee collected in one (1) month by the local exchange
17 telephone company shall be remitted to the governing body no later
18 than thirty (30) days after the close of the month in which such
19 fees were collected. In the event the fee collected is not remitted
20 by the local exchange telephone company to the governing body within
21 thirty (30) days after the close of the month in which such fees
22 were collected, then the local exchange telephone company shall
23 remit a penalty to the governing body. The penalty shall be equal
24 to ten percent (10%) of the original unremitted fee, payable on the
25 first day of each month the fee remains delinquent. All fees
26 collected by the local exchange telephone company and remitted to

1 the governing body and any other money collected to fund the
2 emergency telephone system shall be deposited in a special nine-one-
3 one account established by the governing body, and shall be used
4 only to fund the expenditures authorized by the Nine-One-One
5 Emergency Number Act. The governing body shall account for all
6 disbursements from the account and shall not allow the funds to be
7 transferred to another account not specifically established for the
8 operation of the emergency telephone system.

9 B. On or before the last day of each month, a return for the
10 preceding month shall be filed with the governing body in a form the
11 governing body and the local exchange telephone company agree to.
12 The local exchange telephone company required to file the return
13 shall deliver the return together with a remittance of the amount of
14 the fee payable to the treasurer or other person responsible to the
15 governing body for receipt of payments from the fee. The local
16 exchange telephone company shall maintain records of the amount of
17 any fee collected in accordance with the provisions of the Nine-One-
18 One Emergency Number Act. The records shall be maintained for a
19 period of one (1) year from the time the fee is collected.

20 C. From every remittance of the collected fee to the governing
21 body made on or before the date when the same becomes due, the local
22 exchange telephone company required to remit the fee shall be
23 entitled to deduct and retain for administrative costs, an amount

1 not to exceed three percent (3%) of the first five percent (5%) of
2 the emergency telephone fee.

3 D. At least once each calendar year, the governing body shall
4 establish the fee for the subsequent year in an amount not to exceed
5 the amount approved by the voters as provided by the provisions of
6 Section 2814 of this title that, together with any surplus revenues,
7 will produce sufficient revenues to fund the expenditures authorized
8 by the Nine-One-One Emergency Number Act. Amounts collected in
9 excess of that necessary within a given year shall be carried
10 forward to subsequent years. The governing body shall make the
11 determination of the fee amount no later than September 1 of each
12 year and shall fix the new fee to take effect commencing with the
13 first billing period of each service user on or following the next
14 January 1. Immediately upon making its determination and fixing the
15 fee, the governing body shall publish in its minutes the new fee,
16 and it shall, at least ninety (90) days before the new fee shall
17 become effective, notify by certified mail every local exchange
18 telephone company providing emergency telephone service to areas
19 within the jurisdiction of the governing body. The governing body
20 may at its own expense require an annual audit of the books and
21 records of the local exchange telephone company concerning the
22 collection and remittance of the fee authorized by the Nine-One-One
23 Emergency Number Act.

1 E. The governing body shall be required to have conducted
2 separately or as a part of the annual audit required by law of the
3 municipality or county an annual audit of any accounts established
4 or used by the governing body for the operation of an emergency
5 telephone system. The audit may be conducted by the State Auditor
6 and Inspector at the discretion of the governing body. All audits
7 shall be conducted in accordance with generally accepted auditing
8 standards and Government Auditing Standards issued by the
9 Comptroller General of the United States. A copy of the audit shall
10 be filed with the State Auditor and Inspector and action taken in
11 accordance with Section 212A of Title 74 of the Oklahoma Statutes.
12 The audit of the emergency telephone system accounts may be paid for
13 and be considered a part of the operating expenses of the emergency
14 telephone system.

15 F. The governing body shall meet at least quarterly to oversee
16 the operations of the emergency telephone system, review
17 expenditures, set and approve an operating budget and take such
18 other action as necessary for the operation and management of the
19 system. The records and meetings of the governing body shall be
20 subject to the Oklahoma Open Meeting Act and the Oklahoma Open
21 Records Act.

22 G. A governing body made up of two or more governmental
23 entities shall have a board consisting of not less than three

1 members; provided, the board shall consist of at least one member
2 representing each governmental entity, appointed by the governing
3 body of each participating governmental entities, as set forth in
4 the agreement forming the board. The members shall serve for terms
5 of not more than three (3) years as set forth in the agreement.
6 Members may be appointed to serve more than one term. The names of
7 the members of the governing body board and the appointing authority
8 of each member shall be maintained in the office of the county clerk
9 in the county or counties in which the system operates, along with
10 copies of the agreement forming the board and any amendments to that
11 agreement.

12 SECTION 2. This act shall become effective November 1, 2002.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-11-02
14 - DO PASS, As Coauthored.