

1 ENGROSSED SENATE
2 BILL NO. 828

By: Committee on Energy of the
Senate

3 and

4 Christian of the House

5
6
7 [9-1-1 emergency services - Oklahoma 9-1-1
8 Management Authority Act - Oklahoma 9-1-1 Management
9 Authority - membership - collection and remittance of
10 fees - requirements - revolving fund - false 9-1-1
11 calls - recodification - repealer - codification -
12 noncodification - effective dates]

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

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

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

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

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

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

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

19 3. Next Generation 9-1-1 (NG9-1-1) means an IP-based system
20 comprised of hardware, software, data, and operational policies
21 and procedures that:

- 22 a. provides standardized interfaces from emergency
23 call and message services to support emergency
24 communications;

- b. processes all types of emergency calls, including voice, text, data, and multimedia information;
- c. acquires and integrates additional emergency call data useful to call routing and handling;
- d. delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
- e. supports data or video communications needs for coordinated incident response and management; and
- f. provides broadband service to public safety answering points or other first responder entities; or

shall otherwise conform 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 the provision of both 9-1-1 emergency wireless telephone service and 9-1-1 emergency VoIP telephone service;

5. "9-1-1 emergency wireless telephone service" means wireless voice service that is sourced to this state pursuant to the federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252, codified as 4 U.S.C. 116-126 or that is prepaid wireless telecommunications service and which customers of the wireless service provider may use to dial a 9-1-1 system by entering or dialing the digits 9-1-1 and is a telecommunications service as such term is defined by Code Chapter 65 710:65-19-330;

1 6. "9-1-1 emergency VoIP telephone service" means voice over
2 Internet protocol service that is sourced to this state pursuant to
3 Chapter 65 710:65-19-330 and which customers of the VoIP service
4 provider may use to dial a 9-1-1 system by entering or dialing the
5 digits 9-1-1 and which is a telecommunications service as such term
6 is defined by Chapter 65 710:65-19-330;

7 7. "9-1-1 wireless telephone fee" means a fee, imposed in
8 Section 5 of this act, to finance the installation and operation of
9 emergency 9-1-1 services and equipment necessary thereto;

10 8. "Landline phone customer" means a customer of a local
11 exchange telecommunications service provider;

12 9. "Place of primary use" means the street address
13 representative of where the use of the mobile telecommunications
14 service of the customer primarily occurs, which shall be the
15 residential street address or the primary business street address of
16 the customer and must be within the licensed service area of the
17 home service provider in accordance with ORS 68-55001 and the
18 federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252,
19 codified at 4 U.S.C. 116-126;

20 10. "Prepaid wireless telecommunications service" means a
21 telecommunications wireless service that provides the right to
22 utilize mobile wireless service as well as other telecommunications
23 services, including the download of digital products delivered
24 electronically, content, and ancillary services, which must be paid

1 for in advance, that is sold in predetermined units or dollars of
2 which the number declines with use in a known amount;

3 11. "Proprietary information" means wireless service provider
4 or VoIP service provider, subscriber, market share, cost, and review
5 information;

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

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

14 14. "Retail transaction" means the purchase of prepaid wireless
15 telecommunications service from a seller for any purpose other than
16 for resale;

17 15. "Seller" means a person who sells prepaid wireless
18 telecommunications service to another person;

19 16. "Wireless service provider" means a provider of commercial
20 mobile service under Section 332(d) of the Telecommunications Act of
21 1996, 47 U.S.C., Section 151 et seq., Federal Communications
22 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
23 Pub. L. No. 103-66, and includes a provider of wireless two-way
24 communication service, radio-telephone communications related to

1 cellular telephone service, network radio access lines or the
2 equivalent, and personal communication service. The term does not
3 include a provider of:

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

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

14 18. "Voice over Internet Protocol (VoIP) provider" means a
15 provider of interconnected Voice over Internet Protocol service to
16 end users in the state; and

17 19. "Voice over Internet Protocol (VoIP) Service" shall have
18 the same meaning as set forth in 47 C.F.R., Section 9.3, or any
19 successor regulation adopted by the Federal Communications
20 Commission, and which defines the term as a service that:

- 21 a. enables real-time, two-way voice communications,
 - 22 b. requires a broadband connection from the user's
23 location,
- 24

- 1 c. requires Internet Protocol-compatible customer
2 premises equipment (CPE), and
3 d. permits users generally to receive calls that
4 originate on the public switched telephone network
5 (PSTN) and to terminate calls to the PSTN.

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

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

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

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

16 2. One member representing the Oklahoma Chapter of the
17 Association of Public Safety Communication Officials (APCO) to be
18 appointed by the President Pro Tempore of the Senate;

19 3. One member representing the Oklahoma Chapter of the National
20 Emergency Number Association (NENA) to be appointed by the Governor;

21 4. One member representing the Oklahoma Municipal League (OML)
22 to be appointed by the Speaker of the House of Representatives;

23 5. One member representing the Association of County
24 Commissioners of Oklahoma (ACCO) to be appointed by the Governor;

1 6. One member representing the Oklahoma Association of Regional
2 Councils (OARC) to be appointed by the President Pro Tempore of the
3 Senate;

4 7. The Oklahoma Chief Information Officer, or designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 4. Direct the Oklahoma Tax Commission to escrow funds, or any
5 portion thereof, collected pursuant to this act, attributable for
6 payment to a public agency if such public agency fails to:

7 a. submit or comply with master plans to deliver Phase II
8 9-1-1 services as required by this act and approved by
9 the Authority;

10 b. meet National Emergency Number Association (NENA)
11 standards or comply with an improvement plan to meet
12 such standards as directed by the Authority;

13 c. submit annual reports or audits as required by this
14 act; or

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

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

23 6. Assist any public agency the Authority determines is
24 performing below National Emergency Number Association (NENA)

1 Standards according to the improvement plan required by this act.

2 The Authority shall establish a time period for the public agency to
3 come into compliance after which the Authority may escrow funds as
4 authorized in this section. Improvement plans may include
5 consideration and recommendations for consolidation with other
6 public agencies, and sharing equipment and technology with other
7 jurisdictions;

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

11 8. Conduct and review audits and financial records of the
12 wireless service providers and review public agencies audits and
13 financial records regarding the collection, remittance, and
14 expenditures of 9-1-1 wireless telephone fees as required by this
15 act;

16 9. Develop a plan to deploy Next Generation 9-1-1 services
17 statewide. The Authority may fund feasibility and implementation
18 studies it deems necessary to create such plan;

19 10. Facilitate information-sharing among public agencies;

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

22 12. Encourage equipment and technology sharing among all
23 jurisdictions;

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

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

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

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

7 17. Take any steps necessary to carry out the duties required
8 by this act.

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

12 A. Beginning January 1, 2016, there is imposed a monthly fifty-
13 cents (\$0.50) 9-1-1 telephone fee on each:

14 1. Wireless telephone connection with the ability to dial 9-1-1
15 for emergency calls;

16 2. Voice over Internet Protocol (VoIP or IP) enabled services
17 with the ability to dial 9-1-1 for emergency calls; and

18 3. Prepaid wireless retail transaction occurring in this state.
19 Provided, however, if a service is both "9-1-1 wireless emergency
20 telephone service" and "9-1-1 emergency VoIP telephone service", it
21 shall be treated as the former for purposes of this section.

22 B. The fees authorized by subsection A shall not be assessed on
23 landline phone customers.
24

1 C. The fifty-cent monthly fees imposed in subsection A of this
2 section shall replace any 9-1-1 wireless telephone fees previously
3 adopted by any county pursuant to Section 2843.1 of Title 63 of the
4 Oklahoma Statutes, or 9-1-1 VoIP emergency service fees adopted by a
5 governing body pursuant to Section 2853 of Title 63 of the Oklahoma
6 Statutes, or fees on prepaid wireless retail transactions pursuant
7 to Section 2843.2 of Title 63 of the Oklahoma Statutes. Fees
8 collected and transferred pursuant to those sections shall remain in
9 effect through December 31, 2015.

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

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

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

1 C. Every billed service subscriber shall be liable for any 9-1-
2 1 wireless telephone fee imposed pursuant to this act until the fee
3 has been paid to the wireless service provider.

4 D. Fees imposed pursuant to this act which are required to be
5 collected by the wireless service provider or VoIP provider may be
6 added to and shall be stated separately in any billings to the
7 service subscriber.

8 E. The wireless service provider or VoIP provider shall have no
9 obligation to take any legal action to enforce the collection of any
10 9-1-1 wireless telephone fee imposed pursuant to the provisions of
11 this act; however, should any service subscriber tender a payment
12 insufficient to satisfy all charges, tariffs, fees, and taxes for
13 wireless telephone or VoIP service, the amount tendered shall be
14 credited to the 9-1-1 wireless telephone fee in the same manner as
15 other taxes and fees.

16 F. Any 9-1-1 fee imposed pursuant to the provisions of this act
17 shall be collected insofar as practicable at the same time as, and
18 along with, the charges for wireless telephone or VoIP service in
19 accordance with the regular billing practice of the provider.

20 G. Nothing in the Oklahoma 9-1-1 Management Authority Act shall
21 be construed to limit the ability of a wireless service provider or
22 VoIP provider from recovering its costs associated with designing,
23 developing, deploying, and maintaining enhanced 9-1-1 service
24 directly from the service subscribers of the provider, whether the

1 costs are itemized on the bill of the service subscriber as a
2 surcharge or by any other lawful means.

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

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

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

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
16 the Tax Commission as reimbursement for the direct cost of
17 administering 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.

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

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

3 2. When the provisions of paragraph 1 of this subsection do
4 not apply, the sale is sourced to the location indicated by an
5 address for the consumer that is available from the business records
6 of the seller that are maintained in the ordinary course of the
7 seller's business when use of this address does not constitute bad
8 faith;

9 3. When the provisions of paragraphs 1 and 2 of this
10 subsection do not apply, the sale is sourced to the location
11 indicated by an address for the consumer obtained during the
12 consummation of the sale, including the address of a consumer's
13 payment instrument, if no other address is available, when use of
14 this address does not constitute bad faith; and

15 4. When none of the previous rules of paragraphs 1, 2, and 3
16 of this subsection apply, including the circumstance in which the
17 seller is without sufficient information to apply the previous
18 rules, then the location will be determined by the address from
19 which the service was provided, disregarding for these purposes any
20 location that merely provided the digital transfer of the product
21 sold. If the seller knows the mobile telephone number, the location
22 will be that which is associated with the mobile telephone number.

23 The amount of the prepaid 9-1-1 wireless fee shall either be
24 separately stated on the invoice, receipt or similar document that

1 is provided to the consumer by the seller or otherwise disclosed to
2 the consumer.

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

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

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

19 A. Public agencies recognized by the Oklahoma 9-1-1 Management
20 Authority and authorized to receive funds collected pursuant to the
21 provisions of this act shall use such funds only for services
22 related to 9-1-1 emergency telephone services, including automatic
23 number identification and automatic location information services
24 unless otherwise authorized and directed to do so by the Authority.

1 B. Money remitted to public agencies pursuant to this act and
2 any money otherwise collected by any lawful means for purposes of
3 providing 9-1-1 wireless telephone services shall be deposited in a
4 separate 9-1-1 wireless telephone service account established by a
5 public agency or its governing body to carry out the requirements of
6 this act. Monies remaining in such accounts at the end of a fiscal
7 year shall carry over to subsequent years.

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

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

1 confidential. Audit information pertaining to revenue collected or
2 disbursed may be released only in aggregate form so that no
3 provider-specific information may be extrapolated.

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

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

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

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

20 F. The governing body of the public agency shall meet at least
21 quarterly to oversee the operations of the 9-1-1 wireless telephone
22 system, review expenditures, and annually set and approve an
23 operating budget, and take such other action as necessary for the
24 operation and management of the system.

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

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

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

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

23 Section 2819. No person shall call the number ~~nine-one-one~~
24 ~~(911)~~ 9-1-1 for the purpose of making a knowingly false alarm or

1 complaint or reporting knowingly false information which could
2 result in the dispatch of emergency services from any public agency
3 as defined in Section ~~2813 of this title or Section 3 2~~ of this act.
4 Nor shall any person call ~~nine-one-one~~ 9-1-1 for nonemergency or
5 personal use. Any person violating the provisions of this section,
6 upon conviction, shall be guilty of a misdemeanor punishable by a
7 fine of not to exceed Five Hundred Dollars (\$500.00) and by an
8 assessment for the resulting costs of any dispatching of emergency
9 personnel and equipment for each such offense.

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

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

14 B. It is the purpose of the Regional Emergency ~~Nine-One-One~~ 9-
15 1-1 Services Act to encourage formation of emergency communication
16 districts in order to provide efficient delivery of emergency ~~nine-~~
17 ~~one-one~~ (911) 9-1-1 service throughout the state.

18 C. This act shall not apply to any ~~nine-one-one~~ (911) 9-1-1
19 system or public agency participating in a ~~nine-one-one~~ (911) 9-1-1
20 system that was established prior to January 1, ~~2009~~, 2016, and that
21 had adopted and begun implementation of a process to provide Phase I
22 and Phase II ~~nine-one-one~~ (911) 9-1-1 service by that date.

23 D. For the purposes of this section:

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

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

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

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

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

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

20 E. On or before December 31, ~~2012~~ 2016, all public agencies in
21 this state shall form regional emergency communication districts for
22 the purpose of creating an area-wide emergency ~~nine-one-one (911)~~ 9-
23 1-1 system for their respective jurisdictions. The territory of the
24 district shall be coextensive with the territory of the regional

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

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

13 G. If the public agencies in a region are unable to develop a
14 local cooperative agreement by December 31, ~~2012~~ 2016, they shall be
15 included in an emergency communication district that is governed by
16 a board of directors consisting of an appointee by each public
17 agency that was authorized by its voters to fund a ~~nine-one-one~~
18 ~~(911)~~ 9-1-1 system prior to the formation of the district, one
19 appointee elected by a majority of the remaining public agencies in
20 the district, and an additional appointee by the principal
21 municipality in the district who shall serve as chair of the board.

22 H. Unless otherwise provided by agreement, any participating
23 public agency that had been authorized by its voters to fund a ~~nine-~~
24 ~~one-one~~ ~~(911)~~ 9-1-1 system prior to the formation of the district

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

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

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

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

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

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

12 The Office of Management and Enterprise Services is authorized
13 to promulgate any rules necessary to implement the provisions of
14 this act.

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

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

22 SECTION 15. Sections 1 through 13 of this act shall become
23 effective November 1, 2015. Section 14 of this act shall become
24 effective January 1, 2016.

