

EHB 1751

THE STATE SENATE
Thursday, April 7, 2005

ENGROSSED

House Bill No. 1751

As Amended

ENGROSSED HOUSE BILL NO. 1751 - By: CASE, KIESEL, BRANNON, SMITHSON
and McMULLEN of the House and MONSON of the Senate.

[telecommunications - amending 63 O.S., Sections 2813,
2814, 2843 and 2843.1 - Nine-One-One Wireless Emergency
Number Act -
emergency]

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2813, is
amended to read as follows:

Section 2813. As used in the Nine-One-One Emergency Number Act,
~~Section 2811 et seq. of this title,~~ unless the context otherwise
requires:

1. "Area served" means the geographic area which shall be
served by the emergency telephone service provided by the governing
body of a county, municipality, part of a county or combination of
such governing bodies;

2. "Emergency telephone service" means any telephone system
utilizing a three-digit number, nine-one-one (911), for reporting an
emergency to the appropriate public agency providing law
enforcement, fire, medical or other emergency services, including

1 ancillary communications systems and personnel necessary to pass the
2 reported emergency to the appropriate emergency service and
3 personnel;

4 3. "Emergency telephone fee" means a fee to finance the
5 operation of emergency telephone service;

6 4. "Governing body" means the board of county commissioners of
7 a county, the city council or other governing body of a
8 municipality, or a combination of such boards, councils or other
9 municipal governing bodies, which shall have an administering board
10 as provided in subsection G of Section 2815 of this title. Any such
11 combined administering board shall be formed and shall enter into an
12 agreement between the governing body of each entity in accordance
13 with the Interlocal Cooperation Act. The agreement shall be filed
14 with the office of the county clerk and in the offices of each
15 governmental entity involved;

16 5. "Local exchange telephone company" means any company
17 providing ~~exchange~~ any telephone services to any service user in
18 this state, and shall include any competitive local exchange carrier
19 as defined in Section 139.102 of Title 17 of the Oklahoma Statutes,
20 as well as any company providing transmission of voice conversation
21 over a data network to access nine-one-one;

22 6. "Person" means any service user, including but not limited
23 to, any individual, firm, partnership, copartnership, joint venture,

1 association, cooperative organization, private corporation, whether
2 organized for profit or not, fraternal organization, nonprofit
3 organization, estate, trust, business or common law trust, receiver,
4 assignee for the benefit of creditors, trustee or trustee in
5 bankruptcy, the United States of America, the state, any political
6 subdivision of the state, or any federal or state agency,
7 department, commission, board or bureau;

8 7. "Public agency" means any city, town, county, municipal
9 corporation, public district, public trust or public authority
10 located within this state which provides or has authority to provide
11 fire fighting, law enforcement, ambulance, emergency medical or
12 other emergency services;

13 8. "Service user" means any person who is provided ~~exchange~~
14 ~~telephone~~ publicly available voice telecommunications service in
15 this state; and

16 9. "~~Tariff~~ End user rate" means the rate or rates billed by a
17 ~~local exchange telephone company stated in tariffs applicable for~~
18 ~~such company, as approved by the Oklahoma Corporation Commission~~
19 telecommunications carrier providing voice telecommunications
20 service to subscribers of voice services in Oklahoma, which
21 represent the recurring charges ~~of such local exchange telephone~~
22 ~~company for exchange telephone~~ for basic telephone service or its
23 equivalent, exclusive of all taxes, fees, licenses or similar

1 charges whatsoever. For purposes of this paragraph,
2 "telecommunications carrier" and "telecommunications service" shall
3 be as defined in Section 139.102 of Title 17 of the Oklahoma
4 Statutes.

5 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2814, is
6 amended to read as follows:

7 Section 2814. A. In addition to other powers for the
8 protection of the public health, a governing body may provide for
9 the operation of an emergency telephone service and may impose an
10 emergency telephone fee, as provided in this section, for emergency
11 telephone service in areas, subject to the jurisdiction of the
12 governing body. The governing body may do such other acts as are
13 necessary for the protection and preservation of the public health
14 if necessary for the operation of the emergency telephone system.

15 B. The governing body is hereby authorized, by ordinance in the
16 case of municipalities and by resolution in the case of counties or
17 a combined governing body, to provide for the operation of emergency
18 telephone service and to impose an emergency telephone fee in the
19 area to be served by the system. The ordinance or resolution shall
20 submit to the voters in the area to be served the question of the
21 imposition of emergency telephone service and the amount of the
22 emergency telephone fee. The ordinance or resolution shall propose
23 the amount of the emergency telephone fee to begin the second year

1 and for each year thereafter, in an amount not greater than fifteen
2 percent (15%) of the ~~tariff~~ end user rate, and shall call for an
3 election to be held within one (1) year from the date the ordinance
4 or resolution is adopted.

5 The ordinance or resolution shall also provide for the
6 collection of an amount not to exceed five percent (5%) of the
7 ~~tariff~~ end user rate in areas subject to the jurisdiction of the
8 governing body for a period of no longer than one (1) year. The one
9 (1) year, five percent (5%) fee shall be a part of, not an addition
10 to, the fee set by the voters. The collection of the five percent
11 (5%) fee may begin, prior to the election, within thirty (30) days
12 after the resolution or ordinance becomes effective. The one (1)
13 year, five percent (5%) fee shall be used to provide for the cost of
14 conducting the election to set the emergency telephone fee and any
15 initial or start-up cost necessary to implement the emergency
16 telephone service. If the fee is not approved by the electors, any
17 remaining money collected during the first year shall be distributed
18 to the local exchange telephone company and then shall be refunded
19 to each service user charged on a pro rata basis.

20 C. Within sixty (60) days of the publication of the resolution
21 adopted pursuant to subsection B of this section, there may be filed
22 with the county election board of the affected county or counties a
23 petition signed by not less than three percent (3%) of the total

1 number of votes cast in the next preceding general election of the
2 county or affected area.

3 Within sixty (60) days of publication of an ordinance adopted by
4 a municipality pursuant to subsection B of this section, there may
5 be filed with the county election board of the county in which the
6 municipality is located a petition signed by not less than three
7 percent (3%) of the total number of votes cast in the next preceding
8 election of the city.

9 The petitions may request that the question of the installation
10 and operation of emergency telephone service and imposition of the
11 one (1) year, five percent (5%) emergency telephone fee as called
12 for in the resolution or ordinance be disapproved.

13 Upon determination of the sufficiency of the petition and
14 certification by the county election board or boards, the
15 proposition shall be submitted to the qualified voters of the
16 county, municipality or area to be served not less than sixty (60)
17 days following the certification of the petition.

18 If a majority of the votes cast in an election held pursuant to
19 subsection B of this section disapprove the operation of emergency
20 telephone service and imposition of an emergency telephone fee or a
21 majority of the votes cast disapprove the one (1) year, five percent
22 (5%) emergency telephone fee, upon certification of the election
23 results by the county election board or boards, the resolution or

1 ordinance shall not take effect and the emergency telephone service
2 and the emergency telephone fee called for in the resolution or
3 ordinance shall not be imposed. If the resolution or ordinance is
4 disapproved by the electors, any remaining money collected during
5 the first year shall be distributed to the local exchange telephone
6 company and then shall be refunded to each service user charged on a
7 pro rata basis.

8 D. If the governing board does not take action to provide for
9 the operation of emergency telephone service and to impose an
10 emergency telephone fee as provided in subsection B of this section,
11 there may be filed with the county election board or boards of the
12 affected area a petition signed by not less than three percent (3%)
13 of the total numbers of votes cast in the next preceding election of
14 the affected area.

15 The petition shall request that the question of the installation
16 and operation of emergency telephone service and imposition of a fee
17 in an amount not greater than fifteen percent (15%) of the ~~tariff~~
18 end user rate be submitted to the qualified voters of the county,
19 municipality or area to be served. Upon determination of the
20 sufficiency of the petition and certification by the county election
21 board or boards, the proposition shall be submitted to the qualified
22 voters of the county, municipality or area to be served not less
23 than sixty (60) days following the certification of the petition.

1 If a majority of the votes cast at an election held pursuant to
2 this subsection approve the installation and operation of emergency
3 telephone service and imposition of an emergency telephone fee the
4 governing body shall provide for the installation and operation of
5 the service, impose the approved fee and provide for the governance
6 of the system. If the affected area is governed by two or more
7 governmental entities the governing bodies of each shall enter into
8 an agreement in accordance with the Interlocal Cooperative Act to
9 provide for the governance of the system.

10 E. Any fee imposed by a county or combined governing body shall
11 not apply to any portion of the county located within the boundaries
12 of a municipality or other governmental entity also imposing an
13 emergency telephone fee pursuant to the provisions of the Nine-One-
14 One Emergency Number Act. The approved emergency telephone fee
15 shall be effective upon certification of the election results by the
16 county election board or boards. Except as provided for in
17 subsections G and I of this section, an emergency telephone fee
18 imposed prior to the effective date of this act shall continue at
19 the established amount until an election to change the fee is called
20 as provided for in this section.

21 F. If a majority of the votes cast at an election held pursuant
22 to subsection B of this section approve the installation and
23 operation of emergency telephone service and imposition of an

1 emergency telephone fee, the governing body shall provide for the
2 installation and operation of the service and impose the approved
3 fee. The initial five percent (5%) fee, established by resolution
4 or an ordinance, as provided pursuant to the provisions of
5 subsection B of this section shall remain in effect for the
6 remainder of the first year.

7 G. The emergency telephone fee approved pursuant to the
8 provisions of this section shall be reviewed at least once each
9 calendar year by the governing body which shall, in accordance with
10 subsection D of Section 2815 of this title, establish the amount of
11 the fee for the next calendar year, not to exceed the amount set by
12 the electors. The governing body shall have the power and authority
13 to reduce the emergency telephone fee being paid by the service
14 users of the emergency telephone system to the estimated amount
15 needed for the annual operation and maintenance of the system. If
16 the governing body makes a reduction and in a subsequent year
17 determines it is necessary to increase the fee to operate and
18 maintain the system, the governing body may raise the fee up to an
19 amount not to exceed the amount previously set by the electors. Any
20 fee imposed by the electors of a county, municipality or area served
21 shall remain at the amount approved by the electors until a new vote
22 of the electors is conducted in the manner for which an election may
23 be conducted to impose a fee as provided for in this section. The

1 proceeds of the fee shall be utilized to pay for the operation of
2 emergency telephone service as specified in this section.
3 Collection of the fee may begin at any time if an existing service
4 is already operative or at any time subsequent to execution of a
5 contract with the provider of the emergency telephone service at the
6 discretion of the governing body.

7 H. If the fee approved by the voters is less than fifteen
8 percent (15%) and the governing body determines there exists a need
9 for ancillary communications systems necessary to communicate the
10 reported emergency to the appropriate emergency service and
11 personnel and the governing body also determines that the fee set by
12 the electors is not sufficient to fund the ancillary communications
13 systems, the governing body may by resolution or ordinance call an
14 election to submit the question of raising the voter-approved fee in
15 a sufficient amount, not to exceed fifteen percent (15%), for such
16 additional time as determined by the governing body it is necessary
17 to purchase the ancillary communications equipment. The vote shall
18 be conducted in the manner provided for in subsection B of this
19 section.

20 I. A governing body with an existing emergency telephone
21 service system in operation prior to the effective date of this act
22 may by ordinance or resolution restore the emergency telephone fee
23 set at three percent (3%) to an amount not to exceed five percent

1 (5%) of the ~~tariff~~ end user rate for such additional time as is
2 necessary to fund ancillary communications equipment necessary to
3 communicate the reported emergency to the appropriate emergency
4 service and personnel.

5 Within sixty (60) days of the publication of the resolution
6 adopted pursuant to this subsection, there may be filed with the
7 county election board of the affected county or counties a petition
8 signed by not less than three percent (3%) of the total number of
9 votes cast in the next preceding general election of the county or
10 affected area.

11 Within sixty (60) days of publication of an ordinance adopted by
12 a municipality pursuant to this subsection, there may be filed with
13 the county election board of the county in which the municipality is
14 located a petition signed by not less than three percent (3%) of the
15 total number of votes cast in the next preceding election of the
16 city.

17 The petitions may request that the question of restoring the
18 emergency telephone fee to an amount not to exceed five percent (5%)
19 of the ~~tariff~~ end user rate to fund ancillary communications
20 equipment be submitted to the qualified voters of the county,
21 municipality or area to be served.

22 Upon determination of the sufficiency of the petition and
23 certification by the county election board or boards, the

1 proposition shall be submitted to the qualified voters of the
2 county, municipality or area to be served not less than sixty (60)
3 days following the certification of the petition. If a majority of
4 the votes cast at the election are for restoring the emergency
5 telephone fee to an amount not to exceed five percent (5%) of the
6 ~~tariff~~ end user rate to fund ancillary communications equipment, the
7 resolution or ordinance restoring the fee shall become effective.
8 The increase of the fee may be implemented within thirty (30) days
9 after the resolution or ordinance becomes effective.

10 J. The ~~tariff~~ end user rate used for initial calculation of the
11 emergency telephone service fee shall remain static for the purpose
12 of calculating future fees for emergency telephone service.
13 Therefore, future rate changes for emergency telephone service shall
14 be stated as a percentage of the initial ~~tariff~~ end user rate.

15 K. The emergency telephone fee shall be imposed only upon the
16 amount received from the ~~tariff~~ end user for exchange telephone
17 service or its equivalent. No fee shall be imposed upon more than
18 one hundred exchange access lines or their equivalent per person per
19 location.

20 L. Every billed service user shall be liable for any fee
21 imposed pursuant to this section until it has been paid to the local
22 exchange telephone company.

1 M. The duty to collect any fee imposed pursuant to the
2 authority of the Nine-One-One Emergency Number Act from a service
3 user shall commence at a time specified by the governing body. Fees
4 imposed pursuant to this section that are required to be collected
5 by the local exchange telephone company shall be added to and shall
6 be stated separately in the billings to the service user.

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

19 O. Any fee imposed pursuant to the authority provided by this
20 section shall be collected insofar as practicable at the same time
21 as, and along with, the charges for exchange telephone service in
22 accordance with the regular billing practice of the local exchange
23 telephone service. The ~~tariff~~ end user rates determined by or

1 stated in the billing of the local exchange telephone company shall
2 be presumed to be correct if such charges were made in accordance
3 with the business practices of the local exchange telephone company.
4 The presumption may be rebutted by evidence which establishes that
5 an incorrect ~~tariff~~ end user rate was charged.

6 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2843, as
7 amended by Section 1, Chapter 456, O.S.L. 2002 (63 O.S. Supp. 2004,
8 Section 2843), is amended to read as follows:

9 Section 2843. As used in the Nine-One-One Wireless Emergency
10 Number Act, unless the context otherwise requires:

11 1. "Area served" means the geographic area which shall be
12 served by the emergency telephone service provided by the governing
13 body of a county, municipality, part of a county or combination of
14 such governing bodies;

15 2. "Governing body" means the board of county commissioners of
16 a county, the city council or other governing body of a
17 municipality, or a combination of such boards, councils or other
18 municipal governing bodies, which shall have an administering board
19 as provided in subsection G of Section 2815 of this title. Any such
20 combined administering board shall be formed and shall enter into an
21 agreement with the governing body of each entity in accordance with
22 the Interlocal Cooperation Act. The agreement shall be filed with

1 the office of the county clerk and in the offices of each
2 governmental entity involved;

3 3. "Nine-one-one wireless emergency telephone service" means
4 any telephone system whereby wireless telephone subscribers may
5 utilize a three-digit number, nine-one-one (911), for reporting an
6 emergency to the appropriate public agency providing law
7 enforcement, fire, medical, or other emergency services, including
8 ancillary communications systems and personnel necessary to pass the
9 reported emergency to the appropriate emergency service and which
10 the wireless service provider is required to provide pursuant to the
11 Federal Communications Commission Order 94-102 (961 Federal Register
12 40348);

13 4. "Nine-one-one emergency wireless telephone fee" means a fee
14 to finance the installation and operation of emergency wireless
15 telephone service and related equipment;

16 5. "Local exchange telephone company" means any company
17 providing exchange telephone service to any service user in this
18 state, and shall include any competitive local exchange carrier as
19 defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

20 6. "Person" means any service user, including any individual,
21 firm, partnership, copartnership, joint venture, association,
22 cooperative organization, private corporation, whether organized for
23 profit or not, fraternal organization, nonprofit organization,

1 estate, trust, business or common law trust, receiver, assignee for
2 the benefit of creditors, trustee or trustee in bankruptcy, the
3 United States of America, the state, any political subdivision of
4 the state or any federal or state agency, department, commission,
5 board, or bureau;

6 7. "Place of primary use" shall have the same meaning as
7 defined in Section 55001 of Title 68 of the Oklahoma Statutes;

8 8. "Proprietary information" shall include subscriber, market
9 share, cost and review information;

10 9. "Public agency" means any city, town, county, municipal
11 corporation, public district, public trust, substate planning
12 district or public authority located within this state which
13 provides or has authority to provide fire fighting, law enforcement,
14 ambulance, emergency medical, or other emergency services;

15 10. "Substate planning district" means the following
16 organizations:

- 17 a. Association of Central Oklahoma Governments (ACOG),
- 18 b. Association of South Central Oklahoma Governments
19 (ASCOG),
- 20 c. Central Oklahoma Economic Development District
21 (COEDD),
- 22 d. Eastern Oklahoma Economic Development District
23 (EOEDD),

- 1 e. Grand Gateway Economic Development Association
- 2 (GGEDA),
- 3 f. Indian Nations Council of Governments (INCOG),
- 4 g. Kiamichi Economic Development District (KEDDO),
- 5 h. Northern Oklahoma Development Association (NODA),
- 6 i. Oklahoma Economic Development Association (OEDA),
- 7 j. Southern Oklahoma Development Association (SODA), and
- 8 k. South Western Oklahoma Development Authority (SWODA);

9 11. "Wireless service provider" means a provider of commercial
10 mobile service under Section 332(d) of the Telecommunications Act of
11 1996, 47 U.S.C., Section 151 et seq., Federal Communications
12 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
13 Pub. L. No. 103-66, and includes a provider of wireless two-way
14 communication service, radio-telephone communications related to
15 cellular telephone service, network radio access lines or the
16 equivalent, and personal communication service. The term does not
17 include a provider of:

- 18 a. a service whose users do not have access to nine-one-
- 19 one service,
- 20 b. a communication channel used only for data
- 21 transmission, or
- 22 c. a wireless roaming service or other nonlocal radio
- 23 access line service; and

1 12. "Wireless telecommunications connection" means the ten-
2 digit access number assigned to a customer regardless of whether
3 more than one such number is aggregated for the purpose of billing a
4 service user; and

5 ~~13. "Uniform statewide agreement" means an agreement between~~
6 ~~each wireless service provider and the substate planning district~~
7 ~~providing the terms of implementation, installation, maintenance and~~
8 ~~reimbursement for the provision of nine-one-one wireless emergency~~
9 ~~telephone service. Each substate planning district or public agency~~
10 ~~shall operate under the uniform statewide agreement. The terms of~~
11 ~~such agreement shall be negotiated by representatives from each~~
12 ~~substate planning district in paragraph 10 of this section and~~
13 ~~representatives of the wireless service providers operating in the~~
14 ~~State of Oklahoma on the effective date of this act.~~

15 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2843.1, as
16 amended by Section 2, Chapter 456, O.S.L. 2002 (63 O.S. Supp. 2004,
17 Section 2843.1), is amended to read as follows:

18 Section 2843.1 A. To provide for processing nine-one-one
19 emergency wireless calls, the board of county commissioners of a
20 county may by resolution submit to the voters of the county the
21 question of the imposition of a nine-one-one emergency wireless
22 telephone fee for each wireless connection in the county as
23 determined by the subscriber's place of primary use. The resolution

1 shall include the amount of the emergency telephone fee ~~which shall~~
2 ~~be fifty cents (\$0.50)~~ in an amount not greater than One Dollar and
3 fifty cents (\$1.50) per month for each wireless connection, and
4 shall call for an election to be held within one (1) year from the
5 date the resolution is adopted. If a majority of the votes cast in
6 an election held approve the imposition of an emergency telephone
7 fee, the fee shall be imposed. A political subdivision may not
8 impose another fee on a wireless service provider or subscriber for
9 nine-one-one emergency service. The proceeds of the fee shall be
10 utilized to pay for the operation of emergency wireless telephone
11 service as specified in this section.

12 B. A wireless service provider shall collect the emergency
13 wireless telephone fee in an amount equal to the amount approved as
14 provided for in subsection A of this section for each wireless
15 telecommunications connection from each of its subscribers of
16 wireless telephone service within the boundaries of the county as
17 determined by the subscriber's place of primary use and shall pay
18 the money collected to the substate planning district that
19 represents that county not later than thirty (30) days after the
20 last day of the month during which the fees were collected. The
21 wireless service provider may retain an administrative fee of two
22 percent (2%) of the amount collected when remitted in the time
23 specified, unless otherwise agreed upon. The money remitted to the

1 substate planning district and any other money collected to fund the
2 emergency wireless telephone system shall be deposited in a special
3 wireless nine-one-one account established by the district.

4 C. Money collected under subsection B of this section shall be
5 used only for services related to nine-one-one emergency wireless
6 telephone services, including automatic number identification and
7 automatic location information services. The substate planning
8 districts shall distribute the money collected for each county which
9 has approved the emergency wireless telephone fee to each public
10 agency within that county which has established emergency wireless
11 telephone service or has sent a written request for installation,
12 maintenance, and operation of an emergency wireless telephone
13 service to a wireless service provider. The money remitted to the
14 public agency and any other money collected to fund the emergency
15 wireless telephone system shall be deposited in a special wireless
16 nine-one-one account established by the substate planning district.
17 From the emergency wireless telephone fee, the substate planning
18 districts shall distribute to other public agencies in the county
19 their proportionate share attributable to emergency wireless
20 telephone services as determined by at least an annual census of
21 wireless users provided by the wireless service provider. All
22 wireless user information provided by a wireless service provider
23 shall be deemed proprietary and is not subject to disclosure to the

1 public or any other party. Remittance of the fee to a public agency
2 may begin at any time if an existing emergency wireless telephone
3 service is already operative or upon written request by the local
4 governing body to the provider for installation, maintenance, and
5 operation of a nine-one-one emergency wireless telephone service and
6 related equipment. Amounts not used within a given year shall be
7 carried forward.

8 D. Every billed service user shall be liable for any emergency
9 wireless telephone fee imposed pursuant to this section until it has
10 been paid to the wireless service provider.

11 E. The duty to collect any emergency wireless telephone fee
12 imposed pursuant to the authority of the Nine-One-One Wireless
13 Emergency Number Act from a service user shall commence within sixty
14 (60) days following the date that a wireless service provider
15 receives notice from a local county that the voters in a county have
16 approved the fee, the amount of such fee and the address to which
17 the fee should be remitted. Fees imposed pursuant to this section
18 that are required to be collected by the wireless service provider
19 shall be added to and shall be stated separately in the billings to
20 the service user.

21 F. The wireless service provider shall have no obligation to
22 take any legal action to enforce the collection of any emergency
23 wireless telephone fee imposed pursuant to the authority of this

1 section; however, should any service user tender a payment
2 insufficient to satisfy all charges, ~~tariffs,~~ fees, and taxes for
3 wireless telephone service, the amount tendered shall be credited to
4 the nine-one-one emergency wireless telephone fee in the same manner
5 as other taxes and fees. The wireless service provider shall at
6 least annually provide the governing body with a list of amounts
7 uncollected along with the names and addresses of those service
8 users who carry a balance that can be determined by the wireless
9 service provider to be nonpayment of any fee imposed pursuant to the
10 authority of this section.

11 G. Any emergency wireless telephone fee imposed pursuant to the
12 authority provided by this section shall be collected insofar as
13 practicable at the same time as, and along with, the charges for
14 wireless telephone service in accordance with the regular billing
15 practice of the wireless telephone service. However, if the public
16 agency has not deployed nine-one-one emergency wireless telephone
17 service within twenty-four (24) months from the initial collection
18 of the fee under subsection B of this section, the collection of the
19 fee may be suspended until such service is deployed. A wireless
20 service provider is not liable for failing to suspend collection of
21 a fee.

22 H. On receipt of an invoice from a wireless service provider
23 for the implementation, installation, maintenance and operation of

1 nine-one-one emergency wireless telephone service, the public agency
2 shall reimburse the wireless service provider ~~in accordance with the~~
3 ~~uniform statewide agreement~~ for all agreed to expenses related to
4 nine-one-one emergency wireless telephone service. Reimbursement
5 shall be made on a competitively neutral basis.

6 SECTION 5. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON AEROSPACE, COMMUNICATIONS &
11 TECHNOLOGY, dated 4-4-05 - DO PASS, As Amended.