

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3126

By: Cockroft of the House

and

Smalley of the Senate

8 An Act relating to 9-1-1\*\*\*for payments of certain  
9 expenses; making membership for certain members  
10 continuing; listing powers and duties of the  
11 Authority;\*\*\*subscribers liable for payment of the  
12 telephone fee; allowing certain billing;  
13 limiting\*\*\*;prohibiting the disclosure of certain  
14 proprietary information; providing for payment  
of\*\*\*an improvement plan to the Authority; providing  
for escrow of fees until a plan is\*\*\*expenditures to  
be made upon warrants;\*\*\*2843.1, 2843.2, 2844 and  
2847, which relate to the Nine-One-One Wireless  
Emergency Number Act;\*\*\*recodification; and providing  
effective dates.

17 AUTHOR: Add the following Senate Coauthors: Pittman and Paddock

18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

20 "[ 9-1-1 emergency services - 9-1-1 Management  
Authority Act - codification - noncodification -  
21 recodification - repealer - effective dates ]

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
23  
24

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2861 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma 9-1-1  
5 Management Authority Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 2862 of Title 63, unless there  
8 is created a duplication in numbering, reads as follows:

9 As used in the Oklahoma 9-1-1 Management Authority Act:

10 1. "Authority" means the Oklahoma 9-1-1 Management Authority  
11 created in Section 3 of this act;

12 2. "Governing body" means the board of county commissioners of  
13 a county, the city council, tribal authority or other governing body  
14 of a municipality, or a combination of such boards, councils or  
15 other municipal governing bodies including county or municipal  
16 beneficiary public trusts, or other public trusts which shall have  
17 an administering board. A governing body made up of two or more  
18 governmental entities shall have a board consisting of not less than  
19 three members and shall consist of at least one member representing  
20 each governmental entity, appointed by the governing body of each  
21 participating governmental entity, as set forth in the agreement  
22 forming the board. The members of the board shall serve for terms  
23 of not more than three (3) years as set forth in the agreement.

24 Members may be appointed to serve more than one term. The names of

1 the members of the governing body board and the appointing authority  
2 of each member shall be maintained in the office of the county clerk  
3 in the county or counties in which the system operates, along with  
4 copies of the agreement forming the board and any amendments to that  
5 agreement;

6 3. "Next-generation 9-1-1" or "NG9-1-1" means an:

- 7 a. IP-based system comprised of hardware, software, data,  
8 and operational policies and procedures that:
- 9 (1) provides standardized interfaces from emergency  
10 call and message services to support emergency  
11 communications,
  - 12 (2) processes all types of emergency calls, including  
13 voice, text, data and multimedia information,
  - 14 (3) acquires and integrates additional emergency call  
15 data useful to call routing and handling,
  - 16 (4) delivers the emergency calls, messages and data  
17 to the appropriate public safety answering point  
18 and other appropriate emergency entities,
  - 19 (5) supports data or video communications needs for  
20 coordinated incident response and management, and
  - 21 (6) provides broadband service to public safety  
22 answering points or other first responder  
23 entities, or

24

1           b.    IP-based system comprised of hardware, software, data  
2                    and operational policies and procedures that conforms  
3                    with subsequent amendments made to the definition of  
4                    Next Generation 9-1-1 services in Public Law 112-96;

5           4.    "9-1-1 emergency telephone service" means any telephone  
6                    system whereby telephone subscribers may utilize a three-digit  
7                    number (9-1-1) for reporting an emergency to the appropriate public  
8                    agency providing law enforcement, fire, medical or other emergency  
9                    services, including ancillary communications systems and personnel  
10                    necessary to pass the reported emergency to the appropriate  
11                    emergency service and which the wireless service provider is  
12                    required to provide pursuant to the Federal Communications  
13                    Commission Order 94-102 (961 Federal Register 40348);

14           5.    "9-1-1 wireless telephone fee" means the fee imposed in  
15                    Section 5 of this act to finance the installation and operation of  
16                    emergency 9-1-1 services and any necessary equipment;

17           6.    "Place of primary use" means the street address  
18                    representative of where the use of the mobile telecommunications  
19                    service of the customer primarily occurs, which shall be the  
20                    residential street address or the primary business street address of  
21                    the customer and shall be within the licensed service area of the  
22                    home service provider in accordance with Section 55001 of Title 68  
23                    of the Oklahoma Statutes and the federal Mobile Telecommunications  
24                    Sourcing Act, P.L. No. 106-252, codified at 4 U.S.C. 116-126;

1       7. "Prepaid wireless telecommunications service" means a  
2 telecommunications wireless service that provides the right to  
3 utilize mobile wireless service as well as other telecommunications  
4 services including the download of digital products delivered  
5 electronically, content and ancillary services, which are paid for  
6 in advance and sold in predetermined units or dollars of which the  
7 number declines with use in a known amount;

8       8. "Proprietary information" means wireless service provider or  
9 VoIP service provider, subscriber, market share, cost and review  
10 information;

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

17       10. "Public safety answering point (PSAP)" means an entity  
18 responsible for receiving 9-1-1 calls and processing those calls  
19 according to specific operational policy;

20       11. "Wireless service provider" means a provider of commercial  
21 mobile service under Section 332(d) of the Telecommunications Act of  
22 1996, 47 U.S.C., Section 151 et seq., Federal Communications  
23 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,  
24 Pub. L. No. 103-66, and includes a provider of wireless two-way

1 communication service, radio-telephone communications related to  
2 cellular telephone service, network radio access lines or the  
3 equivalent, and personal communication service. The term does not  
4 include a provider of:

- 5 a. a service whose users do not have access to 9-1-1  
6 service,
- 7 b. a communication channel used only for data  
8 transmission, or
- 9 c. a wireless roaming service or other nonlocal radio  
10 access line service;

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

15 13. "Voice over Internet Protocol (VoIP) provider" means a  
16 provider of interconnected Voice over Internet Protocol service to  
17 end users in the state, including resellers.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2863 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. There is hereby created the Oklahoma 9-1-1 Management  
22 Authority which shall be the governing board overseeing the  
23 development and regulation of 9-1-1 emergency systems in this state  
24

1 and managing the distribution of all 9-1-1 telephone fees collected  
2 pursuant to the provisions of Section 5 of this act.

3 B. The Authority shall be composed of the following members:

4 1. One member representing a tribal authority that operates a  
5 9-1-1 system to be appointed by the President Pro Tempore of the  
6 Senate;

7 2. One member representing a statewide organization dedicated  
8 to public safety to be appointed by the President Pro Tempore of the  
9 Senate;

10 3. One member representing a statewide organization dedicated  
11 to career development for emergency number professionals to be  
12 appointed by the Governor;

13 4. One member representing a statewide organization dedicated  
14 to representing Oklahoma municipalities to be appointed by the  
15 Speaker of the House of Representatives;

16 5. One member representing a statewide organization  
17 representing Oklahoma county commissioners to be appointed by the  
18 Governor;

19 6. One member representing a statewide association of regional  
20 councils of government to be appointed by the President Pro Tempore  
21 of the Senate;

22 7. The Chief Information Officer for the state, or designee;

23 8. One member representing a substate planning district to be  
24 appointed by the Governor;

1           9. Two members each representing a municipal government  
2 operating a 9-1-1 system and having a population of less than one  
3 hundred thousand (100,000), one to be appointed by the Speaker of  
4 the House of Representatives, and one to be appointed by the  
5 Governor;

6           10. One member representing a municipal government operating a  
7 9-1-1 system and having a population of more than one hundred  
8 thousand (100,000) but less than four hundred fifty thousand  
9 (450,000) to be appointed by the Governor;

10           11. One member representing a municipal government operating a  
11 9-1-1 system and having a population of more than four hundred fifty  
12 thousand (450,000) to be appointed by the Speaker of the House of  
13 Representatives;

14           12. One member representing an organization created by an  
15 interlocal agreement for the purpose of sharing public safety  
16 answering-point duties and whose members are municipal governments  
17 with a population of less than four hundred fifty thousand (450,000)  
18 to be appointed by the Governor;

19           13. One member representing an organization created by an  
20 interlocal agreement for the purpose of sharing public safety  
21 answering-point duties and whose members are municipal governments  
22 with a population of more than four hundred fifty thousand (450,000)  
23 to be appointed by the President Pro Tempore of the Senate;

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1        14. One member who is a 9-1-1 Coordinator for a county with a  
2 population of less than twenty thousand (20,000) to be appointed by  
3 the Speaker of the House of Representatives;

4        15. One member who is a 9-1-1 Coordinator for a county with a  
5 population of more than twenty thousand (20,000) to be appointed by  
6 the President Pro Tempore of the Senate;

7        16. One member who is a 9-1-1 Coordinator for a county to be  
8 appointed by the Governor;

9        17. One member representing a local exchange telecommunications  
10 service provider which serves less than fifty thousand (50,000)  
11 access lines in the state or a telephone cooperative to be appointed  
12 by the President Pro Tempore of the Senate;

13        18. One member representing a local exchange telecommunications  
14 service provider which services more than fifty thousand (50,000)  
15 access lines in the state to be appointed by the Speaker of the  
16 House of Representatives;

17        19. One member representing a Tier I wireless carrier, as  
18 defined by the Federal Communications Commission, to be appointed by  
19 the Speaker of the House of Representatives;

20        20. One member representing a Tier II wireless carrier, as  
21 defined by the Federal Communications Commission, to be appointed by  
22 the Speaker of the House of Representatives;

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1        21. One member representing a Tier III wireless carrier, as  
2 defined by the Federal Communications Commission, to be appointed by  
3 the President Pro Tempore of the Senate;

4        22. One member representing the telephone industry to be  
5 appointed by the President Pro Tempore of the Senate; and

6        23. The Oklahoma Secretary of Safety and Security or designee.

7        C. Members shall serve at the pleasure of their appointing  
8 authority and vacancies shall be filled by the original appointing  
9 authority.

10       D. Members shall receive no compensation for serving on the  
11 Authority.

12       E. At its first meeting annually the Authority shall designate  
13 a chair from its members. Meetings shall be held at the call of the  
14 chair.

15       F. The Authority shall be subject to the Oklahoma Open Records  
16 Act and the Oklahoma Open Meeting Act.

17       G. The Oklahoma Department of Emergency Management shall  
18 provide legal, administrative, fiscal and staff support for the  
19 Authority. Expenses related to the provision of such services may  
20 be paid from funds available in the Oklahoma 9-1-1 Management  
21 Authority Revolving Fund created in Section 9 of this act, upon  
22 approval by a majority of the members of the Authority.

23       H. Members serving on the Statewide Nine-One-One Advisory Board  
24 appointed pursuant to Section 2847 of Title 63 of the Oklahoma

1 Statutes on the effective date of this act shall continue serving as  
2 members of the Oklahoma 9-1-1 Management Authority unless replaced  
3 by their appointing authority.

4 SECTION 4. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2864 of Title 63, unless there  
6 is created a duplication in numbering, reads as follows:

7 The powers and duties of the Oklahoma 9-1-1 Management Authority  
8 created in Section 3 of this act shall be to:

9 1. Approve or disapprove the selection of the Oklahoma 9-1-1  
10 Coordinator by majority vote of the members. The Authority shall  
11 direct the Oklahoma 9-1-1 Coordinator to administer grants approved  
12 by the Authority pursuant to this section and perform other duties  
13 as it deems necessary to accomplish the requirements of the Oklahoma  
14 9-1-1 Management Authority Act;

15 2. Prepare grant solicitations for funding for the purposes of  
16 assisting public agencies with funding for consolidation of  
17 facilities or services, deployment of Phase II technology or  
18 successor technology, development of next-generation 9-1-1 regional  
19 emergency service networks, and for other purposes it deems  
20 appropriate and necessary;

21 3. Work in conjunction with the Oklahoma Department of  
22 Emergency Management to create an annual budget for the Authority,  
23 which shall be approved by majority vote of the members;

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1           4. Direct the Oklahoma Tax Commission to escrow all or any  
2 portion of funds collected pursuant to the Oklahoma 9-1-1 Management  
3 Authority Act attributable to a public agency, if the public agency  
4 fails to:

- 5           a. submit or comply with master plans to deliver Phase II  
6                9-1-1 wireless locating services as required by this  
7                act and approved by the Authority,
- 8           b. meet standards of the National Emergency Number  
9                Association (NENA) limited to call-taking and caller  
10              location technology or comply with an improvement plan  
11              to meet such standards as directed by the Authority,
- 12           c. submit annual reports or audits as required by this  
13              act, or
- 14           d. comply with the requirements of this act or procedures  
15              established by the Authority;

16           5. Establish and submit to the Tax Commission annual population  
17 figures, for the purpose of distributing fees collected pursuant to  
18 Section 5 of this act, to be derived by dividing the population of  
19 each public agency's response area by the total population of the  
20 state using data from the latest available Federal Decennial Census  
21 estimates as of July 1 of each year;

22           6. Assist any public agency the Authority determines is  
23 performing below standards of the NENA, as limited by paragraph 4 of  
24 this section, according to the improvement plan required by the

1 Oklahoma 9-1-1 Management Authority Act. The Authority shall  
2 establish a time period for the public agency to come into  
3 compliance after which the Authority shall escrow funds as  
4 authorized in this section. Improvement plans may include  
5 consideration and recommendations for consolidation with other  
6 public agencies, and sharing equipment and technology with other  
7 jurisdictions;

8 7. Require an annual report from public agencies regarding  
9 operations and financing of the public safety answering point (PSAP)  
10 and approve, modify or reject such reports;

11 8. Conduct and review audits and financial records of the  
12 wireless service providers and review public agencies' audits and  
13 financial records regarding the collection, remittance and  
14 expenditures of 9-1-1 wireless telephone fees as required by the  
15 Oklahoma 9-1-1 Management Authority Act;

16 9. Develop a plan to deploy next-generation 9-1-1 services  
17 statewide. The Authority may fund feasibility and implementation  
18 studies it deems necessary to create the plan;

19 10. Facilitate information-sharing among public agencies;

20 11. Create and maintain best practices databases for PSAP  
21 operations;

22 12. Encourage equipment- and technology-sharing among all  
23 jurisdictions;

24 13. Develop training program standards for 9-1-1 call takers;

1 14. Mediate disputes between public agencies and other entities  
2 involved in providing 9-1-1 emergency telephone services;

3 15. Provide a clearinghouse of contact information for  
4 communications service companies and PSAPs operating in this state;

5 16. Make recommendations for consolidation upon the request of  
6 public agencies; and

7 17. Take any steps necessary to carry out the duties required  
8 by the Oklahoma 9-1-1 Management Authority Act.

9 SECTION 5. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 2865 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. Beginning January 1, 2017, there is imposed a 9-1-1  
13 telephone fee as follows:

14 1. Seventy-five cents (\$0.75) monthly on each wireless  
15 telephone connection and other communication device or service  
16 connection with the ability to dial 9-1-1 for emergency calls;

17 2. Seventy-five cents (\$0.75) monthly on each service that is  
18 enabled by Voice over Internet Protocol (VoIP) or Internet Protocol  
19 (IP) with the ability to dial 9-1-1 for emergency calls;

20 3. Seventy-five cents (\$0.75) on each prepaid wireless retail  
21 transaction occurring in this state;

22 4. For purposes of paragraph 3 of this subsection, a retail  
23 transaction that is effected in person by a consumer at a business  
24 location of the seller shall be treated as occurring in this state

1 if that business location is in this state. Any other retail  
2 transaction shall be sourced as provided in paragraphs 5 through 8  
3 of this subsection as applicable;

4 5. When the retail transaction does not occur at a business  
5 location of the seller, the retail transaction is sourced to the  
6 location where receipt by the consumer, or the consumer's donee,  
7 designated as such by the consumer, occurs, including the location  
8 indicated by instructions for delivery to the consumer or donee,  
9 known to the seller;

10 6. When the provisions of paragraph 5 of this subsection do not  
11 apply, the sale is sourced to the location indicated by an address  
12 for the consumer that is available from the business records of the  
13 seller that are maintained in the ordinary course of the seller's  
14 business when use of this address does not constitute bad faith;

15 7. When the provisions of paragraphs 5 and 6 of this subsection  
16 do not apply, the sale is sourced to the location indicated by an  
17 address for the consumer obtained during the consummation of the  
18 sale, including the address of a consumer's payment instrument, if  
19 no other address is available, when use of this address does not  
20 constitute bad faith; and

21 8. When none of the previous rules of paragraphs 4, 5, 6 and 7  
22 of this subsection apply, including the circumstance in which the  
23 seller is without sufficient information to apply the previous  
24 rules, then the location will be determined by the address from

1 which the service was provided, disregarding for these purposes any  
2 location that merely provided the digital transfer of the product  
3 sold. If the seller knows the mobile telephone number, the location  
4 will be that which is associated with the mobile telephone number.

5 B. The fees authorized by subsection A of this section shall  
6 not be assessed on landline phone customers.

7 C. The fees imposed in subsection A of this section shall  
8 replace any 9-1-1 wireless telephone fees previously adopted by any  
9 county pursuant to Section 2843.1 of Title 63 of the Oklahoma  
10 Statutes, or 9-1-1 VoIP emergency service fees adopted by a  
11 governing body pursuant to Section 2853 of Title 63 of the Oklahoma  
12 Statutes, or fees on prepaid wireless retail transactions pursuant  
13 to Section 2843.2 of Title 63 of the Oklahoma Statutes. Fees  
14 collected and transferred pursuant to those sections shall remain in  
15 effect through December 31, 2016.

16 D. From each seventy-five-cent fee assessed and collected  
17 pursuant to subsection A of this section, five cents (\$0.05) shall  
18 be deposited into the Oklahoma 9-1-1 Management Authority Revolving  
19 Fund created pursuant to Section 9 of this act. Funds accumulating  
20 in this revolving fund shall be used to fund the salary of the  
21 Oklahoma 9-1-1 Coordinator and any administrative staff, operations  
22 of the Authority and any costs associated with the administration of  
23 the Oklahoma 9-1-1 Management Authority Act within the Oklahoma  
24



1 Department of Emergency Management, and for grants approved by the  
2 Authority for purposes as authorized in this act.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2866 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. 9-1-1 telephone fees authorized and collected by wireless  
7 service providers and Voice over Internet Protocol (VoIP) providers,  
8 pursuant to paragraphs 1 and 2 of subsection A of Section 5 of this  
9 act from each of their end users residing in this state shall be  
10 paid to the Oklahoma Tax Commission no later than the 20th day of  
11 the month succeeding the month of collection.

12 B. From the total fees collected pursuant to paragraphs 1 and 2  
13 of subsection A of Section 5 of this act, one percent (1%) shall be  
14 retained by the wireless service provider or VoIP provider, and one  
15 percent (1%) shall be retained by the Tax Commission as  
16 reimbursement for the direct cost of administering the collection  
17 and remittance of the fees.

18 C. Every billed service subscriber shall be liable for any 9-1-  
19 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1  
20 Management Authority Act until the fee has been paid to the wireless  
21 service provider.

22 D. Fees imposed pursuant to the Oklahoma 9-1-1 Management  
23 Authority Act which are required to be collected by the wireless  
24

1 service provider or VoIP provider may be added to and shall be  
2 stated separately in any billings to the service subscriber.

3 E. The wireless service provider or VoIP provider shall have no  
4 obligation to take any legal action to enforce the collection of any  
5 9-1-1 wireless telephone fee imposed pursuant to the provisions of  
6 the Oklahoma 9-1-1 Management Authority Act. Should any service  
7 subscriber tender a payment insufficient to satisfy all charges,  
8 tariffs, fees and taxes for wireless telephone or VoIP service, the  
9 amount tendered shall be credited to the 9-1-1 wireless telephone  
10 fee in the same manner as other taxes and fees.

11 F. Any 9-1-1 fee imposed pursuant to the provisions of the  
12 Oklahoma 9-1-1 Management Authority Act shall be collected insofar  
13 as practicable at the same time as, and along with, the charges for  
14 wireless telephone or VoIP service in accordance with the regular  
15 billing practice of the provider.

16 G. Nothing in the Oklahoma 9-1-1 Management Authority Act shall  
17 be construed to limit the ability of a wireless service provider or  
18 VoIP provider from recovering its costs associated with designing,  
19 developing, deploying and maintaining enhanced 9-1-1 service  
20 directly from the service subscribers of the provider, whether the  
21 costs are itemized on the bill of the service subscriber as a  
22 surcharge or by any other lawful means.

23 H. The wireless service provider or VoIP provider shall  
24 maintain records of the amount of 9-1-1 telephone fees collected in

1 accordance with the provisions of the Oklahoma 9-1-1 Management  
2 Authority Act for a period of three (3) years from the time the fee  
3 is collected. The State Auditor and Inspector, the Oklahoma 9-1-1  
4 Management Authority or any affected public agency may require an  
5 annual audit of the books and records of the wireless service  
6 provider or VoIP provider concerning the collection and remittance  
7 of fees authorized by this act. Auditors shall have access to all  
8 information used by the wireless service provider or VoIP provider  
9 to calculate and remit the 9-1-1 telephone fee. Audit expenses  
10 shall be reimbursable pursuant to procedures established by the  
11 Oklahoma 9-1-1 Management Authority if the audit is approved by the  
12 Authority.

13 I. The wireless service provider or VoIP provider shall provide  
14 to the Oklahoma 9-1-1 Management Authority an annual census showing  
15 the primary place of use of its subscribers located by county and  
16 either a municipality or unincorporated area. The census shall  
17 contain all subscribers as of December 31 of each year, and shall be  
18 provided to the Authority no later than February 1 of each year.

19 J. All proprietary information provided by a wireless service  
20 provider or VoIP provider to the Authority shall not be subject to  
21 disclosure to the public or any other party.

22 SECTION 7. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2867 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. Prepaid 9-1-1 wireless transaction fees authorized and  
2 collected pursuant to paragraph 3 of subsection A of Section 5 of  
3 this act from retailers shall be paid to the Oklahoma Tax Commission  
4 under procedures established by the Tax Commission that  
5 substantially coincide with the registration and payment procedures  
6 that apply under the Oklahoma Sales Tax Code and as directed by the  
7 Oklahoma 9-1-1 Management Authority. The audit and appeal  
8 procedures, including limitations period, applicable to the Oklahoma  
9 Sales Tax Code shall apply to prepaid 9-1-1 wireless telephone fees.

10       B. From the total fees collected pursuant to paragraph 3 of  
11 subsection A of Section 5 of this act, three percent (3%) shall be  
12 retained by the seller and one percent (1%) shall be retained by the  
13 Tax Commission as reimbursement for the direct cost of administering  
14 the collection and remittance of such fees.

15       C. The prepaid 9-1-1 wireless transaction fee shall be  
16 collected by the retailer from the consumer for each retail  
17 transaction occurring in this state. The amount of the prepaid 9-1-  
18 1 wireless fee shall either be separately stated on the invoice,  
19 receipt or similar document that is provided to the consumer by the  
20 seller, or otherwise disclosed to the consumer.

21       D. The prepaid 9-1-1 wireless telephone fee is the liability of  
22 the consumer and not of the seller or of any provider, except that  
23 the seller shall be liable to remit all prepaid 9-1-1 wireless  
24 telephone fees that the seller collects as provided in this section,

1 including all charges that the seller is deemed to collect where the  
2 amount of the fee has not been separately stated on an invoice,  
3 receipt or other similar document.

4 E. If the amount of the prepaid 9-1-1 wireless telephone fee is  
5 separately stated on the invoice, receipt or similar document, the  
6 prepaid 9-1-1 wireless telephone fee shall not be included in the  
7 base for measuring any tax, fee, surcharge or other charge that is  
8 imposed by the state, any political subdivision of this state or any  
9 intergovernmental agency.

10 SECTION 8. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2868 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. Public agencies recognized by the Oklahoma 9-1-1 Management  
14 Authority and authorized to receive funds collected pursuant to the  
15 provisions of this act shall use the funds only for services,  
16 equipment and operations related to 9-1-1 emergency telephone  
17 systems.

18 B. Money remitted to public agencies pursuant to the Oklahoma  
19 9-1-1 Management Authority Act and any money otherwise collected by  
20 any lawful means for purposes of providing 9-1-1 emergency telephone  
21 services shall be deposited in a separate 9-1-1 emergency telephone  
22 service account established by a public agency or its governing body  
23 to carry out the requirements of this act. Monies remaining in such  
24 accounts at the end of a fiscal year shall carryover to subsequent

1 years. The monies deposited in the Oklahoma 9-1-1 Revolving Fund  
2 shall at no time be monies of the state and shall not become part of  
3 the general budget of the Office of Emergency Management or any  
4 other state agency. Except as otherwise authorized by this act, no  
5 monies from the Oklahoma 9-1-1 Revolving Fund shall be transferred  
6 for any purpose to any other state agency or any account of the  
7 Office of Emergency Management or be used for the purpose of  
8 contracting with any other state agency or reimbursing any other  
9 state agency for any expense. Payments from the Oklahoma 9-1-1  
10 Revolving Fund shall not become or be construed to be any obligation  
11 of the state. No claims for reimbursement from the Oklahoma 9-1-1  
12 Revolving Fund shall be paid with state monies.

13 C. If the Oklahoma 9-1-1 Management Authority determines that  
14 the public agency has failed to deploy Phase II service or has  
15 failed to deliver service consistent with National Emergency Number  
16 Association (NENA) standards, the public agency shall submit an  
17 improvement plan within the time prescribed by the Authority. The  
18 Authority may order the Oklahoma Tax Commission to escrow fees  
19 attributable to public agencies who have not submitted plans or  
20 complied with improvement plans.

21 D. A public agency shall be required to have conducted  
22 separately or as a part of the annual audit required by law of the  
23 municipality or county, an annual audit of any accounts established  
24 or used for the operation of a 9-1-1 emergency telephone system.

1 The audit may be conducted by the State Auditor and Inspector at the  
2 discretion of the public agency. The cost of the audit of the 9-1-1  
3 emergency telephone system may be paid from and be considered a part  
4 of the operating expenses of the 9-1-1 emergency telephone system.  
5 Proprietary information of the wireless service providers shall be  
6 confidential. Audit information pertaining to revenue collected or  
7 disbursed may be released only in aggregate form so that no  
8 provider-specific information may be extrapolated.

9 E. Public agencies shall be required to annually submit to the  
10 Authority:

11 1. A report, on a form to be prescribed by the Authority,  
12 covering the operation and financing of the public safety answering  
13 point which shall include all sources of funding available to the  
14 public agency for the 9-1-1 emergency telephone system; and

15 2. A copy of the most recent annual audit showing all expenses  
16 of the public agency relating to the 9-1-1 emergency telephone  
17 system.

18 F. The Authority shall have the power to review, approve,  
19 submit for further information or deny approval of the annual report  
20 of each public agency required pursuant to subsection E of this  
21 section. Failure by a public agency to submit the report annually  
22 or denial of a report may cause the Authority to order the Tax  
23 Commission to escrow the 9-1-1 emergency telephone fees due to the  
24 public agency until the public agency complies with the requirements

1 of the Oklahoma 9-1-1 Management Authority Act and the procedures  
2 established by the Authority.

3 G. The governing body of the public agency shall meet at least  
4 quarterly to oversee the operations of the 9-1-1 emergency telephone  
5 system, review expenditures and annually set and approve an  
6 operating budget, and take any other action as necessary for the  
7 operation and management of the system.

8 H. Records and meetings of the public agency shall be subject  
9 to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.

10 SECTION 9. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2869 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund  
14 for the Oklahoma Department of Emergency Management to be designated  
15 the "Oklahoma 9-1-1 Management Authority Revolving Fund". The fund  
16 shall be a continuing fund, not subject to fiscal year limitations,  
17 and shall consist of all monies received by the Oklahoma Tax  
18 Commission from fees designated for support of 9-1-1 emergency  
19 services. All monies accruing to the credit of the fund are hereby  
20 appropriated and may be budgeted and expended by the Oklahoma  
21 Department of Emergency Management upon approval by the Oklahoma 9-  
22 1-1 Management Authority for the purpose of supporting the  
23 administration of the Authority and providing grants to public  
24 agencies providing 9-1-1 services. Expenditures from the fund shall



1 be made upon warrants issued by the State Treasurer against claims  
2 filed as prescribed by law with the Director of the Office of  
3 Management and Enterprise Services for approval and payment.

4 SECTION 10. AMENDATORY 63 O.S. 2011, Section 2819, is  
5 amended to read as follows:

6 Section 2819. No person shall call the number ~~nine-one-one~~  
7 ~~(911)~~ 9-1-1 for the purpose of making a knowingly false alarm or  
8 complaint or reporting knowingly false information which could  
9 result in the dispatch of emergency services from any public agency  
10 as defined in Section ~~2813 of this title or Section 3 2~~ of this act.  
11 Nor shall any person call ~~nine-one-one~~ 9-1-1 for nonemergency or  
12 personal use. Any person violating the provisions of this section,  
13 upon conviction, shall be guilty of a misdemeanor punishable by a  
14 fine of not to exceed Five Hundred Dollars (\$500.00) and by an  
15 assessment for the resulting costs of any dispatching of emergency  
16 personnel and equipment for each such offense.

17 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2849, is  
18 amended to read as follows:

19 Section 2849. A. This act shall be known and may be cited as  
20 the "Regional Emergency ~~Nine-One-One~~ 9-1-1 Services Act".

21 B. It is the purpose of the Regional Emergency ~~Nine-One-One~~ 9-  
22 1-1 Services Act to encourage formation of emergency communication  
23 districts in order to provide efficient delivery of emergency ~~nine-~~  
24 ~~one-one~~ ~~(911)~~ 9-1-1 service throughout the state.

1 C. This act shall not apply to any ~~nine-one-one (911)~~ 9-1-1  
2 system or public agency participating in a ~~nine-one-one (911)~~ 9-1-1  
3 system that was established prior to January 1, ~~2009~~ 2017, and that  
4 had adopted and ~~begun implementation of a process to provide Phase I~~  
5 ~~and Phase II~~ ~~nine-one-one (911)~~ 9-1-1 service by that date.

6 D. For the purposes of this section:

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

8 2. "Emergency communication district" means a district formed  
9 pursuant to this act to deliver emergency ~~nine-one-one (911)~~ 9-1-1  
10 services on a regional basis;

11 3. "~~Nine-one-one~~ 9-1-1 system" means an entity that processes  
12 emergency ~~nine-one-one (911)~~ 9-1-1 calls through a public safety  
13 answering point;

14 4. "Participating public agency" means a public agency that is  
15 included in a district;

16 5. "Principal municipality" means the municipality with the  
17 largest population in a district; and

18 6. "Public agency" means ~~a municipality or county that~~ any  
19 city, town, county, municipal corporation, public district, public  
20 trust, substate planning district, public authority or tribal  
21 authority located within this state which provides or has authority  
22 to provide ~~fire-fighting~~ firefighting, law enforcement, ambulance,  
23 emergency medical or other emergency services; ~~provided, it does not~~

1 ~~mean any entity excluded from this act by the provisions of~~  
2 ~~subsection C of this section.~~

3 E. On or before December 31, ~~2012~~ 2017, all public agencies in  
4 this state shall form regional emergency communication districts for  
5 the purpose of creating an area-wide emergency ~~nine-one-one (911)~~ 9-  
6 1-1 system for their respective jurisdictions. The territory of the  
7 district shall be coextensive with the territory of the regional  
8 substate planning district unless a different territory is approved  
9 by the Oklahoma 9-1-1 Management Authority. If a public agency is  
10 situated in more than one such territory, it shall become part of  
11 the district in which it is principally located. If, due to the  
12 effect of subsection C of this section, the majority of the  
13 participating public agencies located in the territory of a proposed  
14 district determine that it would be in the best interests of their  
15 citizens, they may request inclusion in an adjacent district.

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

20 G. If the public agencies in a region are unable to develop a  
21 local cooperative agreement by December 31, ~~2012~~ 2017, they shall be  
22 included in an emergency communication district that is governed by  
23 a board of directors consisting of an appointee by each public  
24 agency that was authorized by its voters to fund a ~~nine-one-one~~

1 ~~(911)~~ 9-1-1 system prior to the formation of the district, one  
2 appointee elected by a majority of the remaining public agencies in  
3 the district, and an additional appointee by the principal  
4 municipality in the district who shall serve as chair of the board.

5 H. Unless otherwise provided by agreement, any participating  
6 public agency that had been authorized by its voters to fund a ~~nine-~~  
7 ~~one-one~~ ~~(911)~~ 9-1-1 system prior to the formation of the district  
8 shall retain control of the property, operation, and funding of its  
9 system; provided, however, the district may contract with such  
10 participating public agency to include the agency's system in the  
11 district's master implementation plan. To the extent practicable,  
12 the district shall not duplicate the equipment or answering point  
13 services already provided by a participating public agency. A user  
14 of one or more communication services subject to the payment of fees  
15 or taxes for an emergency ~~nine-one-one~~ ~~(911)~~ 9-1-1 system shall not  
16 be charged for more than one such fee or tax for each service.

17 I. An emergency communication district shall have power to make  
18 all contracts to carry out the purposes of ~~this act~~ the Regional  
19 Emergency 9-1-1 Services Act, purchase and convey real property,  
20 impose service fees authorized for public agencies for the provision  
21 of ~~nine-one-one~~ ~~(911)~~ 9-1-1 service, appoint a manager of the  
22 district, and adopt rules and policies for the operation of the  
23 district.

24

1 J. Within one (1) year after the effective date of the  
2 formation of the district, the board of directors shall ~~prepare~~  
3 submit its master plan to deliver Phase II emergency ~~nine-one-one~~  
4 ~~(911)~~ 9-1-1 service throughout its territory. ~~It shall periodically~~  
5 ~~review and update its~~ to the Oklahoma 9-1-1 Management Authority for  
6 approval. The Authority shall have the power to prescribe the terms  
7 of the plan and to approve or disapprove the master plan.  
8 Additionally, the Authority shall have the power to request the Tax  
9 Commission to escrow the wireless fees attributable to the public  
10 agencies which have not submitted a master plan or which have not  
11 complied with the terms of the master plan.

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

18 SECTION 12. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20 The Oklahoma Department of Emergency Management may promulgate  
21 any rules necessary to implement the provisions of the Oklahoma 9-1-  
22 1 Management Authority Act.

23 SECTION 13. RECODIFICATION 63 O.S. 2011, Sections 2819  
24 and 2849, as amended by Sections 10 and 11 of this act, shall be

1 recodified as Sections 2870 and 2871 of Title 63 of the Oklahoma  
2 Statutes, unless there is created a duplication in numbering.

3 SECTION 14. REPEALER 63 O.S. 2011, Sections 2821, 2841,  
4 2842, 2843, 2843.1, 2843.2, 2844, 2847, 2851, 2852 and 2853, are  
5 hereby repealed.

6 SECTION 15. Sections 1 through 13 of this act shall become  
7 effective November 1, 2016.

8 SECTION 16. Section 14 of this act shall become effective  
9 January 1, 2017."

10 and when the title is restored, amend the title to  
11 conform

12 Passed the Senate the 13th day of April, 2016.

14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_\_ day of \_\_\_\_\_,  
17 2016.

19 \_\_\_\_\_  
20 Presiding Officer of the House  
21 of Representatives