

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1166

By: Jolley and Garrison of
the Senate

3
4 and

Terrill of the House
5
6
7

8 An Act relating to public health and safety; creating
9 the Regional Emergency Nine-One-One Services Act;
10 providing short title; stating purpose; encouraging
11 formation of certain districts; defining terms;
12 designating jurisdictions; allowing for agreements;
13 authorizing emergency districts; providing for
14 certain reports; providing for codification;
15 providing an effective date; and declaring an
16 emergency.

17 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
18 and insert

19 " (public health and safety - creating the Regional
20 Emergency Nine-One-One Services Act -
21 codification - effective date -
22 emergency)
23
24

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2843.1, as
2 last amended by Section 3, Chapter 353, O.S.L. 2007 (63 O.S. Supp.
3 2008, Section 2843.1), is amended to read as follows:

4 Section 2843.1 A. To provide for processing nine-one-one
5 emergency wireless calls, the board of county commissioners of a
6 county may by resolution submit to the voters of the county the
7 question of the imposition of a nine-one-one emergency wireless
8 telephone fee for each wireless connection in the county as
9 determined by the subscriber's place of primary use. The resolution
10 shall include the amount of the fee which shall be ~~fifty cents~~
11 ~~(\$0.50)~~ fifteen cents (\$0.15) per month for each wireless
12 connection, and shall call for an election to be held within one (1)
13 year from the date the resolution is adopted. If a majority of the
14 votes cast in an election held approve the imposition of an
15 emergency telephone fee, the fee shall be imposed. A political
16 subdivision may not impose another fee on a wireless service
17 provider or subscriber for nine-one-one emergency service. The
18 proceeds of the fee shall be utilized to pay for the operation of
19 emergency wireless telephone service as specified in this section.

20 B. A wireless service provider shall collect the emergency
21 wireless telephone fee in an amount equal to the amount approved as
22 provided for in subsection A of this section for each wireless
23 telecommunications connection from each of its subscribers of
24 wireless telephone service within the boundaries of the county as

1 determined by the subscriber's place of primary use and shall pay
2 the money collected to the substate planning district that
3 represents that county not later than thirty (30) days after the
4 last day of the month during which the fees were collected. The
5 wireless service provider may retain an administrative fee of two
6 percent (2%) of the amount collected when remitted in the time
7 specified, unless otherwise agreed upon. The money remitted to the
8 substate planning district and any other money collected to fund the
9 emergency wireless telephone system shall be deposited in a special
10 wireless nine-one-one account established by the district.

11 C. Money collected under subsection B of this section shall be
12 used only for services related to nine-one-one emergency wireless
13 telephone services, including automatic number identification and
14 automatic location information services. The substate planning
15 districts shall distribute the money collected for each county which
16 has approved the emergency wireless telephone fee to each public
17 agency within that county which has established emergency wireless
18 telephone service or has sent a written request for installation,
19 maintenance, and operation of an emergency wireless telephone
20 service to a wireless service provider. The money remitted to the
21 public agency and any other money collected to fund the emergency
22 wireless telephone system shall be deposited in a special wireless
23 nine-one-one account established by the substate planning district.
24 From the emergency wireless telephone fee, the substate planning

1 districts shall distribute to other public agencies in the county
2 their proportionate share attributable to emergency wireless
3 telephone services as determined by at least an annual census of
4 wireless users provided by the wireless service provider. All
5 wireless user information provided by a wireless service provider
6 shall be deemed proprietary and is not subject to disclosure to the
7 public or any other party. Remittance of the fee to a public agency
8 may begin at any time if an existing emergency wireless telephone
9 service is already operative or upon written request by the local
10 governing body to the provider for installation, maintenance, and
11 operation of a nine-one-one emergency wireless telephone service and
12 related equipment. Amounts not used within a given year shall be
13 carried forward.

14 D. Every billed service user shall be liable for any emergency
15 wireless telephone fee imposed pursuant to this section until it has
16 been paid to the wireless service provider. As of the effective
17 date of this section, each prepaid wireless service provider shall
18 remit the emergency wireless telephone fee for its prepaid wireless
19 customers in accordance with either of the following methods:

20 1. For each active prepaid wireless customer whose account
21 balance is equal to or greater than the amount of the fee, the
22 provider shall deduct and remit the fee; and

23 2. If it is not technically feasible for the prepaid wireless
24 service provider to deduct the emergency wireless telephone fee from

1 an active account, the prepaid wireless service provider shall pay
2 the fee for each active prepaid account and seek reimbursement using
3 whatever means are available to the provider.

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

14 F. The wireless service provider shall have no obligation to
15 take any legal action to enforce the collection of any emergency
16 wireless telephone fee imposed pursuant to the authority of this
17 section; however, should any service user tender a payment
18 insufficient to satisfy all charges, tariffs, fees, and taxes for
19 wireless telephone service, the amount tendered shall be credited to
20 the nine-one-one emergency wireless telephone fee in the same manner
21 as other taxes and fees. The wireless service provider shall at
22 least annually provide the governing body with a list of amounts
23 uncollected along with the names and addresses of those service
24 users who carry a balance that can be determined by the wireless

1 service provider to be nonpayment of any fee imposed pursuant to the
2 authority of this section.

3 G. Any emergency wireless telephone fee imposed pursuant to the
4 authority provided by this section shall be collected insofar as
5 practicable at the same time as, and along with, the charges for
6 wireless telephone service in accordance with the regular billing
7 practice of the wireless telephone service. If the customer has
8 prepaid for wireless telephone service, the wireless service
9 provider shall remit the emergency wireless telephone fee in
10 accordance with subsection D of this section. However, if the
11 public agency has not deployed nine-one-one emergency wireless
12 telephone service within twenty-four (24) months or thirty-six (36)
13 months for counties with a population of less than thirty thousand
14 (30,000), from the initial collection of the fee under subsection B
15 of this section, the collection of the fee may be suspended until
16 such service is deployed. A wireless service provider is not liable
17 for failing to suspend collection of a fee.

18 H. Nothing in the Nine-One-One Wireless Emergency Number Act
19 shall be construed to limit the ability of a wireless service
20 provider from recovering its costs associated with designing,
21 developing, deploying, and maintaining wireless enhanced nine-one-
22 one service directly from the customers of the provider, whether the
23 costs are itemized on the bill of the wireless customer as a
24 surcharge or by any other lawful means.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2849 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Regional
5 Emergency Nine-One-One Services Act".

6 B. It is the purpose of the Regional Emergency Nine-One-One
7 Services Act to encourage formation of emergency communication
8 districts in order to provide efficient delivery of emergency nine-
9 one-one (911) service throughout the state.

10 C. This act shall not apply to any nine-one-one (911) system or
11 public agency participating in a nine-one-one (911) system that was
12 established prior to January 1, 2009, and that had adopted and begun
13 implementation of a process to provide Phase I and Phase II nine-
14 one-one (911) service by that date.

15 D. For the purposes of this section:

16 1. "District" means an emergency communication district;

17 2. "Emergency communication district" means a district formed
18 pursuant to this act to deliver emergency nine-one-one (911)
19 services on a regional basis;

20 3. "Nine-one-one system" means an entity that processes
21 emergency 9-1-1 calls through a public safety answering point;

22 4. "Participating public agency" means a public agency that is
23 included in a district;

24

1 5. "Principal municipality" means the municipality with the
2 largest population in a district; and

3 6. "Public agency" means a municipality or county that provides
4 or has authority to provide fire-fighting, law enforcement,
5 ambulance, medical or other emergency services; provided, it does
6 not mean any entity excluded from this act by the provisions of
7 subsection C of this section.

8 E. On or before December 31, 2012, all public agencies in this
9 state shall form regional emergency communication districts for the
10 purpose of creating an area-wide emergency nine-one-one (911) system
11 for their respective jurisdictions. The territory of the district
12 shall be coextensive with the territory of the regional substate
13 planning district. If a public agency is situated in more than one
14 such territory it shall become part of the district in which it is
15 principally located. If, due to the effect of subsection C of this
16 section, the majority of the participating public agencies located
17 in the territory of a proposed district determine that it would be
18 in the best interests of their citizens, they may request inclusion
19 in an adjacent district.

20 F. The public agencies to be included in each district may form
21 the district by entering into local cooperative agreements which
22 shall establish a governance structure and provide for the joint
23 implementation, funding, operation, and management of the district.

24

1 G. If the public agencies in a region are unable to develop a
2 local cooperative agreement by December 31, 2012, they shall be
3 included in an emergency communication district that is governed by
4 a board of directors consisting of an appointee by each public
5 agency that was authorized by its voters to fund a nine-one-one
6 (911) system prior to the formation of the district, one appointee
7 elected by a majority of the remaining public agencies in the
8 district, and an additional appointee by the principal municipality
9 in the district who shall serve as chair of the board.

10 H. Unless otherwise provided by agreement, any participating
11 public agency that had been authorized by its voters to fund a nine-
12 one-one (911) system prior to the formation of the district shall
13 retain control of the property, operation, and funding of its
14 system; provided, however, the district may contract with such
15 participating public agency to include the agency's system in the
16 district's master implementation plan. To the extent practicable,
17 the district shall not duplicate the equipment or answering point
18 services already provided by a participating public agency. A user
19 of one or more communication services subject to the payment of fees
20 or taxes for an emergency nine-one-one (911) system shall not be
21 charged for more than one such fee or tax for each service.

22 I. An emergency communication district shall have power to make
23 all contracts to carry out the purposes of this act, purchase and
24 convey real property, impose service fees authorized for public

1 agencies for the provision of nine-one-one (911) service, appoint a
2 manager of the district and adopt rules and policies for the
3 operation of the district.

4 J. Within one (1) year after the effective date of the
5 formation of the district, the board of directors shall prepare its
6 master plan to deliver emergency nine-one-one (911) service
7 throughout its territory. It shall periodically review and update
8 its plan.

9 K. An emergency communication district shall operate on a
10 fiscal year beginning July 1st. It shall adopt an annual budget and
11 cause to be prepared an independent financial audit annually. As
12 soon as practicable after the end of the fiscal year, the district
13 shall deliver to each participating public agency an annual report
14 showing in detail the operations of the district.

15 SECTION 3. This act shall become effective July 1, 2009.

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval."

20

21

22

23

24

1 Passed the House of Representatives the 16th day of April, 2009.

2
3
4 Presiding Officer of the House of
Representatives
5

6 Passed the Senate the ____ day of _____, 2009.

7
8
9 Presiding Officer of the Senate
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24