

05/16/2016 02:54:42 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB3126**

By: Cockroft of the House and Smalley of the Senate

Title: 9-1-1 emergency services; creating the Oklahoma 9-1-1 Management Authority Act;  
effective dates.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

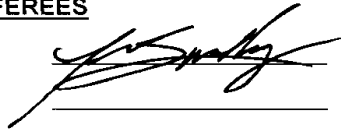
HB3126 CCR (A)  
HOUSE CONFEREES

Bennett, John	<hr/>	Billy, Lisa	<del>W.A.J.</del>
Brown, Mike	<i>Mike Brown</i>	Casey, Dennis	<i>Dennis Casey</i>
Coody, Ann	<hr/>	Cox, Doug	<i>Douglas D Cox M.P.</i>
Hoskin, Chuck	<hr/>	Inman, Scott	<hr/>
Johnson, Dennis	<i>Dennis Johnson</i>	Martin, Scott	<i>Scott C. Martin</i>
McCall, Charles	<i>Charles McCall</i>	McCullough, Mark	<i>Mark McCullough</i>
McDaniel, Jeannie	<hr/>	McDaniel, Randy	<hr/>
McPeak, Jerry	<hr/>	Morrisette, Richard	<hr/>
Nelson, Jason	<hr/>	Ortega, Charles	<i>Charles Ortega</i>
Osborn, Leslie	<i>Leslie Osborn</i>	Ownbey, Pat	<hr/>
Peterson, Pam	<i>Pam Peterson</i>	Rousselot, Wade	<i>Wade Rousselot</i>
Russ, Todd	<hr/>	Sanders, Mike	<i>Mike Sanders</i>
Sears, Earl	<i>Earl Sears</i>	Sherrer, Ben	<hr/>
Wesselhoft, Paul	<i>Paul Wesselhoft</i>	Wright, Harold	<i>Harold Wright</i>

HB3126 CCR A

**SENATE CONFEREES**

Smalley



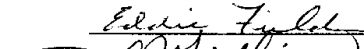
Mazzei

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Fields



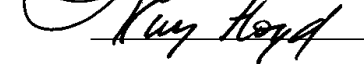
Griffin



Pittman



Floyd



House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



1 STATE OF OKLAHOMA

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

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

By: Cockroft of the House

and

7 Smalley, Pittman and  
8 Paddack of the Senate

9  
10  
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to 9-1-1 emergency services; creating  
13 the Oklahoma 9-1-1 Management Authority Act;  
14 providing definitions; creating the Oklahoma 9-1-1  
15 Management Authority; stating purpose of the  
16 Authority; establishing membership of the Authority;  
17 providing for vacancies; prohibiting compensation;  
18 providing for designation of a chair and meeting;  
19 making the Authority subject to certain acts;  
20 directing the Oklahoma Department of Emergency  
21 Management to provide certain support; providing for  
22 payments of certain expenses; making membership for  
23 certain members continuing; listing powers and duties  
24 of the Authority; imposing a telephone fee on certain  
devices, connections, services and transactions;  
providing for treatment of certain retail  
transactions; providing for the location sourcing of  
certain retail transactions; specifying options under  
certain conditions; prohibiting assessment of the fee  
on landline phone 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

1 percentage of the telephone fee for administrative  
2 costs; making certain subscribers liable for payment  
3 of the telephone fee; allowing certain billing;  
4 limiting obligations of certain providers to collect  
5 the telephone fee; requiring credit for partial  
6 payments; providing for the collection of the  
7 telephone fee as part of regular billing; providing  
8 for recovery of certain costs; directing certain  
9 providers to maintain records for certain period;  
10 authorizing annual audits; requiring certain  
11 providers to provide an annual census of subscribers;  
12 prohibiting the disclosure of certain proprietary  
13 information; requiring Oklahoma Tax Commission to  
14 make certain payments within certain time period  
15 using certain calculation; providing for payment of  
16 certain transaction fees to the Oklahoma Tax  
17 Commission in certain manner; providing for retention  
18 of certain percentage of the transaction fees for  
19 administrative costs; providing for collection of the  
20 transaction fee from consumers; making consumers  
21 liable for payment of the transaction fee; making the  
22 seller liable for remittance of the transaction fee;  
23 excluding transaction fee when measuring certain  
24 taxes and charges; requiring public agencies to use  
certain funds for certain 9-1-1 emergency telephone  
system costs; requiring deposit of fund into a  
separate 9-1-1 wireless telephone service account;  
prohibiting the transfer of certain monies for  
certain purposes; limiting obligation of the state;  
prohibiting payment of reimbursement with state  
monies; requiring certain public agencies to submit  
an improvement plan to the Authority; providing for  
escrow of fees until a plan is submitted; requiring  
public agencies to conduct annual audits; providing  
for costs of the annual audit; requiring public  
agencies to submit certain reports and audits to the  
Authority; specifying power of the Authority to  
approve or deny reports; 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-

1 one to 9-1-1; updating statutory citation; amending  
2 63 O.S. 2011, Section 2849, which relates to the  
3 Regional Emergency Nine-One-One Services Act;  
4 changing references from nine-one-one to 9-1-1;  
5 changing certain dates; deleting certain adoption  
6 requirements; changing definition; requiring  
7 submission of the master plan to the Authority;  
8 stating power of the Authority regarding the plan;  
9 authorizing the Oklahoma Department of Emergency  
10 Management to promulgate rules; repealing 63 O.S.  
11 2011, Section 2821, which relates to the nature of  
12 certain provisions of law; repealing 63 O.S. 2011,  
13 Sections 2841, 2842, 2843, 2843.1, 2843.2, 2844 and  
14 2847, which relate to the Nine-One-One Wireless  
15 Emergency Number Act; repealing 63 O.S. 2011,  
16 Sections 2851, 2852 and 2853, which relate to the  
17 Nine-One-One Voice over Internet Protocol (VoIP)  
18 Emergency Service Act; providing for codification;  
19 providing for noncodification; providing for  
20 recodification; and providing effective dates.

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

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

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

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

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

1. "Authority" means the Oklahoma 9-1-1 Management Authority  
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;

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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" or "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 a list of  
6 eligible governing bodies entitled to receive 9-1-1 telephone fees  
7 and establish annual population figures for the purpose of  
8 distributing fees collected pursuant to Section 5 of this act, to be  
9 derived by dividing the population of each public agency's response  
10 area by the total population of the state using data from the latest  
11 available Federal Decennial Census estimates as of July 1 of each  
12 year;

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

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

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

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

12       10. Facilitate information-sharing among public agencies;

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

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

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

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

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

22       16. Make recommendations for consolidation upon the request of  
23 public agencies; and  
24

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

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

6 A. Beginning January 1, 2017, there shall be imposed a 9-1-1  
7 telephone fee as follows:

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

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

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

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

22 5. When the retail transaction does not occur at a business  
23 location of the seller, the retail transaction shall be sourced to  
24 the location where receipt by the consumer, or the consumer's donee,

1 designated as such by the consumer, occurs, including the location  
2 indicated by instructions for delivery to the consumer or donee,  
3 known to the seller;

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

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

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

24

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

3 C. The fees imposed in subsection A of this section shall  
4 replace any 9-1-1 wireless telephone fees previously adopted by any  
5 county pursuant to Section 2843.1 of Title 63 of the Oklahoma  
6 Statutes, or 9-1-1 VoIP emergency service fees adopted by a  
7 governing body pursuant to Section 2853 of Title 63 of the Oklahoma  
8 Statutes, or fees on prepaid wireless retail transactions pursuant  
9 to Section 2843.2 of Title 63 of the Oklahoma Statutes. Fees  
10 collected and transferred pursuant to those sections shall remain in  
11 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 no later than the 20th day of  
6 the month succeeding the month of collection.

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

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

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

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

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

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

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

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



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

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

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

16 K. Within thirty (30) days of receipt, the Oklahoma Tax  
17 Commission shall pay available fees remitted pursuant to Section 5  
18 of this act to the governing bodies that the Oklahoma 9-1-1  
19 Management Authority has certified in accordance with Section 4 of  
20 this act as eligible to receive funds. The share to be paid to or  
21 escrowed for each governing body shall be determined by dividing the  
22 population of the governing body by the total population of the  
23 state using the latest Federal Decennial Census estimates.

24

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

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

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

18           C.   The prepaid 9-1-1 wireless transaction fee shall be  
19 collected by the retailer from the consumer for each retail  
20 transaction occurring in this state. The amount of the prepaid 9-1-  
21 1 wireless fee shall either be separately stated on the invoice,  
22 receipt or similar document that is provided to the consumer by the  
23 seller, or otherwise disclosed to the consumer.

24

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

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

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

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

22 B. Money remitted to public agencies pursuant to the Oklahoma  
23 9-1-1 Management Authority Act and any money otherwise collected by  
24 any lawful means for purposes of providing 9-1-1 emergency telephone

1 services shall be deposited in a separate 9-1-1 emergency telephone  
2 service account established by a public agency or its governing body  
3 to carry out the requirements of this act. Monies remaining in such  
4 accounts at the end of a fiscal year shall carry over to subsequent  
5 years. The monies deposited in the Oklahoma 9-1-1 Revolving Fund  
6 shall at no time be monies of the state and shall not become part of  
7 the general budget of the Office of Emergency Management or any  
8 other state agency. Except as otherwise authorized by this act, no  
9 monies from the Oklahoma 9-1-1 Revolving Fund shall be transferred  
10 for any purpose to any other state agency or any account of the  
11 Office of Emergency Management or be used for the purpose of  
12 contracting with any other state agency or reimbursing any other  
13 state agency for any expense. Payments from the Oklahoma 9-1-1  
14 Revolving Fund shall not become or be construed to be any obligation  
15 of the state. No claims for reimbursement from the Oklahoma 9-1-1  
16 Revolving Fund shall be paid with state monies.

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

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

13 E. Public agencies shall be required to annually submit to the  
14 Authority:

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

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

22 F. The Authority shall have the power to review, approve,  
23 submit for further information or deny approval of the annual report  
24 of each public agency required pursuant to subsection E of this

1 section. Failure by a public agency to submit the report annually  
2 or denial of a report may cause the Authority to order the Tax  
3 Commission to escrow the 9-1-1 emergency telephone fees due to the  
4 public agency until the public agency complies with the requirements  
5 of the Oklahoma 9-1-1 Management Authority Act and the procedures  
6 established by the Authority.

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

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

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

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

1 Department of Emergency Management upon approval by the Oklahoma 9-  
2 1-1 Management Authority for the purpose of supporting the  
3 administration of the Authority and providing grants to public  
4 agencies providing 9-1-1 services. Expenditures from the fund shall  
5 be made upon warrants issued by the State Treasurer against claims  
6 filed as prescribed by law with the Director of the Office of  
7 Management and Enterprise Services for approval and payment.

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

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

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

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

1 B. It is the purpose of the Regional Emergency ~~Nine One One~~ 9-  
2 1-1 Services Act to encourage formation of emergency communication  
3 districts in order to provide efficient delivery of emergency ~~nine-~~  
4 ~~one-one (911)~~ 9-1-1 service throughout the state.

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

10 D. For the purposes of this section:

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

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

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

18 4. "Participating public agency" means a public agency that is  
19 included in a district;

20 5. "Principal municipality" means the municipality with the  
21 largest population in a district; and

22 6. "Public agency" means ~~a municipality or county that~~ any  
23 city, town, county, municipal corporation, public district, public  
24 trust, substate planning district, public authority or tribal



1 authority located within this state which provides or has authority  
2 to provide ~~fire-fighting~~ firefighting, law enforcement, ambulance,  
3 emergency medical or other emergency services; ~~provided, it does not~~  
4 ~~mean any entity excluded from this act by the provisions of~~  
5 ~~subsection C of this section.~~

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

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

23 G. If the public agencies in a region are unable to develop a  
24 local cooperative agreement by December 31, ~~2012~~ 2017, they shall be

1 included in an emergency communication district that is governed by  
2 a board of directors consisting of an appointee by each public  
3 agency that was authorized by its voters to fund a ~~nine-one-one~~  
4 ~~(911)~~ 9-1-1 system prior to the formation of the district, one  
5 appointee elected by a majority of the remaining public agencies in  
6 the district, and an additional appointee by the principal  
7 municipality in the district who shall serve as chair of the board.

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

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

1 district, and adopt rules and policies for the operation of the  
2 district.

3 J. Within one (1) year after the effective date of the  
4 formation of the district, the board of directors shall ~~prepare~~  
5 submit its master plan to deliver Phase II emergency ~~nine-one-one~~  
6 ~~(911) 9-1-1 service throughout its territory. It shall periodically~~  
7 ~~review and update its~~ to the Oklahoma 9-1-1 Management Authority for  
8 approval. The Authority shall have the power to prescribe the terms  
9 of the plan and to approve or disapprove the master plan.

10 Additionally, the Authority shall have the power to request the Tax  
11 Commission to escrow the wireless fees attributable to the public  
12 agencies which have not submitted a master plan or which have not  
13 complied with the terms of the master plan.

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

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

22 The Oklahoma Department of Emergency Management may promulgate  
23 any rules necessary to implement the provisions of the Oklahoma 9-1-  
24 1 Management Authority Act.

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

5 SECTION 14. REPEALER 63 O.S. 2011, Sections 2821, 2841,  
6 2842, 2843, 2843.1, 2843.2, 2844, 2847, 2851, 2852 and 2853, are  
7 hereby repealed.

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

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

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