

1 ENGROSSED HOUSE
2 BILL NO. 3126

By: Cockroft of the House

3 and

4 Smalley of the Senate

5
6
7 An Act relating to 9-1-1 emergency services; creating
8 the Oklahoma 9-1-1 Management Authority Act;
9 providing definitions; creating the Oklahoma 9-1-1
10 Management Authority; stating purpose of the
11 Authority; establishing membership of the Authority;
12 providing for vacancies; prohibiting compensation;
13 providing for designation of a chair and meeting;
14 making the Authority subject to certain acts;
15 directing the Oklahoma Department of Emergency
16 Management to provide certain support; providing for
17 payments of certain expenses; making membership for
18 certain members continuing; listing powers and duties
19 of the Authority; imposing a telephone fee on certain
20 devices, connections, services and transactions;
21 prohibiting assessment of the fee on landline phone
22 customers; providing for the replacement of certain
23 fees with the telephone fee; requiring deposit of
24 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;
providing for payment of certain transaction fees to

1 the Oklahoma Tax Commission in certain manner;
2 providing for retention of certain percentage of the
3 transaction fees for administrative costs; providing
4 for collection of the transaction fee from consumers;
5 making consumers liable for payment of the
6 transaction fee; making the seller liable for
7 remittance of the transaction fee; excluding
8 transaction fee when measuring certain taxes and
9 charges; requiring public agencies to use certain
10 funds for certain 9-1-1 emergency telephone services;
11 requiring deposit of fund into a separate 9-1-1
12 wireless telephone service account; requiring certain
13 public agencies to submit an improvement plan to the
14 Authority; providing for escrow of fees until a plan
15 is submitted; requiring public agencies to conduct
16 annual audits; providing for costs of the annual
17 audit; requiring public agencies to submit certain
18 reports and audits to the Authority; specifying power
19 of the Authority to approve or deny reports;
20 directing public agencies to meet at certain times
21 for certain purposes; making public agencies subject
22 to certain acts; creating the Oklahoma 9-1-1
23 Management Authority Revolving Fund; making the fund
24 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;

1 providing for noncodification; providing for
2 recodification; and providing effective dates.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

16 2. "Governing body" means the board of county commissioners of
17 a county, the city council or other governing body of a
18 municipality, or a combination of such boards, councils or other
19 municipal governing bodies including county or municipal beneficiary
20 public trusts, or other public trusts which shall have an
21 administering board. A governing body made up of two or more
22 governmental entities shall have a board consisting of not less than
23 three members and shall consist of at least one member representing
24 each governmental entity, appointed by the governing body of each

1 participating governmental entity, as set forth in the agreement
2 forming the board. The members of the board shall serve for terms
3 of not more than three (3) years as set forth in the agreement.
4 Members may be appointed to serve more than one term. The names of
5 the members of the governing body board and the appointing authority
6 of each member shall be maintained in the office of the county clerk
7 in the county or counties in which the system operates, along with
8 copies of the agreement forming the board and any amendments to that
9 agreement;

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

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

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

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

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

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

17 5. "9-1-1 wireless telephone fee" means the fee imposed in
18 Section 5 of this act to finance the installation and operation of
19 emergency 9-1-1 services and any necessary equipment;

20 6. "Place of primary use" means the street address
21 representative of where the use of the mobile telecommunications
22 service of the customer primarily occurs, which shall be the
23 residential street address or the primary business street address of
24 the customer and shall be within the licensed service area of the

1 home service provider in accordance with ORS 68-55001 and the
2 federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252,
3 codified at 4 U.S.C. 116-126;

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

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

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

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

22 11. "Wireless service provider" means a provider of commercial
23 mobile service under Section 332(d) of the Telecommunications Act of
24 1996, 47 U.S.C., Section 151 et seq., Federal Communications

1 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
2 Pub. L. No. 103-66, and includes a provider of wireless two-way
3 communication service, radio-telephone communications related to
4 cellular telephone service, network radio access lines or the
5 equivalent, and personal communication service. The term does not
6 include a provider of:

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

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

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

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

23 A. There is hereby created the Oklahoma 9-1-1 Management
24 Authority which shall be the governing board overseeing the

1 development and regulation of 9-1-1 emergency systems in this state
2 and managing the distribution of all 9-1-1 telephone fees collected
3 pursuant to the provisions of Section 5 of this act.

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Statutes on the effective date of this act shall continue serving as
2 members of the Oklahoma 9-1-1 Management Authority.

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

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

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

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

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

23 4. Direct the Oklahoma Tax Commission to escrow all or any
24 portion of funds collected pursuant to the Oklahoma 9-1-1

1 Management Authority Act attributable to a public agency, if the
2 public agency fails to:

- 3 a. submit or comply with master plans to deliver Phase II
4 9-1-1 services as required by this act and approved by
5 the Authority,
- 6 b. meet standards of the National Emergency Number
7 Association (NENA) or comply with an improvement plan
8 to meet such standards as directed by the Authority,
- 9 c. submit annual reports or audits as required by this
10 act, or
- 11 d. comply with the requirements of this act or procedures
12 established by the Authority;

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

19 6. Assist any public agency the Authority determines is
20 performing below standards of the NENA according to the improvement
21 plan required by the Oklahoma 9-1-1 Management Authority Act. The
22 Authority shall establish a time period for the public agency to
23 come into compliance after which the Authority shall escrow funds as
24 authorized in this section. Improvement plans may include

1 consideration and recommendations for consolidation with other
2 public agencies, and sharing equipment and technology with other
3 jurisdictions;

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

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

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

15 10. Facilitate information-sharing among public agencies;

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

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

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

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

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

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

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

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

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

10 1. Wireless telephone connection and other communication device
11 or service connection with the ability to dial 9-1-1 for emergency
12 calls;

13 2. Service that is enabled by Voice over Internet Protocol
14 (VoIP) or Internet Protocol (IP) with the ability to dial 9-1-1 for
15 emergency calls; and

16 3. Prepaid wireless retail transaction occurring in this state.

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

19 C. The seventy-five-cent monthly fees imposed in subsection A
20 of this section shall replace any 9-1-1 wireless telephone fees
21 previously adopted by any county pursuant to Section 2843.1 of Title
22 63 of the Oklahoma Statutes, or 9-1-1 VoIP emergency service fees
23 adopted by a governing body pursuant to Section 2853 of Title 63 of
24 the Oklahoma Statutes, or fees on prepaid wireless retail

1 transactions pursuant to Section 2843.2 of Title 63 of the Oklahoma
2 Statutes. Fees collected and transferred pursuant to those sections
3 shall remain in effect through December 31, 2016.

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

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

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

24

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

7 C. Every billed service subscriber shall be liable for any 9-1-
8 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1
9 Management Authority Act until the fee has been paid to the wireless
10 service provider.

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

15 E. The wireless service provider or VoIP provider shall have no
16 obligation to take any legal action to enforce the collection of any
17 9-1-1 wireless telephone fee imposed pursuant to the provisions of
18 the Oklahoma 9-1-1 Management Authority Act. Should any service
19 subscriber tender a payment insufficient to satisfy all charges,
20 tariffs, fees and taxes for wireless telephone or VoIP service, the
21 amount tendered shall be credited to the 9-1-1 wireless telephone
22 fee in the same manner as other taxes and fees.

23 F. Any 9-1-1 fee imposed pursuant to the provisions of the
24 Oklahoma 9-1-1 Management Authority Act shall be collected insofar

1 as practicable at the same time as, and along with, the charges for
2 wireless telephone or VoIP service in accordance with the regular
3 billing practice of the provider.

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

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

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

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

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

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

22 B. From the total fees collected pursuant to paragraph 3 of
23 subsection A of Section 5 of this act, three percent (3%) shall be
24 retained by the seller and one percent (1%) shall be retained by the

1 Tax Commission as reimbursement for the direct cost of administering
2 the collection and remittance of such fees.

3 C. The prepaid 9-1-1 wireless transaction fee shall be
4 collected by the retailer from the consumer for each retail
5 transaction occurring in this state. The amount of the prepaid 9-1-
6 1 wireless fee shall either be separately stated on the invoice,
7 receipt or similar document that is provided to the consumer by the
8 seller, or otherwise disclosed to the consumer.

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

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

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

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

7 B. Money remitted to public agencies pursuant to the Oklahoma
8 9-1-1 Management Authority Act and any money otherwise collected by
9 any lawful means for purposes of providing 9-1-1 wireless telephone
10 services shall be deposited in a separate 9-1-1 wireless telephone
11 service account established by a public agency or its governing body
12 to carry out the requirements of this act. Monies remaining in such
13 accounts at the end of a fiscal year shall carryover to subsequent
14 years.

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

23 D. A public agency shall be required to have conducted
24 separately or as a part of the annual audit required by law of the

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

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

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

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

20 F. The Authority shall have the power to review, approve,
21 submit for further information or deny approval of the annual report
22 of each public agency required pursuant to subsection E of this
23 section. Failure by a public agency to submit the report annually
24 or denial of a report may cause the Authority to order the Tax

1 Commission to escrow the 9-1-1 wireless telephone fees due to the
2 public agency until the public agency complies with the requirements
3 of the Oklahoma 9-1-1 Management Authority Act and the procedures
4 established by the Authority.

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

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

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

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

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

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

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

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

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

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 or public authority located within

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

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

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

22 G. If the public agencies in a region are unable to develop a
23 local cooperative agreement by December 31, ~~2012~~ 2017, they shall be
24 included in an emergency communication district that is governed by

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

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

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

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.

