

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3278

By: Humphrey of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to emergency medical services;
12 amending 63 O.S. 2021, Sections 2802, 2805, 2806,
13 2807, 2813, 2862, and 2864 which relate to the
14 Oklahoma Emergency Telephone Act; modifying
15 definitions; authorizing the Oklahoma 9-1-1
16 Management Authority in the place of the Department
17 of Public Safety; modifying terms; modifying
18 definition; repealing 63 O.S. 2021, Section 2818.4,
19 which relates to developing recommendations; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2802, is
23 amended to read as follows:

24 Section 2802. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

13 11. "Transfer method" means a method whereby a call over a
14 basic or sophisticated system is received and directly transferred
15 to an appropriate public safety agency or other provider of
16 emergency services.

17 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2805, is
18 amended to read as follows:

19 Section 2805. In order to insure that proper preparation and
20 implementation of such systems can be accomplished as provided in
21 Section 2803 of this title, the ~~Department of Public Safety~~ Oklahoma
22 9-1-1 Management Authority may develop an overall plan prior to
23 development of any system and shall coordinate the implementation of
24 systems to be established pursuant to the provisions of Section 2803

1 of this title. Any such plan shall contain an estimate of the costs
2 of installing alternate 911 systems and an estimate of the first
3 year's additional operating expenses, if any. The ~~Department~~
4 Authority may formulate a plan by which it and the public agencies
5 and public safety agencies involved may share proportionately the
6 costs of any system and method from their current funds. The
7 ~~Department~~ Authority may aid such agencies in the formulation of
8 concepts, methods and procedures which will improve the operation of
9 systems and which will increase cooperation between public safety
10 agencies. The ~~Department~~ Authority may consult at regular intervals
11 with the State Fire Marshal, the Oklahoma State Bureau of
12 Investigation, the State Department of Health, the Department of
13 Emergency Management and the public utilities in this state
14 providing telephone service.

15 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2806, is
16 amended to read as follows:

17 Section 2806. The ~~Department of Public Safety~~ Oklahoma 9-1-1
18 Management Authority may establish technical and operational
19 standards for the development of basic and sophisticated systems.
20 Such standards shall be forwarded to the Corporation Commission for
21 consideration of any tariff limitations and conditions which may
22 need revision to accommodate such standards; and the Corporation
23 Commission may issue such revisions after whatever hearings or
24 procedures it deems appropriate.

1 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2807, is
2 amended to read as follows:

3 Section 2807. A. All public agencies shall submit final plans
4 for the establishment of any system to the public telephone
5 utilities and may make arrangement with such utilities for the
6 implementation of the planned emergency telephone system. A copy of
7 the plan required by this subsection shall be filed with the
8 ~~Department of Public Safety~~ Oklahoma 9-1-1 Management Authority.

9 B. If any public agency has implemented or is a part of a
10 system which would be authorized by this act on the effective date
11 of this act such public agency may submit in lieu of the tentative
12 or final plan a report describing the system and stating its
13 operational date.

14 C. Plans filed pursuant to subsection A of this section shall
15 conform to minimum standards established pursuant to Section ~~6~~ 2806
16 of this ~~act~~ title.

17 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2813, is
18 amended to read as follows:

19 Section 2813. As used in the Nine-One-One Emergency Number Act,
20 Section 2811 et seq. of this title, unless the context otherwise
21 requires:

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

3 2. "Emergency telephone service" means any telephone system
4 utilizing a three-digit number, nine-one-one (911), for reporting an
5 emergency to the appropriate public agency providing law
6 enforcement, fire, medical or other emergency services, including
7 ancillary communications systems and personnel necessary to pass the
8 reported emergency to the appropriate emergency service and
9 personnel;

10 3. "Emergency telephone fee" means a fee to finance the
11 operation of emergency telephone service;

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

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

3 6. "Person" means any service user, including but not limited
4 to, any individual, firm, partnership, copartnership, joint venture,
5 association, cooperative organization, private corporation, whether
6 organized for profit or not, fraternal organization, nonprofit
7 organization, estate, trust, business or common law trust, receiver,
8 assignee for the benefit of creditors, trustee or trustee in
9 bankruptcy, the United States of America, the state, any political
10 subdivision of the state, or any federal or state agency,
11 department, commission, board or bureau;

12 7. "Public agency" means any city, town, county, municipal
13 corporation, public district, public trust or public authority
14 located within this state which provides or has authority to provide
15 fire fighting, law enforcement, ambulance, emergency medical or
16 other emergency services;

17 8. "Service user" means any person who is provided exchange
18 telephone service in this state; and

19 9. "Tariff rate" means the rate or rates billed by a local
20 exchange telephone company stated in tariffs applicable for such
21 company, as approved by the Oklahoma Corporation Commission, or the
22 current equivalent of such rates, which represent the recurring
23 charges of such local exchange telephone company for exchange
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1 telephone service or its equivalent, exclusive of all taxes, fees,
2 licenses or similar charges whatsoever.

3 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2862, is
4 amended to read as follows:

5 Section 2862. As used in the Oklahoma 9-1-1 Management
6 Authority Act:

7 1. "Authority" means the Oklahoma 9-1-1 Management Authority
8 created in Section ~~3~~ 2863 of this ~~act~~ title;

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

1 copies of the agreement forming the board and any amendments to that
2 agreement;

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

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

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

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

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

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

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

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

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

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

10 5. "9-1-1 wireless telephone fee" means the fee imposed in
11 Section ~~5~~ 2865 of this ~~act~~ title to finance the installation and
12 operation of emergency 9-1-1 services and any necessary equipment;

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

21 7. "Prepaid wireless telecommunications service" means a
22 telecommunications wireless service that provides the right to
23 utilize mobile wireless service as well as other telecommunications
24 services including the download of digital products delivered

1 electronically, content and ancillary services, which are paid for
2 in advance and sold in predetermined units or dollars of which the
3 number declines with use in a known amount;

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

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

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

16 11. "Public safety telecommunicator" means a person who
17 performs a public service by processing, analyzing, and dispatching
18 calls for emergency assistance. The person is a first responder
19 that provides pre-arrival instructions and has specialized training
20 to mitigate the loss of life and property;

21 ~~11.~~ 12. "Wireless service provider" means a provider of
22 commercial mobile service under Section 332(d) of the
23 Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,
24 Federal Communications Commission rules, and the Omnibus Budget

1 Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a
2 provider of wireless two-way communication service, radio-telephone
3 communications related to cellular telephone service, network radio
4 access lines or the equivalent, and personal communication service.

5 The term does not include a provider of:

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

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

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

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

16 ~~13.~~ 14. "Voice over Internet Protocol (VoIP) provider" means a
17 provider of interconnected Voice over Internet Protocol service to
18 end users in the state, including resellers.

19 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2864, is
20 amended to read as follows:

21 Section 2864. The powers and duties of the Oklahoma 9-1-1
22 Management Authority created in Section 2863 of this title shall be
23 to:
24

1 1. Approve or disapprove the selection of the Oklahoma 9-1-1
2 Coordinator by majority vote of the members. The Authority shall
3 direct the Oklahoma 9-1-1 Coordinator to administer grants approved
4 by the Authority pursuant to this section and perform other duties
5 as it deems necessary to accomplish the requirements of the Oklahoma
6 9-1-1 Management Authority Act;

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

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

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

- 20 a. submit or comply with master plans to deliver Next
21 Generation 9-1-1 (NG9-1-1) services as required by the
22 Oklahoma 9-1-1 Management Authority Act and approved
23 by the Authority. Local plans must align with the
24 State's Master plan to deploy NG9-1-1,

- b. meet standards of the National Emergency Number Association (NENA) limited to call-taking and caller-location technology or comply with an improvement plan to meet such standards as directed by the Authority,
- c. submit annual reports or audits as required by the Oklahoma 9-1-1 Management Authority Act,
- d. provide connectivity and interoperability between state, regional and local next-generation systems, or
- e. comply with the requirements of the Oklahoma 9-1-1 Management Authority Act or procedures established by the Authority;

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

6. Assist any public agency the Authority determines is performing below standards of the NENA, as limited by paragraph 4 of this section, according to the improvement plan required by the Oklahoma 9-1-1 Management Authority Act. The Authority shall establish a time period for the public agency to come into compliance after which the Authority shall escrow funds as

1 authorized in this section. Improvement plans may include
2 consideration and recommendations for consolidation with other
3 public agencies, and sharing equipment and technology with other
4 jurisdictions;

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

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

13 9. Develop a master plan to deploy next-generation 9-1-1
14 services statewide. This will include the development of
15 performance criteria critical to the function and performance of
16 NG9-1-1 networks and systems;

17 10. Establish rules for interoperability between state,
18 regional and local NG9-1-1 systems;

19 11. Facilitate information-sharing among public agencies;

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

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

24

1 14. Develop training program standards for ~~9-1-1 call takers~~
2 Public safety telecommunicators for call taking.

3 a. Training program standards shall include instruction
4 on recognizing the need for and delivery of High-
5 Quality Telecommunicator CPR (T-CPR) that can be
6 delivered by ~~9-1-1 call takers~~ public safety
7 telecommunicators for acute events requiring CPR
8 including, but not limited to, out-of-hospital cardiac
9 events (OHCA).

10 b. T-CPR training shall follow evidence-based, nationally
11 recognized guidelines for high-quality T-CPR which
12 incorporates recognition protocols for OHCA and
13 continuous education;

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

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

18 17. Make recommendations for consolidation upon the request of
19 public agencies;

20 18. Establish an eligible use list for 9-1-1 funds; and

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

23 SECTION 8. REPEALER 63 O.S. 2021, Section 2818.4, is
24 hereby repealed.

SECTION 9. This act shall become effective November 1, 2022.

COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY, dated 02/16/2022 - DO
PASS, As Amended and Coauthored.