

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 3126

By: Cockroft of the House

and

Smalley, Pittman and  
Paddack of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 [ 9-1-1 emergency services - 9-1-1 Management  
11 Authority Act - codification - noncodification -  
12 recodification - repealer - effective dates ]

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

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

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

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

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

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

1       2. "Governing body" means the board of county commissioners of  
2 a county, the city council, tribal authority or other governing body  
3 of a municipality, or a combination of such boards, councils or  
4 other municipal governing bodies including county or municipal  
5 beneficiary public trusts, or other public trusts which shall have  
6 an administering board. A governing body made up of two or more  
7 governmental entities shall have a board consisting of not less than  
8 three members and shall consist of at least one member representing  
9 each governmental entity, appointed by the governing body of each  
10 participating governmental entity, as set forth in the agreement  
11 forming the board. The members of the board shall serve for terms  
12 of not more than three (3) years as set forth in the agreement.  
13 Members may be appointed to serve more than one term. The names of  
14 the members of the governing body board and the appointing authority  
15 of each member shall be maintained in the office of the county clerk  
16 in the county or counties in which the system operates, along with  
17 copies of the agreement forming the board and any amendments to that  
18 agreement;

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

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

22                   (1) provides standardized interfaces from emergency  
23                   call and message services to support emergency  
24                   communications,

- 1 (2) processes all types of emergency calls, including
- 2 voice, text, data and multimedia information,
- 3 (3) acquires and integrates additional emergency call
- 4 data useful to call routing and handling,
- 5 (4) delivers the emergency calls, messages and data
- 6 to the appropriate public safety answering point
- 7 and other appropriate emergency entities,
- 8 (5) supports data or video communications needs for
- 9 coordinated incident response and management, and
- 10 (6) provides broadband service to public safety
- 11 answering points or other first responder
- 12 entities, or

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

17 4. "9-1-1 emergency telephone service" means any telephone  
18 system whereby telephone subscribers may utilize a three-digit  
19 number (9-1-1) for reporting an emergency to the appropriate public  
20 agency providing law enforcement, fire, medical or other emergency  
21 services, including ancillary communications systems and personnel  
22 necessary to pass the reported emergency to the appropriate  
23 emergency service and which the wireless service provider is

1 required to provide pursuant to the Federal Communications  
2 Commission Order 94-102 (961 Federal Register 40348);

3 5. "9-1-1 wireless telephone fee" means the fee imposed in  
4 Section 5 of this act to finance the installation and operation of  
5 emergency 9-1-1 services and any necessary equipment;

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

14 7. "Prepaid wireless telecommunications service" means a  
15 telecommunications wireless service that provides the right to  
16 utilize mobile wireless service as well as other telecommunications  
17 services including the download of digital products delivered  
18 electronically, content and ancillary services, which are paid for  
19 in advance and sold in predetermined units or dollars of which the  
20 number declines with use in a known amount;

21 8. "Proprietary information" means wireless service provider or  
22 VoIP service provider, subscriber, market share, cost and review  
23 information;

24

1       9. "Public agency" means any city, town, county, municipal  
2 corporation, public district, public trust, substate planning  
3 district, public authority or tribal authority located within this  
4 state which provides or has authority to provide firefighting, law  
5 enforcement, ambulance, emergency medical or other emergency  
6 services;

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

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

- 19           a. a service whose users do not have access to 9-1-1  
20                service,
- 21           b. a communication channel used only for data  
22                transmission, or
- 23           c. a wireless roaming service or other nonlocal radio  
24                access line service;

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

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

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

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

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

17       1. One member representing a tribal authority that operates a  
18 9-1-1 system to be appointed by the President Pro Tempore of the  
19 Senate;

20       2. One member representing a statewide organization dedicated  
21 to public safety to be appointed by the President Pro Tempore of the  
22 Senate;

23  
24

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

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

7           5. One member representing a statewide organization  
8 representing Oklahoma county commissioners to be appointed by the  
9 Governor;

10          6. One member representing a statewide association of regional  
11 councils of government to be appointed by the President Pro Tempore  
12 of the Senate;

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

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

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

21          10. One member representing a municipal government operating a  
22 9-1-1 system and having a population of more than one hundred  
23 thousand (100,000) but less than four hundred fifty thousand  
24 (450,000) to be appointed by the Governor;

1 11. One member representing a municipal government operating a  
2 9-1-1 system and having a population of more than four hundred fifty  
3 thousand (450,000) to be appointed by the Speaker of the House of  
4 Representatives;

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

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

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

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

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

23 17. One member representing a local exchange telecommunications  
24 service provider which serves less than fifty thousand (50,000)



1 access lines in the state or a telephone cooperative to be appointed  
2 by the President Pro Tempore of the Senate;

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

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

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

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

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

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

19 C. Members shall serve at the pleasure of their appointing  
20 authority and vacancies shall be filled by the original appointing  
21 authority.

22 D. Members shall receive no compensation for serving on the  
23 Authority.

24

1 E. At its first meeting annually the Authority shall designate  
2 a chair from its members. Meetings shall be held at the call of the  
3 chair.

4 F. The Authority shall be subject to the Oklahoma Open Records  
5 Act and the Oklahoma Open Meeting Act.

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

12 H. Members serving on the Statewide Nine-One-One Advisory Board  
13 appointed pursuant to Section 2847 of Title 63 of the Oklahoma  
14 Statutes on the effective date of this act shall continue serving as  
15 members of the Oklahoma 9-1-1 Management Authority unless replaced  
16 by their appointing authority.

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

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

22 1. Approve or disapprove the selection of the Oklahoma 9-1-1  
23 Coordinator by majority vote of the members. The Authority shall  
24 direct the Oklahoma 9-1-1 Coordinator to administer grants approved

1 by the Authority pursuant to this section and perform other duties  
2 as it deems necessary to accomplish the requirements of the Oklahoma  
3 9-1-1 Management Authority Act;

4 2. Prepare grant solicitations for funding for the purposes of  
5 assisting public agencies with funding for consolidation of  
6 facilities or services, deployment of Phase II technology or  
7 successor technology, development of next-generation 9-1-1 regional  
8 emergency service networks, and for other purposes it deems  
9 appropriate and necessary;

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

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

- 17 a. submit or comply with master plans to deliver Phase II  
18 9-1-1 wireless locating services as required by this  
19 act and approved by the Authority,
- 20 b. meet standards of the National Emergency Number  
21 Association (NENA) limited to call-taking and caller  
22 location technology or comply with an improvement plan  
23 to meet such standards as directed by the Authority,  
24

1 c. submit annual reports or audits as required by this  
2 act, or

3 d. comply with the requirements of this act or procedures  
4 established by the Authority;

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

11 6. Assist any public agency the Authority determines is  
12 performing below standards of the NENA, as limited by paragraph 4 of  
13 this section, according to the improvement plan required by the  
14 Oklahoma 9-1-1 Management Authority Act. The Authority shall  
15 establish a time period for the public agency to come into  
16 compliance after which the Authority shall escrow funds as  
17 authorized in this section. Improvement plans may include  
18 consideration and recommendations for consolidation with other  
19 public agencies, and sharing equipment and technology with other  
20 jurisdictions;

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

1           8. Conduct and review audits and financial records of the  
2 wireless service providers and review public agencies' audits and  
3 financial records regarding the collection, remittance and  
4 expenditures of 9-1-1 wireless telephone fees as required by the  
5 Oklahoma 9-1-1 Management Authority Act;

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

9           10. Facilitate information-sharing among public agencies;

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

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

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

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

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

19           16. Make recommendations for consolidation upon the request of  
20 public agencies; and

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

23

24

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

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

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

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

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

14           4. For purposes of paragraph 3 of this subsection, a retail  
15 transaction that is effected in person by a consumer at a business  
16 location of the seller shall be treated as occurring in this state  
17 if that business location is in this state. Any other retail  
18 transaction shall be sourced as provided in paragraphs 5 through 8  
19 of this subsection as applicable;

20           5. When the retail transaction does not occur at a business  
21 location of the seller, the retail transaction is sourced to the  
22 location where receipt by the consumer, or the consumer's donee,  
23 designated as such by the consumer, occurs, including the location  
24

1 indicated by instructions for delivery to the consumer or donee,  
2 known to the seller;

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

8 7. When the provisions of paragraphs 5 and 6 of this subsection  
9 do not apply, the sale is sourced to the location indicated by an  
10 address for the consumer obtained during the consummation of the  
11 sale, including the address of a consumer's payment instrument, if  
12 no other address is available, when use of this address does not  
13 constitute bad faith; and

14 8. When none of the previous rules of paragraphs 4, 5, 6 and 7  
15 of this subsection apply, including the circumstance in which the  
16 seller is without sufficient information to apply the previous  
17 rules, then the location will be determined by the address from  
18 which the service was provided, disregarding for these purposes any  
19 location that merely provided the digital transfer of the product  
20 sold. If the seller knows the mobile telephone number, the location  
21 will be that which is associated with the mobile telephone number.

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

24

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

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

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

23 A. 9-1-1 telephone fees authorized and collected by wireless  
24 service providers and Voice over Internet Protocol (VoIP) providers,



1 pursuant to paragraphs 1 and 2 of subsection A of Section 5 of this  
2 act from each of their end users residing in this state shall be  
3 paid to the Oklahoma Tax Commission no later than the 20th day of  
4 the month succeeding the month of collection.

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

11 C. Every billed service subscriber shall be liable for any 9-1-  
12 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1  
13 Management Authority Act until the fee has been paid to the wireless  
14 service provider.

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

19 E. The wireless service provider or VoIP provider shall have no  
20 obligation to take any legal action to enforce the collection of any  
21 9-1-1 wireless telephone fee imposed pursuant to the provisions of  
22 the Oklahoma 9-1-1 Management Authority Act. Should any service  
23 subscriber tender a payment insufficient to satisfy all charges,  
24 tariffs, fees and taxes for wireless telephone or VoIP service, the

1 amount tendered shall be credited to the 9-1-1 wireless telephone  
2 fee in the same manner as other taxes and fees.

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

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

15 H. The wireless service provider or VoIP provider shall  
16 maintain records of the amount of 9-1-1 telephone fees collected in  
17 accordance with the provisions of the Oklahoma 9-1-1 Management  
18 Authority Act for a period of three (3) years from the time the fee  
19 is collected. The State Auditor and Inspector, the Oklahoma 9-1-1  
20 Management Authority or any affected public agency may require an  
21 annual audit of the books and records of the wireless service  
22 provider or VoIP provider concerning the collection and remittance  
23 of fees authorized by this act. Auditors shall have access to all  
24 information used by the wireless service provider or VoIP provider

1 to calculate and remit the 9-1-1 telephone fee. Audit expenses  
2 shall be reimbursable pursuant to procedures established by the  
3 Oklahoma 9-1-1 Management Authority if the audit is approved by the  
4 Authority.

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

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

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

17 A. Prepaid 9-1-1 wireless transaction fees authorized and  
18 collected pursuant to paragraph 3 of subsection A of Section 5 of  
19 this act from retailers shall be paid to the Oklahoma Tax Commission  
20 under procedures established by the Tax Commission that  
21 substantially coincide with the registration and payment procedures  
22 that apply under the Oklahoma Sales Tax Code and as directed by the  
23 Oklahoma 9-1-1 Management Authority. The audit and appeal  
24

1 procedures, including limitations period, applicable to the Oklahoma  
2 Sales Tax Code shall apply to prepaid 9-1-1 wireless telephone fees.

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

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

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

21 E. If the amount of the prepaid 9-1-1 wireless telephone fee is  
22 separately stated on the invoice, receipt or similar document, the  
23 prepaid 9-1-1 wireless telephone fee shall not be included in the  
24 base for measuring any tax, fee, surcharge or other charge that is

1 imposed by the state, any political subdivision of this state or any  
2 intergovernmental agency.

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

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

11 B. Money remitted to public agencies pursuant to the Oklahoma  
12 9-1-1 Management Authority Act and any money otherwise collected by  
13 any lawful means for purposes of providing 9-1-1 emergency telephone  
14 services shall be deposited in a separate 9-1-1 emergency telephone  
15 service account established by a public agency or its governing body  
16 to carry out the requirements of this act. Monies remaining in such  
17 accounts at the end of a fiscal year shall carryover to subsequent  
18 years. The monies deposited in the Oklahoma 9-1-1 Revolving Fund  
19 shall at no time be monies of the state and shall not become part of  
20 the general budget of the Office of Emergency Management or any  
21 other state agency. Except as otherwise authorized by this act, no  
22 monies from the Oklahoma 9-1-1 Revolving Fund shall be transferred  
23 for any purpose to any other state agency or any account of the  
24 Office of Emergency Management or be used for the purpose of

1 contracting with any other state agency or reimbursing any other  
2 state agency for any expense. Payments from the Oklahoma 9-1-1  
3 Revolving Fund shall not become or be construed to be any obligation  
4 of the state. No claims for reimbursement from the Oklahoma 9-1-1  
5 Revolving Fund shall be paid with state monies.

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

14 D. A public agency shall be required to have conducted  
15 separately or as a part of the annual audit required by law of the  
16 municipality or county, an annual audit of any accounts established  
17 or used for the operation of a 9-1-1 emergency telephone system.  
18 The audit may be conducted by the State Auditor and Inspector at the  
19 discretion of the public agency. The cost of the audit of the 9-1-1  
20 emergency telephone system may be paid from and be considered a part  
21 of the operating expenses of the 9-1-1 emergency telephone system.  
22 Proprietary information of the wireless service providers shall be  
23 confidential. Audit information pertaining to revenue collected or  
24

1 disbursed may be released only in aggregate form so that no  
2 provider-specific information may be extrapolated.

3 E. Public agencies shall be required to annually submit to the  
4 Authority:

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

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

12 F. The Authority shall have the power to review, approve,  
13 submit for further information or deny approval of the annual report  
14 of each public agency required pursuant to subsection E of this  
15 section. Failure by a public agency to submit the report annually  
16 or denial of a report may cause the Authority to order the Tax  
17 Commission to escrow the 9-1-1 emergency telephone fees due to the  
18 public agency until the public agency complies with the requirements  
19 of the Oklahoma 9-1-1 Management Authority Act and the procedures  
20 established by the Authority.

21 G. The governing body of the public agency shall meet at least  
22 quarterly to oversee the operations of the 9-1-1 emergency telephone  
23 system, review expenditures and annually set and approve an  
24

1 operating budget, and take any other action as necessary for the  
2 operation and management of the system.

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

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

8 There is hereby created in the State Treasury a revolving fund  
9 for the Oklahoma Department of Emergency Management to be designated  
10 the "Oklahoma 9-1-1 Management Authority Revolving Fund". The fund  
11 shall be a continuing fund, not subject to fiscal year limitations,  
12 and shall consist of all monies received by the Oklahoma Tax  
13 Commission from fees designated for support of 9-1-1 emergency  
14 services. All monies accruing to the credit of the fund are hereby  
15 appropriated and may be budgeted and expended by the Oklahoma  
16 Department of Emergency Management upon approval by the Oklahoma 9-  
17 1-1 Management Authority for the purpose of supporting the  
18 administration of the Authority and providing grants to public  
19 agencies providing 9-1-1 services. Expenditures from the fund shall  
20 be made upon warrants issued by the State Treasurer against claims  
21 filed as prescribed by law with the Director of the Office of  
22 Management and Enterprise Services for approval and payment.

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



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

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

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

16 B. It is the purpose of the Regional Emergency ~~Nine-One-One~~ 9-  
17 1-1 Services Act to encourage formation of emergency communication  
18 districts in order to provide efficient delivery of emergency ~~nine-~~  
19 ~~one-one~~ ~~(911)~~ 9-1-1 service throughout the state.

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

1 D. For the purposes of this section:

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

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

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

9 4. "Participating public agency" means a public agency that is  
10 included in a district;

11 5. "Principal municipality" means the municipality with the  
12 largest population in a district; and

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

21 E. On or before December 31, ~~2012~~ 2017, all public agencies in  
22 this state shall form regional emergency communication districts for  
23 the purpose of creating an area-wide emergency ~~nine-one-one (911)~~ 9-  
24 1-1 system for their respective jurisdictions. The territory of the

1 district shall be coextensive with the territory of the regional  
2 substate planning district unless a different territory is approved  
3 by the Oklahoma 9-1-1 Management Authority. If a public agency is  
4 situated in more than one such territory, it shall become part of  
5 the district in which it is principally located. If, due to the  
6 effect of subsection C of this section, the majority of the  
7 participating public agencies located in the territory of a proposed  
8 district determine that it would be in the best interests of their  
9 citizens, they may request inclusion in an adjacent district.

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

14 G. If the public agencies in a region are unable to develop a  
15 local cooperative agreement by December 31, ~~2012~~ 2017, they shall be  
16 included in an emergency communication district that is governed by  
17 a board of directors consisting of an appointee by each public  
18 agency that was authorized by its voters to fund a ~~nine-one-one~~  
19 ~~(911)~~ 9-1-1 system prior to the formation of the district, one  
20 appointee elected by a majority of the remaining public agencies in  
21 the district, and an additional appointee by the principal  
22 municipality in the district who shall serve as chair of the board.

23 H. Unless otherwise provided by agreement, any participating  
24 public agency that had been authorized by its voters to fund a ~~nine-~~

1 ~~one-one (911)~~ 9-1-1 system prior to the formation of the district  
2 shall retain control of the property, operation, and funding of its  
3 system; provided, however, the district may contract with such  
4 participating public agency to include the agency's system in the  
5 district's master implementation plan. To the extent practicable,  
6 the district shall not duplicate the equipment or answering point  
7 services already provided by a participating public agency. A user  
8 of one or more communication services subject to the payment of fees  
9 or taxes for an emergency ~~nine-one-one (911)~~ 9-1-1 system shall not  
10 be charged for more than one such fee or tax for each service.

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

18 J. Within one (1) year after the effective date of the  
19 formation of the district, the board of directors shall ~~prepare~~  
20 submit its master plan to deliver Phase II emergency ~~nine-one-one~~  
21 ~~(911)~~ 9-1-1 service throughout its territory. ~~It shall periodically~~  
22 ~~review and update its~~ to the Oklahoma 9-1-1 Management Authority for  
23 approval. The Authority shall have the power to prescribe the terms  
24 of the plan and to approve or disapprove the master plan.

1 Additionally, the Authority shall have the power to request the Tax  
2 Commission to escrow the wireless fees attributable to the public  
3 agencies which have not submitted a master plan or which have not  
4 complied with the terms of the master plan.

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

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

13 The Oklahoma Department of Emergency Management may promulgate  
14 any rules necessary to implement the provisions of the Oklahoma 9-1-  
15 1 Management Authority Act.

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

20 SECTION 14. REPEALER 63 O.S. 2011, Sections 2821, 2841,  
21 2842, 2843, 2843.1, 2843.2, 2844, 2847, 2851, 2852 and 2853, are  
22 hereby repealed.

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

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

3

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