

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2882

By: Tadlock of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to emergency telephone services;
12 amending 63 O.S. 2011, Section 2802, which relates to
13 the Oklahoma Emergency Telephone Act; deleting
14 certain definition; providing certain definition;
15 amending 63 O.S. 2011, Section 2805, which relates to
16 preparation and implementation of system; modifying
17 authority for preparation of system plans;
18 authorizing consultation with state agencies;
19 amending 63 O.S. 2011, Section 2806, which relates to
20 technical and operational standards; modifying
21 authority for establishing technical and operational
22 standards; amending 63 O.S. 2011, Section 2807, which
23 relates to submission of final plan to public
24 telephone utilities; modifying requirement for filing
 copy of certain plan; amending Section 4, Chapter
 324, O.S.L. 2016 (63 O.S. Supp. 2019, Section 2864),
 which relates to the powers and duties of the
 Oklahoma 9-1-1 Management Authority; updating
 statutory language; requiring development of training
 program and standards by certain date; establishing
 program requirements; amending Section 8, Chapter
 324, O.S.L. 2016 (63 O.S. Supp. 2019, Section 2868),
 which relates to use of funds; updating statutory
 language; repealing 63 O.S. 2011, Section 2818.4,
 which relates to presumption of providers' obligation
 to participate in 9-1-1 service; repealing 63 O.S.
 2011, Section 2820, which relates to notification of

1 use of 9-1-1 number for nonemergency calls; and
2 providing an effective date.

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

5 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2802, is
6 amended to read as follows:

7 Section 2802. As used in ~~this act~~ the Oklahoma Emergency
8 Telephone Act:

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

10 2. "Basic system" means a telephone service which automatically
11 connects a person dialing the primary emergency telephone number to
12 an established public safety answering point through normal
13 telephone service facilities;

14 ~~2. "Department" means the Department of Public Safety;~~

15 3. "Direct dispatch method" means a method whereby a call over
16 a basic or sophisticated system is connected to a centralized
17 dispatch center providing for the dispatching of an appropriate
18 emergency service unit upon receipt of a telephone request for such
19 services and a decision as to the proper action to be taken;

20 4. "Methods", as used in paragraphs 3, 8, 9 and 11 of this
21 section, means the procedures to be followed by the public agency or
22 public safety agency affected by such paragraphs;

23 5. "Primary emergency telephone number" means the digits nine-
24 one-one (911);

1 6. "Public agency" means any agency or political subdivision of
2 the state which provides or has authority to provide fire fighting,
3 police, ambulance, medical or other emergency services;

4 7. "Public safety agency" means a functional division of a
5 public agency which provides fire fighting, police, medical or other
6 emergency services;

7 8. "Referral method" means a method whereby a call over a basic
8 or sophisticated system results in providing the requesting party
9 with the telephone number of the appropriate public safety agency or
10 other provider of emergency services;

11 9. "Relay method" means a method whereby a call over a basic or
12 sophisticated system results in pertinent information being noted by
13 the recipient of a telephone request for emergency services and is
14 relayed to appropriate public safety agencies or other providers of
15 emergency services for dispatch of an emergency service unit;

16 10. "Sophisticated system" means a basic system with the
17 additional capability of automatic identification of the caller's
18 number, holding the incoming call, reconnection on the same
19 telephone line, clearing a telephone line or automatic call routing
20 or combinations of such capabilities; and

21 11. "Transfer method" means a method whereby a call over a
22 basic or sophisticated system is received and directly transferred
23 to an appropriate public safety agency or other provider of
24 emergency services.

1 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2805, is
2 amended to read as follows:

3 Section 2805. In order to ~~insure~~ ensure that proper preparation
4 and implementation of such systems can be accomplished as provided
5 in Section 2803 of this title, the ~~Department of Public Safety~~
6 Oklahoma 9-1-1 Management Authority may develop an overall plan
7 prior to development of any system and shall coordinate the
8 implementation of systems to be established pursuant to the
9 provisions of Section 2803 of this title. Any such plan shall
10 contain an estimate of the costs of installing alternate 911 systems
11 and an estimate of the first year's additional operating expenses,
12 if any. The ~~Department~~ Authority may formulate a plan by which it
13 and the public agencies and public safety agencies involved may
14 share proportionately the costs of any system and method from their
15 current funds. The ~~Department~~ Authority may aid such agencies in
16 the formulation of concepts, methods and procedures which will
17 improve the operation of systems and which will increase cooperation
18 between public safety agencies. The ~~Department~~ Authority may
19 consult at regular intervals with ~~the State Fire Marshal, the~~
20 ~~Oklahoma State Bureau of Investigation, the State Department of~~
21 ~~Health, the Department of Emergency Management~~ state agencies and
22 ~~the~~ public utilities in this state providing telephone service.

23 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2806, is
24 amended to read as follows:

1 Section 2806. The ~~Department of Public Safety~~ Authority may
2 establish technical and operational standards for the development of
3 basic and sophisticated systems. Such standards shall be forwarded
4 to the Corporation Commission for consideration of any tariff
5 limitations and conditions which may need revision to accommodate
6 such standards^{7,1}, and the Corporation Commission may issue such
7 revisions after whatever hearings or procedures it deems
8 appropriate.

9 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2807, is
10 amended to read as follows:

11 Section 2807. A. All public agencies shall submit final plans
12 for the establishment of any system to the public telephone
13 utilities and may make arrangement with such utilities for the
14 implementation of the planned emergency telephone system. A copy of
15 the plan required by this subsection shall be filed with the
16 ~~Department of Public Safety~~ Authority.

17 B. If any public agency has implemented or is a part of a
18 system which would be authorized by ~~this act~~ the Oklahoma Emergency
19 Telephone Act on ~~the effective date of this act~~ May 16, 1979, such
20 public agency may submit in lieu of the tentative or final plan a
21 report describing the system and stating its operational date.

22 C. Plans filed pursuant to subsection A of this section shall
23 conform to minimum standards established pursuant to Section ~~6 of~~
24 ~~this act~~ 2806 of this title.

1 SECTION 5. AMENDATORY Section 4, Chapter 324, O.S.L.
2 2016 (63 O.S. Supp. 2019, Section 2864), is amended to read as
3 follows:

4 Section 2864. The powers and duties of the Oklahoma 9-1-1
5 Management Authority created in Section ~~3 of this act~~ 2863 of this
6 title shall be to:

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

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

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

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

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

- 3 a. submit or comply with master plans to deliver Phase II
4 9-1-1 wireless locating services as required by ~~this~~
5 ~~act~~ the Oklahoma 9-1-1 Management Authority Act and
6 approved by the Authority,
- 7 b. meet standards of the National Emergency Number
8 Association (NENA) limited to call-taking and caller-
9 location technology or comply with an improvement plan
10 to meet such standards as directed by the Authority,
- 11 c. submit annual reports or audits as required by ~~this~~
12 ~~act~~ the Oklahoma 9-1-1 Management Authority Act, or
- 13 d. comply with the requirements of ~~this act~~ the Oklahoma
14 9-1-1 Management Authority Act or procedures
15 established by the Authority;

16 5. Establish and submit to the Tax Commission a list of
17 eligible governing bodies entitled to receive 9-1-1 telephone fees
18 and establish annual population figures for the purpose of
19 distributing fees collected pursuant to Section ~~5 of this act~~ 2865
20 of this title, to be derived by dividing the population of each
21 public agency's response area by the total population of the state
22 using data from the latest available ~~Federal Decennial~~ Census
23 estimates as of July 1 of each year;

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

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

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

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

22 10. Facilitate information-sharing among public agencies;

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

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

3 13. Develop training program standards for 9-1-1 call takers on
4 or before June 30, 2021:

5 a. training program standards shall include instruction
6 on recognizing the need for and delivery of High-
7 Quality Telecommunicator Cardiopulmonary Resuscitation
8 (TCPR) that can be delivered by 9-1-1 call takers for
9 acute events requiring Cardiopulmonary Resuscitation
10 (CPR), including, but not limited to, out-of-hospital
11 cardiac events, and

12 b. TCPR training shall follow evidence-based, nationally
13 recognized guidelines for high-quality TCPR which
14 incorporates recognition protocols for out-of-hospital
15 cardiac arrest and continuous education;

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

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

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

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

1 SECTION 6. AMENDATORY Section 8, Chapter 324, O.S.L.
2 2016 (63 O.S. Supp. 2019, Section 2868), is amended to read as
3 follows:

4 Section 2868. A. Public agencies recognized by the Oklahoma 9-
5 1-1 Management Authority and authorized to receive funds collected
6 pursuant to the provisions of ~~this act~~ the Oklahoma 9-1-1 Management
7 Authority Act shall use the funds only for services, equipment and
8 operations related to 9-1-1 emergency telephone ~~systems~~ service.

9 B. Money remitted to public agencies pursuant to the Oklahoma
10 9-1-1 Management Authority Act and any money otherwise collected by
11 any lawful means for purposes of providing 9-1-1 emergency telephone
12 services shall be deposited in a separate 9-1-1 emergency telephone
13 service account established by a public agency or its governing body
14 to carry out the requirements of ~~this act~~ the Oklahoma 9-1-1
15 Management Authority Act. Monies remaining in such accounts at the
16 end of a fiscal year shall carry over to subsequent years. The
17 monies deposited in the Oklahoma 9-1-1 Management Authority
18 Revolving Fund shall at no time be monies of the state and shall not
19 become part of the general budget of the Office of Emergency
20 Management or any other state agency. Except as otherwise
21 authorized by ~~this act~~ the Oklahoma 9-1-1 Management Authority Act,
22 no monies from the Oklahoma 9-1-1 Management Authority Revolving
23 Fund shall be transferred for any purpose to any other state agency
24 or any account of the Office of Emergency Management or be used for

1 the purpose of contracting with any other state agency or
2 reimbursing any other state agency for any expense. Payments from
3 the Oklahoma 9-1-1 Management Authority Revolving Fund shall not
4 become or be construed to be any obligation of the state. No claims
5 for reimbursement from the Oklahoma 9-1-1 Management Authority
6 Revolving Fund shall be paid with state monies.

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

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

1 disbursed may be released only in aggregate form so that no
2 provider-specific information may be extrapolated.

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

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

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

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

21 G. The governing body of the public agency shall meet at least
22 quarterly to oversee the operations of the 9-1-1 emergency telephone
23 system, review expenditures and annually set and approve an
24

1 operating budget, and take any other action as necessary for the
2 operation and management of the system.

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

5 SECTION 7. REPEALER 63 O.S. 2011, Section 2818.4, is
6 hereby repealed.

7 SECTION 8. REPEALER 63 O.S. 2011, Section 2820, is
8 hereby repealed.

9 SECTION 9. This act shall become effective November 1, 2020.

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11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/13/2020 -
12 DO PASS, As Amended and Coauthored.

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