

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3126 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Josh Cockroft

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3126

By: Cockroft

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to 9-1-1 emergency services; creating
10 the Oklahoma 9-1-1 Management Authority Act;
11 providing definitions; creating the Oklahoma 9-1-1
12 Management Authority; stating purpose of the
13 Authority; establishing membership of the Authority;
14 providing for vacancies; prohibiting compensation;
15 providing for designation of a chair and meeting;
16 making the Authority subject to certain acts;
17 directing the Oklahoma Department of Emergency
18 Management to provide certain support; providing for
19 payments of certain expenses; making membership for
20 certain members continuing; listing powers and duties
21 of the Authority; imposing a telephone fee on certain
22 devices, connections, services and transactions;
23 prohibiting assessment of the fee on landline phone
24 customers; providing for the replacement of certain
fees with the telephone fee; requiring deposit of
certain amount of the telephone fee in the Oklahoma
9-1-1 Management Authority Revolving Fund; specifying
uses of the funds; requiring telephone fees to be
paid to the Oklahoma Tax Commission; providing for
retention of a certain percentage of the telephone
fee for administrative costs; making certain
subscribers liable for payment of the telephone fee;
allowing certain billing; limiting obligations of
certain providers to collect the telephone fee;
requiring credit for partial payments; providing for
the collection of the telephone fee as part of
regular billing; providing for recovery of certain
costs; directing certain providers to maintain
records for certain period; authorizing annual

1 audits; requiring certain providers to provide an
2 annual census of subscribers; prohibiting the
3 disclosure of certain proprietary information;
4 providing for payment of certain transaction fees to
5 the Oklahoma Tax Commission in certain manner;
6 providing for retention of certain percentage of the
7 transaction fees for administrative costs; providing
8 for collection of the transaction fee from consumers;
9 making consumers liable for payment of the
10 transaction fee; making the seller liable for
11 remittance of the transaction fee; excluding
12 transaction fee when measuring certain taxes and
13 charges; requiring public agencies to use certain
14 funds for certain 9-1-1 emergency telephone services;
15 requiring deposit of fund into a separate 9-1-1
16 wireless telephone service account; requiring certain
17 public agencies to submit an improvement plan to the
18 Authority; providing for escrow of fees until a plan
19 is submitted; requiring public agencies to conduct
20 annual audits; providing for costs of the annual
21 audit; requiring public agencies to submit certain
22 reports and audits to the Authority; specifying power
23 of the Authority to approve or deny reports;
24 directing public agencies to meet at certain times
for certain purposes; making public agencies subject
to certain acts; creating the Oklahoma 9-1-1
Management Authority Revolving Fund; making the Fund
a continuing fund; stating source of monies;
appropriating funds; providing for expenditures for
certain purposes; requiring expenditures to be made
upon warrants; amending 63 O.S. 2011, Section 2819,
which relates to making a false 9-1-1 call; changing
references from nine-one-one to 9-1-1; updating
statutory citation; amending 63 O.S. 2011, Section
2849, which relates to the Regional Emergency Nine-
One-One Services Act; changing references from nine-
one-one to 9-1-1; changing certain dates; deleting
certain adoption requirements; changing definition;
requiring submission of the master plan to the
Authority; stating power of the Authority regarding
the plan; authorizing the Oklahoma Department of
Emergency Management to promulgate rules; repealing
63 O.S. 2011, Section 2821, which relates to the
nature of certain provisions of law; repealing 63
O.S. 2011, Sections 2841, 2842, 2843, 2843.1, 2843.2,
2844 and 2847, which relate to the Nine-One-One
Wireless Emergency Number Act; repealing 63 O.S.

1 2011, Sections 2851, 2852 and 2853, which relate to
2 the Nine-One-One Voice over Internet Protocol (VoIP)
3 Emergency Service Act; providing for codification;
4 providing for noncodification; providing for
5 recodification; and providing effective dates.

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

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

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

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

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

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

18 2. "Governing body" means the board of county commissioners of
19 a county, the city council or other governing body of a
20 municipality, or a combination of such boards, councils or other
21 municipal governing bodies including county or municipal beneficiary
22 public trusts, or other public trusts which shall have an
23 administering board. A governing body made up of two or more
24 governmental entities shall have a board consisting of not less than

1 three members and shall consist of at least one member representing
2 each governmental entity, appointed by the governing body of each
3 participating governmental entity, as set forth in the agreement
4 forming the board. The members of the board 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 3. "Next Generation 9-1-1" or "NG9-1-1" means an:

13 a. IP-based system comprised of hardware, software, data,
14 and operational policies and procedures that:

- 15 (1) provides standardized interfaces from emergency
16 call and message services to support emergency
17 communications,
- 18 (2) processes all types of emergency calls, including
19 voice, text, data and multimedia information,
- 20 (3) acquires and integrates additional emergency call
21 data useful to call routing and handling,
- 22 (4) delivers the emergency calls, messages and data
23 to the appropriate public safety answering point
24 and other appropriate emergency entities,

1 (5) supports data or video communications needs for
2 coordinated incident response and management, and
3 (6) provides broadband service to public safety
4 answering points or other first responder
5 entities, or

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

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

19 5. "9-1-1 wireless telephone fee" means the fee imposed in
20 Section 5 of this act to finance the installation and operation of
21 emergency 9-1-1 services and any necessary equipment;

22 6. "Place of primary use" means the street address
23 representative of where the use of the mobile telecommunications
24 service of the customer primarily occurs, which shall be the

1 residential street address or the primary business street address of
2 the customer and shall be within the licensed service area of the
3 home service provider in accordance with ORS 68-55001 and the
4 federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252,
5 codified at 4 U.S.C. 116-126;

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

13 8. "Proprietary information" means wireless service provider or
14 VoIP service provider, subscriber, market share, cost and review
15 information;

16 9. "Public agency" means any city, town, county, municipal
17 corporation, public district, public trust, substate planning
18 district or public authority located within this state which
19 provides or has authority to provide firefighting, law enforcement,
20 ambulance, emergency medical or other emergency services;

21 10. "Public Safety Answering Point (PSAP)" means an entity
22 responsible for receiving 9-1-1 calls and processing those calls
23 according to specific operational policy;

1 11. "Wireless service provider" means a provider of commercial
2 mobile service under Section 332(d) of the Telecommunications Act of
3 1996, 47 U.S.C., Section 151 et seq., Federal Communications
4 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
5 Pub. L. No. 103-66, and includes a provider of wireless two-way
6 communication service, radio-telephone communications related to
7 cellular telephone service, network radio access lines or the
8 equivalent, and personal communication service. The term does not
9 include a provider of:

10 a. a service whose users do not have access to 9-1-1
11 service,

12 b. a communication channel used only for data
13 transmission, or

14 c. a wireless roaming service or other nonlocal radio
15 access line service;

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

20 13. "Voice over Internet Protocol (VoIP) provider" means a
21 provider of interconnected Voice over Internet Protocol service to
22 end users in the state, including resellers.
23
24

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

4 A. There is hereby created the Oklahoma 9-1-1 Management
5 Authority which shall be the governing board overseeing the
6 development and regulation of 9-1-1 emergency systems in this state
7 and managing the distribution of all 9-1-1 telephone fees collected
8 pursuant to the provisions of Section 5 this act.

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

10 1. The Oklahoma 9-1-1 Coordinator;

11 2. One member representing a statewide organization dedicated
12 to public safety to be appointed by the President Pro Tempore of the
13 Senate;

14 3. One member representing a statewide organization dedicated
15 to career development for emergency number professionals to be
16 appointed by the Governor;

17 4. One member representing a statewide organization dedicated
18 to representing Oklahoma municipalities to be appointed by the
19 Speaker of the House of Representatives;

20 5. One member representing a statewide organization
21 representing Oklahoma county commissioners to be appointed by the
22 Governor;

1 6. One member representing a statewide association of regional
2 councils of government to be appointed by the President Pro Tempore
3 of the Senate;

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

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

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

12 10. One member representing a municipal government operating a
13 9-1-1 system and having a population of more than one hundred
14 thousand (100,000) but less than four hundred fifty thousand
15 (450,000) to be appointed by the Governor;

16 11. One member representing a municipal government operating a
17 9-1-1 system and having a population of more than four hundred fifty
18 thousand (450,000) to be appointed by the Speaker of the House of
19 Representatives;

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

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

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

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

12 16. One member who is a 9-1-1 Coordinator for a county to
13 appointed by the Governor;

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

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

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

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

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

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

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

10 C. Members shall serve at the pleasure of their appointing
11 authority and vacancies shall be filled by the original appointing
12 authority.

13 D. Members shall receive no compensation for serving on the
14 Authority.

15 E. At its first meeting annually the Authority shall designate
16 a chair from its members. Meetings shall be held at the call of the
17 chair.

18 F. The Authority shall be subject to the Oklahoma Open Records
19 Act and the Oklahoma Open Meeting Act.

20 G. The Oklahoma Department of Emergency Management shall
21 provide legal, administrative, fiscal and staff support for the
22 Authority. Expenses related to the provision of such services may
23 be paid from funds available in the Oklahoma 9-1-1 Management
24

1 Authority Revolving Fund created in Section 9 of this act, upon
2 approval by a majority of the members of the Authority.

3 H. Members serving on the Statewide Nine-One-One Advisory Board
4 appointed pursuant to Section 2847 of Title 63 of the Oklahoma
5 Statutes on the effective date of this act shall continue serving as
6 members of the Oklahoma 9-1-1 Management Authority.

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

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

12 1. Approve or disapprove the selection of the Oklahoma 9-1-1
13 Coordinator by majority vote of the members. The Authority shall
14 direct the Oklahoma 9-1-1 Coordinator to administer grants approved
15 by the Authority pursuant to this section and perform other duties
16 as it deems necessary to accomplish the requirements of the Oklahoma
17 9-1-1 Management Authority Act;

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

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

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

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

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

1 6. Assist any public agency the Authority determines is
2 performing below standards of the National Emergency Number
3 Association (NENA) according to the improvement plan required by the
4 Oklahoma 9-1-1 Management Authority Act. The Authority shall
5 establish a time period for the public agency to come into
6 compliance after which the Authority shall escrow funds as
7 authorized in this section. Improvement plans may include
8 consideration and recommendations for consolidation with other
9 public agencies, and sharing equipment and technology with other
10 jurisdictions;

11 7. Require an annual report from public agencies regarding
12 operations and financing of the Public Safety Answering Point (PSAP)
13 and approve, modify or reject such reports;

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

19 9. Develop a plan to deploy Next Generation 9-1-1 services
20 statewide. The Authority may fund feasibility and implementation
21 studies it deems necessary to create the plan;

22 10. Facilitate information-sharing among public agencies;

23 11. Create and maintain best practices databases for PSAP
24 operations;

1 12. Encourage equipment- and technology-sharing among all
2 jurisdictions;

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

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

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

8 16. Make recommendations for consolidation upon the request of
9 public agencies; and

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

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

15 A. Beginning January 1, 2017, there is imposed a monthly 9-1-1
16 telephone fee of seventy-five cents (\$0.75) on each:

17 1. Wireless telephone connection and other communication device
18 or service connection with the ability to dial 9-1-1 for emergency
19 calls;

20 2. Services that are enabled by Voice over Internet Protocol
21 (VoIP) or Internet Protocol (IP) with the ability to dial 9-1-1 for
22 emergency calls; and

23 3. Prepaid wireless retail transaction occurring in this state.
24

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

3 C. The seventy-five-cent monthly fees imposed in subsection A
4 of this section shall replace any 9-1-1 wireless telephone fees
5 previously adopted by any county pursuant to Section 2843.1 of Title
6 63 of the Oklahoma Statutes, or 9-1-1 VoIP emergency service fees
7 adopted by a governing body pursuant to Section 2853 of Title 63 of
8 the Oklahoma Statutes, or fees on prepaid wireless retail
9 transactions pursuant to Section 2843.2 of Title 63 of the Oklahoma
10 Statutes. Fees collected and transferred pursuant to those sections
11 shall remain in effect through December 31, 2016.

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

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

1 A. 9-1-1 telephone fees authorized and collected by wireless
2 service providers and Voice over Internet Protocol (VoIP) providers,
3 pursuant to paragraphs 1 and 2 of subsection A of Section 5 of this
4 act from each of their end users residing in this state shall be
5 paid to the Oklahoma Tax Commission not later than thirty (30) days
6 after the last day of the month during which the fees were
7 collected.

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

14 C. Every billed service subscriber shall be liable for any 9-1-
15 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1
16 Management Authority Act until the fee has been paid to the wireless
17 service provider.

18 D. Fees imposed pursuant to the Oklahoma 9-1-1 Management
19 Authority Act which are required to be collected by the wireless
20 service provider or VoIP provider may be added to and shall be
21 stated separately in any billings to the service subscriber.

22 E. The wireless service provider or VoIP provider shall have no
23 obligation to take any legal action to enforce the collection of any
24 9-1-1 wireless telephone fee imposed pursuant to the provisions of

1 the Oklahoma 9-1-1 Management Authority Act. Should any service
2 subscriber tender a payment insufficient to satisfy all charges,
3 tariffs, fees and taxes for wireless telephone or VoIP service, the
4 amount tendered shall be credited to the 9-1-1 wireless telephone
5 fee in the same manner as other taxes and fees.

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

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

18 H. The wireless service provider or VoIP provider shall
19 maintain records of the amount of 9-1-1 telephone fees collected in
20 accordance with the provisions of the Oklahoma 9-1-1 Management
21 Authority Act for a period of three (3) years from the time the fee
22 is collected. The State Auditor and Inspector, the Oklahoma 9-1-1
23 Management Authority or any affected public agency may require an
24 annual audit of the books and records of the wireless service

1 provider or VoIP provider concerning the collection and remittance
2 of fees authorized by this act. Auditors shall have access to all
3 information used by the wireless service provider or VoIP provider
4 to calculate and remit the 9-1-1 telephone fee. Audit expenses
5 shall be reimbursable pursuant to procedures established by the
6 Oklahoma 9-1-1 Management Authority if the audit is approved by the
7 Authority.

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

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

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

20 A. Prepaid 9-1-1 wireless transaction fees authorized and
21 collected pursuant to paragraph 3 of subsection A of Section 5 of
22 this act from retailers shall be paid to the Oklahoma Tax Commission
23 under procedures established by the Tax Commission that
24 substantially coincide with the registration and payment procedures

1 that apply under the Oklahoma Sales Tax Code and as directed by the
2 Oklahoma 9-1-1 Management Authority. The audit and appeal
3 procedures, including limitations period, applicable to the Oklahoma
4 Sales Tax Code shall apply to prepaid 9-1-1 wireless telephone fees.

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

10 C. The prepaid 9-1-1 wireless transaction fee shall be
11 collected by the retailer from the consumer for each retail
12 transaction occurring in this state. The amount of the prepaid 9-1-
13 1 wireless fee shall either be separately stated on the invoice,
14 receipt or similar document that is provided to the consumer by the
15 seller, or otherwise disclosed to the consumer.

16 D. The prepaid 9-1-1 wireless telephone fee is the liability of
17 the consumer and not of the seller or of any provider, except that
18 the seller shall be liable to remit all prepaid 9-1-1 wireless
19 telephone fees that the seller collects as provided in this section,
20 including all charges that the seller is deemed to collect where the
21 amount of the fee has not been separately stated on an invoice,
22 receipt or other similar document.

23 E. If the amount of the prepaid 9-1-1 wireless telephone fee is
24 separately stated on the invoice, receipt or similar document, the

1 prepaid 9-1-1 wireless telephone fee shall not be included in the
2 base for measuring any tax, fee, surcharge or other charge that is
3 imposed by the state, any political subdivision of this state or any
4 intergovernmental agency.

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

8 A. Public agencies recognized by the Oklahoma 9-1-1 Management
9 Authority and authorized to receive funds collected pursuant to the
10 provisions of this act shall use the funds only for services related
11 to 9-1-1 emergency telephone services, including automatic number
12 identification and automatic location information services unless
13 otherwise authorized and directed to do so by the Authority.

14 B. Money remitted to public agencies pursuant to the Oklahoma
15 9-1-1 Management Authority Act and any money otherwise collected by
16 any lawful means for purposes of providing 9-1-1 wireless telephone
17 services shall be deposited in a separate 9-1-1 wireless telephone
18 service account established by a public agency or its governing body
19 to carry out the requirements of this act. Monies remaining in such
20 accounts at the end of a fiscal year shall carryover to subsequent
21 years.

22 C. If the Oklahoma 9-1-1 Management Authority determines that
23 the public agency has failed to deploy Phase II service or has
24 failed to deliver service consistent with National Emergency Number

1 Association (NENA) standards, the public agency shall submit an
2 improvement plan within the time prescribed by the Authority. The
3 Authority may order the Oklahoma Tax Commission to escrow fees
4 attributable to public agencies who have not submitted plans or
5 complied with improvement plans.

6 D. A public agency shall be required to have conducted
7 separately or as a part of the annual audit required by law of the
8 municipality or county, an annual audit of any accounts established
9 or used for the operation of a 9-1-1 wireless telephone system. The
10 audit may be conducted by the State Auditor and Inspector at the
11 discretion of the public agency. The cost of the audit of the 9-1-1
12 wireless telephone system may be paid from and be considered a part
13 of the operating expenses of the 9-1-1 wireless telephone system.
14 Proprietary information of the wireless service providers shall be
15 confidential. Audit information pertaining to revenue collected or
16 disbursed may be released only in aggregate form so that no
17 provider-specific information may be extrapolated.

18 E. Public agencies shall be required to annually submit to the
19 Authority:

20 1. A report, on a form to be prescribed by the Authority,
21 covering the operation and financing of the public safety answering
22 point which shall include all sources of funding available to the
23 public agency for the 9-1-1 wireless telephone system; and
24

1 2. A copy of the most recent annual audit showing all expenses
2 of the public agency relating to the 9-1-1 wireless telephone
3 system.

4 F. The Authority shall have the power to review, approve,
5 submit for further information or deny approval of the annual report
6 of each public agency required pursuant to subsection E of this
7 section. Failure by a public agency to submit the report annually
8 or denial of a report may cause the Authority to order the Tax
9 Commission to escrow the 9-1-1 wireless telephone fees due to the
10 public agency until the public agency complies with the requirements
11 of the Oklahoma 9-1-1 Management Authority Act and the procedures
12 established by the Authority.

13 G. The governing body of the public agency shall meet at least
14 quarterly to oversee the operations of the 9-1-1 wireless telephone
15 system, review expenditures and annually set and approve an
16 operating budget, and take any other action as necessary for the
17 operation and management of the system.

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

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

23 There is hereby created in the State Treasury a revolving fund
24 for the Oklahoma Department of Emergency Management to be designated

1 the "Oklahoma 9-1-1 Management Authority Revolving Fund". The fund
2 shall be a continuing fund, not subject to fiscal year limitations,
3 and shall consist of all monies received by the Oklahoma Tax
4 Commission from fees assessed on wireless phone customers designated
5 for support of 9-1-1 emergency services. All monies accruing to the
6 credit of the fund are hereby appropriated and may be budgeted and
7 expended by the Oklahoma Department of Emergency Management upon
8 approval by the Oklahoma 9-1-1 Management Authority for the purpose
9 of supporting the administration of the Authority and providing
10 grants to public agencies providing 9-1-1 services. Expenditures
11 from the fund shall be made upon warrants issued by the State
12 Treasurer against claims filed as prescribed by law with the
13 Director of the Office of Management and Enterprise Services for
14 approval and payment.

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

17 Section 2819. No person shall call the number ~~nine-one-one~~
18 ~~(911)~~ 9-1-1 for the purpose of making a knowingly false alarm or
19 complaint or reporting knowingly false information which could
20 result in the dispatch of emergency services from any public agency
21 as defined in Section ~~2813 of this title or Section 3~~ 2 of this act.
22 Nor shall any person call ~~nine-one-one~~ 9-1-1 for nonemergency or
23 personal use. Any person violating the provisions of this section,
24 upon conviction, shall be guilty of a misdemeanor punishable by a

1 fine of not to exceed Five Hundred Dollars (\$500.00) and by an
2 assessment for the resulting costs of any dispatching of emergency
3 personnel and equipment for each such offense.

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

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

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

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

17 D. For the purposes of this section:

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

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

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

1 4. "Participating public agency" means a public agency that is
2 included in a district;

3 5. "Principal municipality" means the municipality with the
4 largest population in a district; and

5 6. "Public agency" means ~~a municipality or county that~~ any
6 city, town, county, municipal corporation, public district, public
7 trust, substate planning district or public authority located within
8 this state which provides or has authority to provide ~~fire-fighting~~
9 firefighting, law enforcement, ambulance, emergency medical or other
10 emergency services; ~~provided, it does not mean any entity excluded~~
11 ~~from this act by the provisions of subsection C of this section.~~

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

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

5 G. If the public agencies in a region are unable to develop a
6 local cooperative agreement by December 31, ~~2012~~ 2017, they shall be
7 included in an emergency communication district that is governed by
8 a board of directors consisting of an appointee by each public
9 agency that was authorized by its voters to fund a ~~nine-one-one~~
10 ~~(911)~~ 9-1-1 system prior to the formation of the district, one
11 appointee elected by a majority of the remaining public agencies in
12 the district, and an additional appointee by the principal
13 municipality in the district who shall serve as chair of the board.

14 H. Unless otherwise provided by agreement, any participating
15 public agency that had been authorized by its voters to fund a ~~nine-~~
16 ~~one-one~~ ~~(911)~~ 9-1-1 system prior to the formation of the district
17 shall retain control of the property, operation, and funding of its
18 system; provided, however, the district may contract with such
19 participating public agency to include the agency's system in the
20 district's master implementation plan. To the extent practicable,
21 the district shall not duplicate the equipment or answering point
22 services already provided by a participating public agency. A user
23 of one or more communication services subject to the payment of fees
24

1 or taxes for an emergency ~~nine-one-one (911)~~ 9-1-1 system shall not
2 be charged for more than one such fee or tax for each service.

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

10 J. Within one (1) year after the effective date of the
11 formation of the district, the board of directors shall ~~prepare~~
12 submit its master plan to deliver Phase II emergency ~~nine-one-one~~
13 ~~(911)~~ 9-1-1 service throughout its territory. ~~It shall periodically~~
14 ~~review and update its~~ to the Oklahoma 9-1-1 Management Authority for
15 approval. The Authority shall have the power to prescribe the terms
16 of the plan and to approve or disapprove the master plan.
17 Additionally, the Authority shall have the power to request the Tax
18 Commission escrow the wireless fees attributable to the public
19 agencies which have not submitted a master plan or which have not
20 complied with the terms of the master plan.

21 K. An emergency communication district shall operate on a
22 fiscal year beginning July 1. It shall adopt an annual budget and
23 cause to be prepared an independent financial audit annually. As
24 soon as practicable after the end of the fiscal year, the district

1 shall deliver to each participating public agency an annual report
2 showing in detail the operations of the district.

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

5 The Oklahoma Department of Emergency Management may promulgate
6 any rules necessary to implement the provisions of the Oklahoma 9-1-
7 1 Management Authority Act.

8 SECTION 13. RECODIFICATION 63 O.S. 2011, Sections 2819
9 and 2849, as amended by Sections 10 and 11 of this act, shall be
10 recodified as Sections 2870 and 2871 of Title 63 of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 14. REPEALER 63 O.S. 2011, Sections 2821, 2841,
13 2842, 2843, 2843.1, 2843.2, 2844, 2847, 2851, 2852 and 2853, are
14 hereby repealed.

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

17 SECTION 16. Section 14 of this act shall become effective
18 January 1, 2017.

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