STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 278 By: Paddack

AS INTRODUCED

An Act relating to 9-1-1 emergency services; amending 63 O.S. 2011, Section 2841, which relates to the Nine-One-One Wireless Emergency Number Act; modifying name of act; amending 63 O.S. 2011, Section 2842, which relates to purpose of act; modifying purpose; amending 63 O.S. 2011, Section 2843, which relates to definitions; modifying definitions; defining terms; amending 63 O.S. 2011, Section 2843.1, which relates to 9-1-1 fees; modifying collection process for certain fees; establishing certain fee on wireless telephone customers for 9-1-1 services; providing for remittance and distribution of fees; creating certain fund for grant administration; creating the Oklahoma 9-1-1 Management Authority Revolving Fund; amending 63 O.S. 2011, Section 2843.2, which relates to pre-paid wireless telephone fee; modifying fees for certain prepaid wireless transactions; amending 63 O.S. 2011, Section 2844, which relates to records of emergency wireless telephone fees; stating requirements for certain wireless service providers to provide census information annually; requiring annual report by public agencies; amending 63 O.S. 2011, Section 2847, which relates to the Statewide Nine-One-One Advisory Board; modifying name of entity; modifying make up and duties of Authority; stating additional duties of Authority; requiring the Office of Management and Enterprise Services to provide certain services for Authority; providing for continuation of members serving on certain Authority; amending 63 O.S. 2011, Section 2849, which relates to the Regional Nine-One-One Services Act; modifying name of act; modifying definitions; modifying requirements for certain entities; creating the Oklahoma 9-1-1 Management Authority Revolving Fund; stating purpose; repealing 63 O.S. 2011, Sections

2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, and 2810 which relate to the Oklahoma Emergency Telephone Act; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2841, is amended to read as follows:

Section 2841. This act shall be known and may be cited as the "~~Nine-One-One Wireless Emergency Number~~ Oklahoma 9-1-1 Management Authority Act".

SECTION 2. AMENDATORY 63 O.S. 2011, Section 2842, is amended to read as follows:

Section 2842. It is the purpose of the ~~Nine-One-One Wireless Emergency Number~~ Oklahoma 9-1-1 Management Authority Act to provide efficient communication between wireless telephone customers and emergency service providers in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance. ~~In addition, this enables the state, wireless telephone providers, and local jurisdictions to comply with FCC Docket 94-102 requiring enhanced nine-one-one wireless services when requested by local public safety answering points~~ Further, the provisions of this act as amended in 2015 shall provide additional resources and increased authority to assist the local communities, including unincorporated areas of this state in

reaching standardized goals adopted by the Oklahoma 9-1-1 Management Authority and upgrading 9-1-1 capabilities for all the citizens of this state.

SECTION 3. AMENDATORY 63 O.S. 2011, Section 2843, is amended to read as follows:

Section 2843. As used in the ~~Nine-One-One Wireless Emergency Number~~ Oklahoma 9-1-1 Management Authority Act, unless the context otherwise requires:

1. "Area served" means the geographic area which shall be served by the emergency telephone service provided by the governing body of a county, municipality, part of a county or combination of such governing bodies;

2. "Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of Section 2815 of this title. Any such combined administering board shall be formed and shall enter into an agreement with the governing body of each entity in accordance with the Interlocal Cooperation Act. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved;

3. Next Generation 9-1-1 (NG9-1-1) means an interconnection of 9-1-1 Internet networks, databases, and other functionalities that

allows emergency service providers from a large area to share data and to enhance response capabilities;

4. "~~Nine-one-one~~ 9-1-1 wireless emergency telephone service" means any telephone system whereby wireless telephone subscribers may utilize a three-digit number, ~~nine-one-one (911)~~ 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);

~~4.~~ 5. "~~Nine-one-one~~ 9-1-1 emergency wireless telephone fee" means a fee to finance the installation and operation of emergency wireless telephone service and related equipment;

~~5.~~ 6. "Local exchange telephone company" means any company providing exchange telephone service to any service user in this state, and shall include any competitive local exchange carrier as defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

~~6.~~ 7. "Person" means any service user, including any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver,

assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, any political subdivision of the state or any federal or state agency, department, commission, board, or bureau;

~~7.~~ 8. "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 must be within the licensed service area of the home service provider in accordance with ORS 68-55001 and the federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252, codified at 4 U.S.C. 116-126;

~~8.~~ 9. "Prepaid wireless telecommunications service", as defined in paragraph 12 of Subsection A of Section 1354.30 of Title 68 of the Oklahoma Statutes, means a telecommunications wireless service that provides the right to utilize mobile wireless service as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount;

~~9.~~ 10. "Proprietary information" shall include subscriber, market share, cost and review information;

~~10.~~ 11. "Public agency" means any city, town, county, municipal corporation, public district, public trust, substate planning district, or public authority located within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

~~11.~~ 12. "Substate planning district" means the following organizations:

a. Association of Central Oklahoma Governments (ACOG),

b. Association of South Central Oklahoma Governments (ASCOG),

c. Central Oklahoma Economic Development District (COEDD),

d. Eastern Oklahoma Economic Development District (EOEDD),

e. Grand Gateway Economic Development Association (GGEDA),

f. Indian Nations Council of Governments (INCOG),

g. Kiamichi Economic Development District (KEDDO),

h. Northern Oklahoma Development Association (NODA),

i. Oklahoma Economic Development Association (OEDA),

j. Southern Oklahoma Development Association (SODA), and

k. South Western Oklahoma Development Authority (SWODA);

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

~~12.~~ 14. "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 ~~nine-one-one~~ 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; and

~~13.~~ 15. "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.

SECTION 4. AMENDATORY 63 O.S. 2011, Section 2843.1, is amended to read as follows:

Section 2843.1. A. To provide for processing ~~nine-one-one~~ 9-1-1 emergency wireless calls, the board of county commissioners of a county may by resolution submit to the voters of the county the question of the imposition of a ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee for each wireless connection, excluding a connection for prepaid wireless telecommunications services, in the county as determined by the subscriber's place of primary use. The resolution shall include the amount of the fee which shall be fifty cents ($0.50) per month for each wireless connection, and shall call for an election to be held within one (1) year from the date the resolution is adopted. If a majority of the votes cast in an election held approve the imposition of an emergency telephone fee, the fee shall be imposed. A political subdivision may not impose another fee on a wireless service provider or subscriber for ~~nine-one-one~~ 9-1-1 emergency service. The proceeds of the fee shall be utilized to pay for the operation of emergency wireless telephone service as specified in this section. Prepaid wireless telecommunications services shall be subject only to the fees as set forth in Section ~~3 of this act~~ 2843.2 of this title.

B. A wireless service provider shall collect the emergency wireless telephone fee in an amount equal to the amount approved as provided for in subsection A of this section for each wireless telecommunications connection from each of its subscribers of wireless telephone service within the boundaries of the county as

determined by the subscriber's place of primary use and shall pay the money collected to the ~~substate planning district that represents that county~~ Tax Commission not later than thirty (30) days after the last day of the month during which the fees were collected. ~~The wireless service provider may retain an administrative fee of two percent (2%) of the amount collected when remitted in the time specified, unless otherwise agreed upon. The money remitted to the substate planning district and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless nine-one-one account established by the district.~~

C. Money collected under subsection B of this section shall be used only for services related to ~~nine-one-one~~ 9-1-1 emergency wireless telephone services, including automatic number identification and automatic location information services. ~~The substate planning districts shall distribute the money collected for each county which has approved the emergency wireless telephone fee to each public agency within that county which has established emergency wireless telephone service or has sent a written request for installation, maintenance, and operation of an emergency wireless telephone service to a wireless service provider~~ Money collected from fees authorized by subsection A of this section, subsection B of Section 2843.2 of this title and Section 5 of this act, excepting the ten cent ($0.10) deduction designated in

subsection D of Section 5 of this act, is hereby allocated to the governing bodies as defined in Section 2843 of this title and shall be paid to the governing bodies pursuant to a formula, based on population, that is certified by the Oklahoma 9-1-1 Management Authority each year in accordance with subsection L of Section 2847 of this title. From the total fees collected pursuant to subsection A of this section and Section 5 of this act, one percent (1%) shall be retained by the wireless service provider and one percent (1%) by the Oklahoma Tax Commission as reimbursement for the direct cost of administrating the collection and remittance of such fees. The money remitted to the public agency and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless ~~nine-one-one~~ 9-1-1 account ~~established by the substate planning district. From the emergency wireless telephone fee, the substate planning districts shall distribute to other public agencies in the county their proportionate share attributable to emergency wireless telephone services as determined by at least an annual census of wireless users provided by the wireless service provider. All wireless user information provided by a wireless service provider shall be deemed proprietary and is not subject to disclosure to the public or any other party~~. Remittance of the fee to a public agency may begin at any time if an existing emergency wireless telephone service is already operative or upon written request by the local governing body to the provider for

installation, maintenance, and operation of a ~~nine-one-one~~ 9-1-1 emergency wireless telephone service and related equipment. Amounts not used within a given year shall be carried forward.

D. Every billed service user shall be liable for any emergency wireless telephone fee imposed pursuant to this section until it has been paid to the wireless service provider.

E. The duty to collect any emergency wireless telephone fee imposed pursuant to the authority of the ~~Nine-One-One Wireless Emergency Number~~ Oklahoma 9-1-1 Management Authority Act from a service user shall commence on the first day of the calendar quarter following the date that a wireless service provider receives notice from a local county which shall be at least sixty (60) days from the date that the voters in a county have approved the fee, the amount of such fee and the address to which the fee should be remitted. Fees imposed pursuant to this section that are required to be collected by the wireless service provider may be added to and shall be stated separately in any billings to the service user.

F. The wireless service provider shall have no obligation to take any legal action to enforce the collection of any emergency wireless telephone fee imposed pursuant to the authority of this section; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees, and taxes for wireless telephone service, the amount tendered shall be credited to the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee in the same

manner as other taxes and fees. The wireless service provider shall at least annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the wireless service provider to be nonpayment of any fee imposed pursuant to the authority of this section.

G. Any emergency wireless telephone fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for wireless telephone service in accordance with the regular billing practice of the wireless telephone service. ~~However, if the public agency has not deployed nine-one-one emergency wireless telephone service within twenty-four (24) months or thirty-six (36) months for counties with a population of less than thirty thousand (30,000), from the initial collection of the fee under subsection B of this section, the collection of the fee may be suspended until such service is deployed.~~ A wireless service provider is not liable for failing to suspend collection of a fee.

H. Nothing in the ~~Nine-One-One Wireless Emergency Number~~ Oklahoma 9-1-1 Management Authority Act shall be construed to limit the ability of a wireless service provider from recovering its costs associated with designing, developing, deploying, and maintaining wireless enhanced ~~nine-one-one~~ 9-1-1 service directly from the customers of the provider, whether the costs are itemized on the

bill of the wireless customer as a surcharge or by any other lawful means.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2843.1A of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In addition to any fee assessed by a county pursuant to Section 2814 of Title 63 of the Oklahoma Statutes, beginning January 1, 2016, for customers residing in this state there is hereby imposed a monthly fifty-cent ($0.50) fee on wireless service contracts for all wireless phones or other electronic devices or services with the ability to dial 9-1-1 for emergency calls. This fee shall not be assessed on landline phone customers or Voice over Internet Protocol (VoIP or IP) enabled services.

B. The fee shall be collected by the wireless service providers and remitted to the Oklahoma Tax Commission in the same manner as provided in Section 2843.2 of Title 63 of the Oklahoma Statutes or as otherwise directed by the Oklahoma 9-1-1 Management Authority, created in Section 7 of this act.

C. From each fifty-cent fee assessed and collected pursuant to subsection A of this section, ten cents ($0.10) shall be deposited into the Oklahoma 9-1-1 Management Authority Revolving Fund created pursuant to Section 11 of this act. Funds accumulating in this revolving fund shall be used to fund the salary and operations of the State 9-1-1 Coordinator and any administrative staff or costs

associated with the administration of this act within the Office of Management and Enterprise Services and grants administered by the Oklahoma 9-1-1 Management Authority pursuant to the provisions of Section 2847 of Title 63 of the Oklahoma Statutes.

D. The remaining funds collected from the fifty-cent fee authorized by subsection A, shall be distributed by the Oklahoma Tax Commission to the eligible public agencies as authorized by law.

SECTION 6. AMENDATORY 63 O.S. 2011, Section 2843.2, is amended to read as follows:

Section 2843.2. A. As used in this section, unless the context otherwise requires:

1. "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction;

2. "Prepaid wireless ~~nine-one-one~~ 9-1-1 fee" means the fee that is required to be collected by a seller from a consumer in the amount established in this section;

3. "Provider" means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission;

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

5. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

B. There is hereby imposed a prepaid wireless ~~nine-one-one~~ 9-1-1 fee of ~~fifty cents ($0.50)~~ One Dollar ($1.00) per retail transaction or, on and after the effective date of an adjusted amount per retail transaction that is established under subsection G of this section, the adjusted amount.

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

D. For purposes of subsection C of this section, 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 follows:

1. When the retail transaction does not occur at a business location of the seller, the retail transaction is 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;

2. When the provisions of paragraph 1 of this subsection do not apply, the sale is 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;

3. When the provisions of paragraphs 1 and 2 of this subsection do not apply, the sale is 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

4. When none of the previous rules of paragraphs 1, 2, and 3 of this subsection apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then the location will 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.

E. The prepaid wireless ~~nine-one-one~~ 9-1-1 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 wireless ~~nine-one-one~~ 9-1-1 fees that the seller collects from the consumer as provided for 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 provided by the consumer to the seller.

F. If the amount of the prepaid wireless ~~nine-one-one~~ 9-1-1 fee is separately stated on the invoice, the prepaid wireless ~~nine-one-one~~ 9-1-1 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.

G. The prepaid wireless ~~nine-one-one~~ 9-1-1 fee shall be proportionately increased or reduced, as applicable, upon any change to the amount of the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee as provided in subsection A of Section 2843.1 of this title. The increase or reduction shall be effective on the effective date of the change to the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee as provided in subsection A of Section 2843.1 of this title or, if later, the first day of the first calendar month to occur at least sixty (60) days after the enactment of the change. The Oklahoma Tax Commission shall provide not less than thirty ~~(30)~~ - days' advance notice of an increase or reduction on its public website.

H. Prepaid wireless ~~nine-one-one~~ 9-1-1 fees collected by sellers shall be remitted to the Oklahoma Tax Commission at the times and in a manner provided for under the Oklahoma Sales Tax Code

with respect to the sales tax imposed on prepaid wireless telecommunications services. The ~~Oklahoma~~ Tax Commission shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under the Oklahoma Sales Tax Code.

I. A seller shall be permitted to deduct and retain three percent (3%) of the prepaid wireless ~~nine-one-one~~ 9-1-1 fees collected from consumers.

J. The audit and appeal procedures, including limitations period, applicable to the Oklahoma Sales Tax Code shall apply to prepaid wireless ~~nine-one-one~~ 9-1-1 fees.

K. The Oklahoma Tax Commission shall establish procedures by which a seller may document that a sale is not a retail transaction. The procedures shall be in substantial conformity with the procedures for document sale for resale transactions under the Oklahoma Sales Tax Code.

L. Within thirty (30) days of receipt, the Oklahoma Tax Commission shall pay all remitted prepaid wireless ~~nine-one-one~~ 9-1-1 fees to the governing bodies that the ~~Statewide Nine-One-One Advisory Board~~ Oklahoma 9-1-1 Management Authority has certified as eligible to receive funds. The certification shall be provided to the ~~Oklahoma~~ Tax Commission annually before July 1. Eligible governing bodies shall be those governing bodies that have imposed, and are collecting, the ~~nine-one-one~~ 9-1-1 emergency wireless

telephone fee as authorized in subsection A of Section 2843.1 of this title or, for those counties that have not assessed a ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee, the substate planning district designated by that county. It shall be the duty and obligation of the substate planning district to hold in a separate escrow account all fees paid on behalf of counties in its region that have not assessed a ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee pursuant to Section 2843.1 of this title, until such time as the county votes to assess the fee or develops wireless ~~nine-one-one~~ 9-1-1 service pursuant to Section 2849 of this title. Distribution shall be as follows:

1. Ninety-eight percent (98%) of the revenue from the fee is hereby allocated to the governing bodies as defined in Section 2843 of this title and shall be paid to the governing bodies. The share for each governing body shall be determined by dividing the population of the governing body by the total population of the state. The Oklahoma Tax Commission shall develop the formula on the basis of population residing within the governing body, as shown by the latest available Federal Census estimates as of July 1, or from the best information then available to the Commission when the information is not available from the latest available Federal Census; and

2. The remaining two percent (2%) of the revenue from the fee shall be retained by the Oklahoma Tax Commission to reimburse its

direct cost of administering the collection and remittance of prepaid wireless ~~nine-one-one~~ 9-1-1 fees.

Notwithstanding paragraphs 1 and 2 of this subsection, in the fiscal year in which this act takes effect, prior to making the distributions provided in paragraphs 1 and 2 of this subsection, the Oklahoma Tax Commission shall retain an amount not to exceed Three Hundred Thousand Dollars ($300,000.00) to cover programming and other one-time costs to implement a system to collect the prepaid wireless ~~nine-one-one~~ 9-1-1 fees. Distributions to governing bodies that enact the wireless ~~nine-one-one~~ 9-1-1 fee authorized under Section 2843.1 of this title after ~~the effective date of this act~~ January 1, 2011, shall commence in the calendar quarter after which the ~~Oklahoma~~ Tax Commission has received at least ~~one hundred twenty (120)~~ one-hundred-twenty-(120) days' written notice from the governing body of the imposition of the fee.

M. Money distributed by the Oklahoma Tax Commission to a governing body pursuant to paragraph 1 of subsection L of this section shall be used only for services related to ~~nine-one-one~~ 9-1-1 emergency wireless telephone services, including automatic number identification and automatic location information services.

N. The provisions of subsection C of Section 2817 of this title shall apply to providers and sellers of prepaid wireless telecommunications service.

O. The prepaid wireless ~~nine-one-one~~ 9-1-1 fee imposed by this section shall be the only ~~nine-one-one~~ 9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications services in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for ~~nine-one-one~~ 9-1-1 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

P. Money collected pursuant to this section shall be used only for services related to ~~nine-one-one~~ 9-1-1 emergency wireless telephone services, including automatic number identification and automatic location information services. The money remitted to the governing body and any other money collected to fund the emergency wireless telephone system shall be deposited in a special wireless ~~nine-one-one~~ 9-1-1 account established by the governing body to which the Oklahoma Tax Commission has remitted the prepaid wireless ~~nine-one-one~~ 9-1-1 fees and that has established emergency wireless telephone service. The special wireless ~~nine-one-one~~ 9-1-1 account may be the same account that is or was established by the governing body under subsection C of Section 2843.1 of this title. Amounts not used within a given year shall be carried forward.

Q. All wireless user information provided by a wireless service provider shall be deemed proprietary and is not subject to disclosure to the public or any other party.

SECTION 7. AMENDATORY 63 O.S. 2011, Section 2844, is amended to read as follows:

Section 2844. A. Any ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee imposed pursuant to ~~Section 2843.1 of this title~~ the Oklahoma 9-1-1 Management Authority Act and the amounts required to be collected are due monthly. ~~The amount of fee collected in one (1) month by the wireless service provider shall be remitted to the appropriate substate planning district no later than thirty (30) days after the close of the month in which such fees were collected. All fees collected by the wireless service provider and remitted to a substate planning district and any other money collected to fund the emergency wireless telephone system shall be deposited in a special nine-one-one account established by the district. Each district shall account for all disbursements from the account established for the operation of the emergency wireless telephone system.~~

B. The wireless service provider shall maintain records of the amount of any ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee collected in accordance with the provisions of ~~the Nine-One-One Wireless Emergency Number Act~~ this act. The records shall be maintained for a period of three (3) years from the time the fee is

collected. The State Auditor and Inspector or ~~any substate planning district~~ 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 concerning the collection and remittance of the fee authorized by ~~the Nine-One-One Wireless Emergency Number Act~~ this act. Auditors shall have access to all information used by the wireless service provider to calculate and remit the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee. Any audit expenses shall be reimbursable pursuant to Section 2843.1 of this title.

C. The wireless service provider shall provide to the Oklahoma 9-1-1 Management Authority an annual census showing the primary place of use of its wireless subscribers located by county and either a municipality or unincorporated area. The census shall contain all wireless subscribers as of December 31 of each year, and be remitted to the Authority no later than February 1 of each year. All information provided by the wireless service provider shall be deemed proprietary and not subject to disclosure to the public or any other entity.

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 by the governing body for the operation of an emergency wireless telephone system. The audit may be conducted by the State

Auditor and Inspector at the discretion of the public agency. All audits shall be conducted in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The cost of the audit of the emergency wireless telephone system accounts may be paid from and be considered a part of the operating expenses of the emergency wireless telephone system. Proprietary information of the wireless service providers shall be confidential. Audit information pertaining to revenues collected or disbursed may be released only in aggregate form so that no provider-specific information may be extrapolated.

E. Public agencies are required to submit annually to the Oklahoma 9-1-1 Management Authority 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 9-1-1 services. The Oklahoma 9-1-1 Management Authority shall have the power to review, approve, submit for further information or deny approval of the annual report of each public agency providing 9-1-1 services. Failure by a public agency to submit the report annually or denial of a report shall cause the Authority to order the Oklahoma Tax Commission to escrow the wireless fees due to the public agency

until the public agency complies with the provisions of this act and rules of the Authority.

~~D.~~ F. The governing body of the public agency shall meet at least quarterly to oversee the operations of the emergency wireless telephone system, review expenditures, set and approve an operating budget, and take such other action as necessary for the operation and management of the system. The records and meetings of the governing body shall be subject to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act. Notwithstanding any other provision to the contrary, all information deemed proprietary under subsection C of Section 2843.1 of this title shall be held confidential.

SECTION 8. AMENDATORY 63 O.S. 2011, Section 2847, is amended to read as follows:

Section 2847. A. There is hereby created the ~~Statewide Nine-One-One Advisory Board~~ Oklahoma 9-1-1 Management Authority. The purpose of the ~~Board~~ Authority shall be to oversee development and operation of 9-1-1 emergency ~~nine-one-one~~ systems in the state.

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

1. The ~~Statewide Nine-One-One~~ Oklahoma 9-1-1 Coordinator, appointed as provided for in this section;

2. One member who represents the Oklahoma Chapter of the Association of Public Safety Communication Officials (APSCO) to be appointed by the President Pro Tempore of the Senate;

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

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

5. One member who represents the Association of County Commissioners of Oklahoma (ACCO) to be appointed by the Governor;

6. One member who represents the Oklahoma Association of Regional Councils (OARC) to be appointed by the President Pro Tempore of the Senate;

7. ~~One member who represents the Oklahoma State Law Enforcement Communications Association (OSLECA) to be appointed by the President Pro Tempore of the Senate;~~

~~8.~~ One member who represents a substate planning district as defined in Section 2843 of Title 63 of the Oklahoma Statutes to be appointed by the Governor;

~~9.~~ 8. Two members who each represent a municipal government that operates a ~~nine-one-one~~ 9-1-1 system and has 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.~~ 9. One member who represents a municipal government that operates a ~~nine-one-one~~ 9-1-1 system and has 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.~~ 10. One member who represents a municipal government that operates a ~~nine-one-one~~ 9-1-1- system and has a population of more than four hundred fifty thousand (450,000) to be appointed by the Speaker of the House of Representatives;

~~12.~~ 11. One member who represents 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.~~ 12. One member who represents 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.~~ 13. One member who is a ~~nine-one-one~~ 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.~~ 14. One member who is a ~~nine-one-one~~ 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.~~ 15. One member who is a ~~nine-one-one~~ 9-1-1 coordinator for a county, to be appointed by the Governor;

~~17.~~ 16. One member who represents 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.~~ 17. One member who represents a local exchange telecommunications service provider which serves more than fifty thousand (50,000) access lines in the state to be appointed by the Speaker of the House of Representatives;

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

~~20.~~ 19. One member who represents a Tier II wireless carrier, as defined by the Federal Communications Commission, to be appointed by the Speaker of the House of Representatives;

~~21.~~ 20. One member who represents a Tier III wireless carrier, as defined by the Federal Communications Commission, to be appointed by the President Pro Tempore of the Senate;

~~22.~~ 21. One member who represents a public or private entity that supports ~~nine-one-one~~ 9-1-1 services or public safety providers to be appointed by the Speaker of the House of Representatives; and

~~23.~~ 22. The Oklahoma Secretary of Safety and Security or a designee.

C. At its first meeting annually the ~~board~~ Authority shall designate a chair from its members.

D. Meetings shall be held at the call of the chair. The ~~Board~~ Authority shall meet at such time as is established by the chair.

E. ~~Board members~~ Members shall receive no compensation for serving on the ~~Board~~ Authority but shall be eligible to receive travel reimbursement ~~by the appointing authority~~ from funds available to the Authority in the Oklahoma 9-1-1 Management Authority Revolving Fund for travel expenses incurred in the performance of ~~Board~~ their duties in accordance with the State Travel Reimbursement Act.

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

G. The duties of the ~~Board~~ Authority shall be to:

1. ~~Secure~~ Allocate resources for the creation, operation, expansion, and cooperative undertaking of local public safety answering points;

2. ~~Secure and direct~~ Direct the distribution of ~~public funds and~~ grants as needed;

3. Facilitate information-sharing among public safety answering points;

4. Create and maintain best practices databases for public safety answering-point operations;

5. Encourage equipment and technology sharing among small jurisdictions;

6. ~~Take steps~~ Utilize available resources to expand enhanced ~~wire-line nine-one-one~~ wireless 9-1-1 service to every telephone user in the state;

7. Assist public-safety answering points in implementing Phase I and Phase II wireless technology;

8. Provide a clearinghouse of contact information for all telephone companies operating in the state and contact information and ~~nine-one-one~~ 9-1-1 fees charged in each jurisdiction;

9. Develop training program standards for ~~nine-one-one~~ 9-1-1 call takers;

10. ~~Designate a Statewide Nine-One-One~~ Select and hire an Oklahoma 9-1-1 Coordinator, by majority vote of the members appointed to the Authority. Such Coordinator shall serve at the pleasure of the Authority; and

11. Take any steps necessary to carry out the duties provided for in this ~~subsection~~ act.

H. The Authority shall annually require operational and financial information, covering the operation and financing of the public safety answering point which shall include all sources of funding available to the public agency for 9-1-1 services, in a form to be prescribed by the Authority, from each public agency. The Authority shall review and approve or disapprove the annual reports.

I. The Authority shall create a plan to develop and deploy Next Generation 9-1-1 services in this state. The Authority may fund feasibility and implementation studies it deems necessary to create such plan.

J. The Authority shall further require and assist public agencies in developing a master plan for the deployment of Phase II 9-1-1 service. Such plans shall be approved or disapproved by the Authority. Upon determination that a public agency has failed to submit a master plan for Phase II service deployment, or failed to comply with the terms of an approved master plan, the Authority shall order the Tax Commission to escrow all or a portion of the wireless fee income attributable to the public safety agency until such time as the public agency complies with the law and the master plan.

K. If the Authority determines that a public agency providing 9-1-1 emergency service is performing below National Emergency Number Association (NENA) Standards, the Authority may assist the public agency in developing an improvement plan. Improvement plans may include consideration and recommendations for consolidation with other public agencies, and sharing equipment and technology with other jurisdictions. Such plan shall be approved by the Authority. Following a time period specified by the Authority deemed sufficient for the public agency to comply with the terms of the improvement plan, if the Authority determines the public agency has failed to

comply with the terms of an approved improvement plan, the Authority may direct the Oklahoma Tax Commission to escrow all or a portion of the wireless fee income attributable to the public agency until such time as the public agency complies with this act and the rules of the Authority.

L. The Authority is hereby authorized to administer a grant fund, created in subsection D of Section 5 of this act, for the purposes of assisting public agencies in deploying Phase II service, to fund consolidation of public agencies, to assist with funding for the development of next-generation regional emergency services networks, and for such other purposes as the Authority determines appropriate and consistent with the purpose of this act;

M. Further, the Authority shall:

1. Establish annual population figures for the distribution of wireless fees pursuant to Section 5 of this act, for submission to the Tax Commission by dividing the population of the governing body by the total population of the state as shown by the latest available Federal Decennial Census estimates as of July 1 of each year;

2. Mediate disputes between public agencies and between public agencies and 9-1-1 providers;

3. Make non-binding recommendations upon the request of public agencies for consolidation;

4. Audit the wireless service providers financial records regarding the remission of 9-1-1 fees; and

5. Enforce the provisions of the Regional Emergency 9-1-1 Services Act;

N. The ~~Oklahoma Department of Commerce~~ Office of Management and Enterprise Services shall provide legal, administrative, fiscal, and staff support for the Board. Expenses related to the provision of such services may be paid from funds in the Oklahoma 9-1-1 Management Authority Revolving Fund, created in Section 11 of this act, upon approval by a majority of the members of the Authority.

~~I.~~ O. To be eligible to serve as the ~~Statewide Nine-One-One~~ Oklahoma 9-1-1 Coordinator, a person shall have a minimum of three (3) years ~~nine-one-one~~ 9-1-1 or public safety experience and demonstrate an ability to work with diverse groups. The Coordinator shall not receive direct or indirect income from a business or entity providing ~~nine-one-one~~ 9-1-1 or public safety equipment or services in the state.

SECTION 9. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Persons appointed and serving as members of the Statewide Nine-One-One Advisory Board upon the effective date of this act shall be deemed to be members of the Oklahoma 9-1-1 Management Authority. Members shall serve at the pleasure of their appointing authority as provided in Section 2847 of Title 63 of the Oklahoma Statutes.

SECTION 10. 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~~ 2016, 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 provides or has authority to provide fire-fighting, law enforcement, ambulance, 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~~ any city, town, county, municipal corporation, public district, public trust, substate planning district, or public authority located within this state which provides or has authority to provide firefighting, law enforcement, ambulance, emergency medical, or other emergency services.

E. On or before December 31, ~~2012~~ 2016, 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~~ 2016, 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 plan~~ 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 Oklahoma Tax Commission escrow the wireless fees attributable to public agencies who have not submitted a master plan or who 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 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2847.1 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 Office of Management and Enterprise Services 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 Tax Commission from fees assessed on wireless phone customers 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 Office of Management and Enterprise Services 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 12. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

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

SECTION 13. REPEALER 63 O.S. 2011, Sections 2801, 2802 2803, 2804, 2805, 2806, 2807, 2808, and 2810 are hereby repealed.

SECTION 14. This act shall become effective November 1, 2015.

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