STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3126 By: Cockroft of the House

and

Smalley, Pittman and
Paddack of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to 9-1-1 emergency services; creating the Oklahoma 9-1-1 Management Authority Act; providing definitions; creating the Oklahoma 9-1-1 Management Authority; stating purpose of the Authority; establishing membership of the Authority; providing for vacancies; prohibiting compensation; providing for designation of a chair and meeting; making the Authority subject to certain acts; directing the Oklahoma Department of Emergency Management to provide certain support; providing for payments of certain expenses; making membership for certain members continuing; listing powers and duties 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

percentage of the telephone fee for administrative costs; making certain subscribers liable for payment of the telephone fee; allowing certain billing; limiting obligations of certain providers to collect the telephone fee; requiring credit for partial payments; providing for the collection of the telephone fee as part of regular billing; providing for recovery of certain costs; directing certain providers to maintain records for certain period; authorizing annual audits; requiring certain providers to provide an annual census of subscribers; prohibiting the disclosure of certain proprietary information; requiring Oklahoma Tax Commission to make certain payments within certain time period using certain calculation; providing for payment of certain transaction fees to the Oklahoma Tax Commission in certain manner; providing for retention of certain percentage of the transaction fees for administrative costs; providing for collection of the transaction fee from consumers; making consumers liable for payment of the transaction fee; making the seller liable for remittance of the transaction fee; excluding transaction fee when measuring certain 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-

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

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;

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

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

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

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

(2) processes all types of emergency calls, including voice, text, data and multimedia information,

(3) acquires and integrates additional emergency call data useful to call routing and handling,

(4) delivers the emergency calls, messages and data to the appropriate public safety answering point and other appropriate emergency entities,

(5) supports data or video communications needs for coordinated incident response and management, and

(6) provides broadband service to public safety answering points or other first responder entities, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. submit or comply with master plans to deliver Phase II 9-1-1 wireless locating services as required by this act and approved by the Authority,

b. meet standards of the National Emergency Number Association (NENA) limited to call-taking and caller location technology or comply with an improvement plan to meet such standards as directed by the Authority,

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

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

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

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

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

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

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

10. Facilitate information-sharing among public agencies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. For the purposes of this section:

1. "District" means an emergency communication district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55-2-9931 KB 05/09/16