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April 6, 2023

ENGROSSED HOUSE  
BILL NO. 1897

By: Cantrell and Humphrey of  
the House

and

Kidd of the Senate

An Act relating to public health and safety; amending 63 O.S. 2021, Sections 2814 and 2815, which relate to political subdivisions authorized to operate emergency telephone service and fee collection; modifying statutory references; modifying name of certain act; amending 63 O.S. 2021, Section 2862, as amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022, Section 2862), which relates to definitions; defining terms; modifying definition; amending 63 O.S. 2021, Section 2868, which relates to use of funds; modifying name of certain act; removing certain duplicate language; providing for recodification; repealing 63 O.S. 2021, Sections 2811, 2812 and 2813, which relate to short title, purpose of act and definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2814, is amended to read as follows:

Section 2814. A. In addition to other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may impose an

1 emergency telephone fee, as provided in this section, for emergency  
2 telephone service in areas, subject to the jurisdiction of the  
3 governing body. The governing body may do such other acts as are  
4 necessary for the protection and preservation of the public health  
5 if necessary for the operation of the emergency telephone system.

6 B. The governing body is hereby authorized, by ordinance in the  
7 case of municipalities and by resolution in the case of counties or  
8 a combined governing body, to provide for the operation of emergency  
9 telephone service and to impose an emergency telephone fee in the  
10 area to be served by the system. The ordinance or resolution shall  
11 submit to the voters in the area to be served the question of the  
12 imposition of emergency telephone service and the amount of the  
13 emergency telephone fee. The ordinance or resolution shall propose  
14 the amount of the emergency telephone fee to begin the second year  
15 and for each year thereafter, in an amount not greater than fifteen  
16 percent (15%) of the tariff rate, and shall call for an election to  
17 be held within one (1) year from the date the ordinance or  
18 resolution is adopted.

19 The ordinance or resolution shall also provide for the  
20 collection of an amount not to exceed five percent (5%) of the  
21 tariff rate in areas subject to the jurisdiction of the governing  
22 body for a period of no longer than one (1) year. The one (1) year,  
23 five percent (5%) fee shall be a part of, not an addition to, the  
24 fee set by the voters. The collection of the five percent (5%) fee

1 may begin, prior to the election, within thirty (30) days after the  
2 resolution or ordinance becomes effective. The one (1) year, five  
3 percent (5%) fee shall be used to provide for the cost of conducting  
4 the election to set the emergency telephone fee and any initial or  
5 start-up cost necessary to implement the emergency telephone  
6 service. If the fee is not approved by the electors, any remaining  
7 money collected during the first year shall be distributed to the  
8 local exchange telephone company and then shall be refunded to each  
9 service user charged on a pro rata basis.

10 C. Within sixty (60) days of the publication of the resolution  
11 adopted pursuant to subsection B of this section, there may be filed  
12 with the county election board of the affected county or counties a  
13 petition signed by not less than three percent (3%) of the total  
14 number of votes cast in the next preceding general election of the  
15 county or affected area.

16 Within sixty (60) days of publication of an ordinance adopted by  
17 a municipality pursuant to subsection B of this section, there may  
18 be filed with the county election board of the county in which the  
19 municipality is located a petition signed by not less than three  
20 percent (3%) of the total number of votes cast in the next preceding  
21 election of the city.

22 The petitions may request that the question of the installation  
23 and operation of emergency telephone service and imposition of the  
24

1 one (1) year, five percent (5%) emergency telephone fee as called  
2 for in the resolution or ordinance be disapproved.

3 Upon determination of the sufficiency of the petition and  
4 certification by the county election board or boards, the  
5 proposition shall be submitted to the qualified voters of the  
6 county, municipality or area to be served not less than sixty (60)  
7 days following the certification of the petition.

8 If a majority of the votes cast in an election held pursuant to  
9 subsection B of this section disapprove the operation of emergency  
10 telephone service and imposition of an emergency telephone fee or a  
11 majority of the votes cast disapprove the one (1) year, five percent  
12 (5%) emergency telephone fee, upon certification of the election  
13 results by the county election board or boards, the resolution or  
14 ordinance shall not take effect and the emergency telephone service  
15 and the emergency telephone fee called for in the resolution or  
16 ordinance shall not be imposed. If the resolution or ordinance is  
17 disapproved by the electors, any remaining money collected during  
18 the first year shall be distributed to the local exchange telephone  
19 company and then shall be refunded to each service user charged on a  
20 pro rata basis.

21 D. If the governing board does not take action to provide for  
22 the operation of emergency telephone service and to impose an  
23 emergency telephone fee as provided in subsection B of this section,  
24 there may be filed with the county election board or boards of the

1 affected area a petition signed by not less than three percent (3%)  
2 of the total numbers of votes cast in the next preceding election of  
3 the affected area.

4 The petition shall request that the question of the installation  
5 and operation of emergency telephone service and imposition of a fee  
6 in an amount not greater than fifteen percent (15%) of the tariff  
7 rate be submitted to the qualified voters of the county,  
8 municipality or area to be served. Upon determination of the  
9 sufficiency of the petition and certification by the county election  
10 board or boards, the proposition shall be submitted to the qualified  
11 voters of the county, municipality or area to be served not less  
12 than sixty (60) days following the certification of the petition.

13 If a majority of the votes cast at an election held pursuant to  
14 this subsection approve the installation and operation of emergency  
15 telephone service and imposition of an emergency telephone fee the  
16 governing body shall provide for the installation and operation of  
17 the service, impose the approved fee and provide for the governance  
18 of the system. If the affected area is governed by two or more  
19 governmental entities the governing bodies of each shall enter into  
20 an agreement in accordance with the Interlocal Cooperative Act to  
21 provide for the governance of the system.

22 E. Any fee imposed by a county or combined governing body shall  
23 not apply to any portion of the county located within the boundaries  
24 of a municipality or other governmental entity also imposing an

1 emergency telephone fee pursuant to the provisions of the ~~Nine One~~  
2 ~~One Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The  
3 approved emergency telephone fee shall be effective upon  
4 certification of the election results by the county election board  
5 or boards. Except as provided for in subsections G and I of this  
6 section, an emergency telephone fee imposed prior to the effective  
7 date of this act shall continue at the established amount until an  
8 election to change the fee is called as provided for in this  
9 section.

10 F. If a majority of the votes cast at an election held pursuant  
11 to subsection B of this section approve the installation and  
12 operation of emergency telephone service and imposition of an  
13 emergency telephone fee, the governing body shall provide for the  
14 installation and operation of the service and impose the approved  
15 fee. The initial five percent (5%) fee, established by resolution  
16 or an ordinance, as provided pursuant to the provisions of  
17 subsection B of this section shall remain in effect for the  
18 remainder of the first year.

19 G. The emergency telephone fee approved pursuant to the  
20 provisions of this section shall be reviewed at least once each  
21 calendar year by the governing body which shall, in accordance with  
22 subsection D of Section ~~2815~~ 2 of this ~~title~~ act, establish the  
23 amount of the fee for the next calendar year, not to exceed the  
24 amount set by the electors. The governing body shall have the power

1 and authority to reduce the emergency telephone fee being paid by  
2 the service users of the emergency telephone system to the estimated  
3 amount needed for the annual operation and maintenance of the  
4 system. If the governing body makes a reduction and in a subsequent  
5 year determines it is necessary to increase the fee to operate and  
6 maintain the system, the governing body may raise the fee up to an  
7 amount not to exceed the amount previously set by the electors. Any  
8 fee imposed by the electors of a county, municipality or area served  
9 shall remain at the amount approved by the electors until a new vote  
10 of the electors is conducted in the manner for which an election may  
11 be conducted to impose a fee as provided for in this section. The  
12 proceeds of the fee shall be utilized to pay for the operation of  
13 emergency telephone service as specified in this section.  
14 Collection of the fee may begin at any time if an existing service  
15 is already operative or at any time subsequent to execution of a  
16 contract with the provider of the emergency telephone service at the  
17 discretion of the governing body.

18 H. If the fee approved by the voters is less than fifteen  
19 percent (15%) and the governing body determines there exists a need  
20 for ancillary communications systems necessary to communicate the  
21 reported emergency to the appropriate emergency service and  
22 personnel and the governing body also determines that the fee set by  
23 the electors is not sufficient to fund the ancillary communications  
24 systems, the governing body may by resolution or ordinance call an

1 election to submit the question of raising the voter-approved fee in  
2 a sufficient amount, not to exceed fifteen percent (15%), for such  
3 additional time as determined by the governing body it is necessary  
4 to purchase the ancillary communications equipment. The vote shall  
5 be conducted in the manner provided for in subsection B of this  
6 section.

7 I. A governing body with an existing emergency telephone  
8 service system in operation prior to the effective date of this act  
9 may by ordinance or resolution restore the emergency telephone fee  
10 set at three percent (3%) to an amount not to exceed five percent  
11 (5%) of the tariff rate for such additional time as is necessary to  
12 fund ancillary communications equipment necessary to communicate the  
13 reported emergency to the appropriate emergency service and  
14 personnel.

15 Within sixty (60) days of the publication of the resolution  
16 adopted pursuant to this subsection, there may be filed with the  
17 county election board of the affected county or counties a petition  
18 signed by not less than three percent (3%) of the total number of  
19 votes cast in the next preceding general election of the county or  
20 affected area.

21 Within sixty (60) days of publication of an ordinance adopted by  
22 a municipality pursuant to this subsection, there may be filed with  
23 the county election board of the county in which the municipality is  
24 located a petition signed by not less than three percent (3%) of the



1 total number of votes cast in the next preceding election of the  
2 city.

3 The petitions may request that the question of restoring the  
4 emergency telephone fee to an amount not to exceed five percent (5%)  
5 of the tariff rate to fund ancillary communications equipment be  
6 submitted to the qualified voters of the county, municipality or  
7 area to be served.

8 Upon determination of the sufficiency of the petition and  
9 certification by the county election board or boards, the  
10 proposition shall be submitted to the qualified voters of the  
11 county, municipality or area to be served not less than sixty (60)  
12 days following the certification of the petition. If a majority of  
13 the votes cast at the election are for restoring the emergency  
14 telephone fee to an amount not to exceed five percent (5%) of the  
15 tariff rate to fund ancillary communications equipment, the  
16 resolution or ordinance restoring the fee shall become effective.  
17 The increase of the fee may be implemented within thirty (30) days  
18 after the resolution or ordinance becomes effective.

19 J. The tariff rate used for initial calculation of the  
20 emergency telephone service fee shall remain static for the purpose  
21 of calculating future fees for emergency telephone service.  
22 Therefore, future rate changes for emergency telephone service shall  
23 be stated as a percentage of the initial tariff rate.

24

1 K. The emergency telephone fee shall be imposed only upon the  
2 amount received from the tariff for exchange telephone service or  
3 its equivalent. No fee shall be imposed upon more than one hundred  
4 exchange access lines or their equivalent per person per location.

5 L. Every billed service user shall be liable for any fee  
6 imposed pursuant to this section until it has been paid to the local  
7 exchange telephone company.

8 M. The duty to collect any fee imposed pursuant to the  
9 authority of the ~~Nine-One-One Emergency Number~~ Oklahoma 9-1-1  
10 Management Authority Act from a service user shall commence at a  
11 time specified by the governing body. Fees imposed pursuant to this  
12 section that are required to be collected by the local exchange  
13 telephone company shall be added to and shall be stated separately  
14 in the billings to the service user.

15 N. The local exchange telephone company shall have no  
16 obligation to take any legal action to enforce the collection of any  
17 fee imposed pursuant to the authority of this section, however,  
18 should any service user tender a payment insufficient to satisfy all  
19 charges, tariffs, fees and taxes for exchange telephone service, the  
20 amount tendered shall be credited to the emergency telephone fee in  
21 the same manner as other taxes and fees. The local exchange  
22 telephone company shall annually provide the governing body with a  
23 list of amounts uncollected along with the names and addresses of  
24 those service users which carry a balance that can be determined by

1 the local exchange telephone company to be nonpayment of any fee  
2 imposed pursuant to the authority of this section.

3 O. Any fee imposed pursuant to the authority provided by this  
4 section shall be collected insofar as practicable at the same time  
5 as, and along with, the charges for exchange telephone service in  
6 accordance with the regular billing practice of the local exchange  
7 telephone service. The tariff rates determined by or stated in the  
8 billing of the local exchange telephone company shall be presumed to  
9 be correct if such charges were made in accordance with the business  
10 practices of the local exchange telephone company. The presumption  
11 may be rebutted by evidence which establishes that an incorrect  
12 tariff rate was charged.

13 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2815, is  
14 amended to read as follows:

15 Section 2815. A. Any fee imposed pursuant to Section ~~2814~~ 1 of  
16 this ~~title~~ act and the amounts required to be collected are due  
17 monthly. The amount of fee collected in one (1) month by the local  
18 exchange telephone company shall be remitted to the governing body  
19 no later than thirty (30) days after the close of the month in which  
20 such fees were collected. In the event the fee collected is not  
21 remitted by the local exchange telephone company or by a competitive  
22 local exchange company, as both are defined in Section 139.102 of  
23 Title 17 of the Oklahoma Statutes, to the governing body within  
24 thirty (30) days after the close of the month in which such fees

1 were collected, then the local exchange telephone company shall  
2 remit a penalty to the governing body. The penalty shall be equal  
3 to ten percent (10%) of the original unremitted fee, payable on the  
4 first day of each month the fee remains delinquent. All fees  
5 collected by the local exchange telephone company and remitted to  
6 the governing body and any other money collected to fund the  
7 emergency telephone system shall be deposited in a special nine-one-  
8 one account established by the governing body, and shall be used  
9 only to fund the expenditures authorized by the ~~Nine-One-One~~  
10 ~~Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The  
11 governing body shall account for all disbursements from the account  
12 and shall not allow the funds to be transferred to another account  
13 not specifically established for the operation of the emergency  
14 telephone system.

15 B. On or before the last day of each month, a return for the  
16 preceding month shall be filed with the governing body in a form the  
17 governing body and the local exchange telephone company agree to.  
18 The local exchange telephone company required to file the return  
19 shall deliver the return together with a remittance of the amount of  
20 the fee payable to the treasurer or other person responsible to the  
21 governing body for receipt of payments from the fee. The local  
22 exchange telephone company shall maintain records of the amount of  
23 any fee collected in accordance with the provisions of the ~~Nine-One-~~  
24 ~~One Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The

1 records shall be maintained for a period of one (1) year from the  
2 time the fee is collected.

3 C. From every remittance of the collected fee to the governing  
4 body made on or before the date when the same becomes due, the local  
5 exchange telephone company required to remit the fee shall be  
6 entitled to deduct and retain for administrative costs, an amount  
7 not to exceed three percent (3%) of the first five percent (5%) of  
8 the emergency telephone fee.

9 D. At least once each calendar year, the governing body shall  
10 establish the fee for the subsequent year in an amount not to exceed  
11 the amount approved by the voters as provided by the provisions of  
12 Section ~~2814~~ 1 of this ~~title~~ act that, together with any surplus  
13 revenues, will produce sufficient revenues to fund the expenditures  
14 authorized by the ~~Nine-One-One Emergency Number~~ Oklahoma 9-1-1  
15 Management Authority Act. Amounts collected in excess of that  
16 necessary within a given year shall be carried forward to subsequent  
17 years. The governing body shall make the determination of the fee  
18 amount no later than September 1 of each year and shall fix the new  
19 fee to take effect commencing with the first billing period of each  
20 service user on or following the next January 1. Immediately upon  
21 making its determination and fixing the fee, the governing body  
22 shall publish in its minutes the new fee, and it shall, at least  
23 ninety (90) days before the new fee shall become effective, notify  
24 by certified mail every local exchange telephone company providing

1 emergency telephone service to areas within the jurisdiction of the  
2 governing body. The governing body may at its own expense require  
3 an annual audit of the books and records of the local exchange  
4 telephone company concerning the collection and remittance of the  
5 fee authorized by the ~~Nine One One Emergency Number~~ Oklahoma 9-1-1  
6 Management Authority Act.

7 E. The governing body shall be required to have conducted  
8 separately or as a part of the annual audit required by law of the  
9 municipality or county an annual audit of any accounts established  
10 or used by the governing body for the operation of an emergency  
11 telephone system. The audit may be conducted by the State Auditor  
12 and Inspector at the discretion of the governing body. All audits  
13 shall be conducted in accordance with generally accepted auditing  
14 standards and Government Auditing Standards issued by the  
15 Comptroller General of the United States. A copy of the audit shall  
16 be filed with the State Auditor and Inspector and action taken in  
17 accordance with Section 212A of Title 74 of the Oklahoma Statutes.  
18 The audit of the emergency telephone system accounts may be paid for  
19 and be considered a part of the operating expenses of the 9-1-1  
20 emergency telephone system.

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

1 system. The records and meetings of the governing body shall be  
2 subject to the Oklahoma Open Meeting Act and the Oklahoma Open  
3 Records Act.

4 G. A governing body made up of two or more governmental  
5 entities shall have a board consisting of not less than three (3)  
6 members; provided, the board shall consist of at least one (1)  
7 member representing each governmental entity, appointed by the  
8 governing body of each participating governmental entities, as set  
9 forth in the agreement forming the board. The members shall serve  
10 for terms of not more than three (3) years as set forth in the  
11 agreement. Members may be appointed to serve more than one term.  
12 The names of the members of the governing body board and the  
13 appointing authority of each member shall be maintained in the  
14 office of the county clerk in the county or counties in which the  
15 system operates, along with copies of the agreement forming the  
16 board and any amendments to that agreement.

17 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2862, as  
18 amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,  
19 Section 2862), is amended to read as follows:

20 Section 2862. As used in the Oklahoma 9-1-1 Management  
21 Authority Act:

22 1. "Area served" means the geographic area which shall be  
23 served by the 9-1-1 emergency telephone service provided by the  
24

1 governing body of a county, municipality, part of a county or  
2 combination of such governing bodies;

3 2. "Authority" means the Oklahoma 9-1-1 Management Authority  
4 created in Section 2863 of this title;

5 3. "Emergency telephone service" means any telephone system  
6 utilizing a three-digit number, nine-one-one (9-1-1), for reporting  
7 an emergency to the appropriate public agency providing law  
8 enforcement, fire, medical or other emergency services, including  
9 ancillary communications systems and personnel necessary to pass the  
10 reported emergency to the appropriate emergency service and  
11 personnel;

12 4. "Emergency telephone fee" means a fee to finance the  
13 operation of emergency telephone service;

14 ~~2- 5.~~ "Governing body" means the board of county commissioners  
15 of a county, the city council, tribal authority or other governing  
16 body of a municipality, or a combination of such boards, councils or  
17 other municipal governing bodies including county or municipal  
18 beneficiary public trusts, or other public trusts which shall have  
19 an administering board. ~~A governing body made up of two or more~~  
20 ~~governmental entities shall have a board consisting of not less than~~  
21 ~~three members and shall consist of at least one member representing~~  
22 ~~each governmental entity, appointed by the governing body of each~~  
23 ~~participating governmental entity, as set forth in the agreement~~  
24 ~~forming the board. The members of the board shall serve for terms~~



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

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

12 ~~3.~~ 7. "Next-generation 9-1-1" or "NG9-1-1" means an:

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

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

(5) supports data or video communications needs for coordinated incident response and management, and  
(6) provides broadband service to public safety answering points or other first responder entities, or

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

~~4.~~ 8. "9-1-1 emergency telephone service" means any telephone system whereby telephone subscribers may utilize a three-digit number (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);

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

10. "Person" means any service user, including, but not limited to, any individual, firm, partnership, co-partnership, joint venture, association, cooperative organization, private corporation,

1 whether organized for profit or not, fraternal organization,  
2 nonprofit organization, estate, trust, business or common law trust,  
3 receiver, assignee for the benefit of creditors, trustee or trustee  
4 in bankruptcy, the United States of America, the state, any  
5 political subdivision of the state, or any federal or state agency,  
6 department, commission, board or bureau;

7 ~~6.~~ 11. "Place of primary use" means the street address  
8 representative of where the use of the mobile telecommunications  
9 service of the customer primarily occurs, which shall be the  
10 residential street address or the primary business street address of  
11 the customer and shall be within the licensed service area of the  
12 home service provider in accordance with Section 55001 of Title 68  
13 of the Oklahoma Statutes and the federal Mobile Telecommunications  
14 Sourcing Act, P.L. No. 106-252, codified at 4 U.S.C. 116-126;

15 ~~7.~~ 12. "Prepaid wireless telecommunications service" means a  
16 telecommunications wireless service that provides the right to  
17 utilize mobile wireless service as well as other telecommunications  
18 services including the download of digital products delivered  
19 electronically, content and ancillary services, which are paid for  
20 in advance and sold in predetermined units or dollars of which the  
21 number declines with use in a known amount;

22 ~~8.~~ 13. "Proprietary information" means wireless service  
23 provider or VoIP service provider, subscriber, market share, cost  
24 and review information;

1       ~~9.~~ 14. "Public agency" means any city, town, county, municipal  
2 corporation, public district, public trust, substate planning  
3 district, public authority or tribal authority located within this  
4 state which provides or has authority to provide firefighting, law  
5 enforcement, ambulance, emergency medical or other emergency  
6 services;

7       ~~10.~~ 15. "Public safety answering point" or "PSAP" means an  
8 entity responsible for receiving 9-1-1 calls and processing those  
9 calls according to specific operational policy;

10       ~~11.~~ 16. "Public safety telecommunicator" means a person who  
11 performs a public service by processing, analyzing, and dispatching  
12 calls for emergency assistance. The person is a first responder  
13 that provides pre-arrival instructions and has specialized training  
14 to mitigate the loss of life and property;

15       17. "Service user" means any person who is provided exchange  
16 telephone service in this state;

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

1       ~~12.~~ 19. "Wireless service provider" means a provider of  
2 commercial mobile service under Section 332(d) of the  
3 Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,  
4 Federal Communications Commission rules, and the Omnibus Budget  
5 Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a  
6 provider of wireless two-way communication service, radio-telephone  
7 communications related to cellular telephone service, network radio  
8 access lines or the equivalent, and personal communication service.  
9 The term does not include a provider of:

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

16       ~~13.~~ 20. "Wireless telecommunications connection" means the ten-  
17 digit access number assigned to a customer regardless of whether  
18 more than one such number is aggregated for the purpose of billing a  
19 service user; and

20       ~~14.~~ 21. "Voice over Internet Protocol (VoIP) provider" means a  
21 provider of interconnected Voice over Internet Protocol service to  
22 end users in the state, including resellers.

23       SECTION 4.       AMENDATORY       63 O.S. 2021, Section 2868, is  
24 amended to read as follows:

1       Section 2868. A. Public agencies recognized by the Oklahoma 9-  
2 1-1 Management Authority and authorized to receive funds collected  
3 pursuant to the provisions of the Oklahoma 9-1-1 Management  
4 Authority Act shall use the funds only for services, equipment and  
5 operations related to 9-1-1 emergency telephone services.

6       B. The 9-1-1 Management Authority will oversee all 9-1-1 fees  
7 collected ~~under the Oklahoma Emergency Telephone Act and the fees~~  
8 ~~collected~~ by this act. The Authority may order the Oklahoma Tax  
9 Commission to escrow fees attributable to public agencies which have  
10 misspent, diverted or supplanted 9-1-1 collected fees to a purpose  
11 other than what is authorized by ~~the Oklahoma Emergency Telephone~~  
12 ~~Act or~~ this act.

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

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

10 D. If the Oklahoma 9-1-1 Management Authority determines that  
11 the public agency has failed to deploy Phase II service, failed to  
12 meet the State master plan for NG9-1-1 services or has failed to  
13 deliver service consistent with National Emergency Number  
14 Association (NENA) standards, the public agency shall submit an  
15 improvement plan within the time prescribed by the Authority. The  
16 Authority may order the Oklahoma Tax Commission to escrow fees  
17 attributable to public agencies which have not submitted plans or  
18 complied with improvement plans.

19 E. A public agency shall be required to have conducted  
20 separately or as a part of the annual audit required by law of the  
21 municipality or county an annual audit of any accounts established  
22 or used for the operation of a 9-1-1 emergency telephone system.  
23 The audit may be conducted by the State Auditor and Inspector at the  
24 discretion of the public agency. The cost of the audit of the 9-1-1

1 emergency telephone system may be paid from and be considered a part  
2 of the operating expenses of the 9-1-1 emergency telephone system.  
3 Proprietary information of the wireless service providers shall be  
4 confidential. Audit information pertaining to revenue collected or  
5 disbursed may be released only in aggregate form so that no  
6 provider-specific information may be extrapolated.

7 F. Public agencies shall be required to annually submit to the  
8 Authority:

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

13 2. A copy of the most recent annual audit or budget showing all  
14 expenses of the public agency relating to the 9-1-1 emergency  
15 telephone system.

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



1       ~~H. The governing body of the public agency shall meet at least~~  
2 ~~quarterly to oversee the operations of the 9-1-1 emergency telephone~~  
3 ~~system, review expenditures and annually set and approve an~~  
4 ~~operating budget, and take any other action as necessary for the~~  
5 ~~operation and management of the system.~~

6       ~~I. Records and meetings of the public agency shall be subject~~  
7 ~~to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.~~

8       SECTION 5.       RECODIFICATION       63 O.S. 2021, Section 2814, as  
9 last amended by Section 1 of this act, shall be recodified as  
10 Section 2869.1 of Title 63 of the Oklahoma Statutes, unless there is  
11 created a duplication in numbering.

12       SECTION 6.       RECODIFICATION       63 O.S. 2021, Section 2815, as  
13 last amended by Section 2 of this act, shall be recodified as  
14 Section 2869.2 of Title 63 of the Oklahoma Statutes, unless there is  
15 created a duplication in numbering.

16       SECTION 7.       RECODIFICATION       63 O.S. 2021, Section 2815.1,  
17 shall be recodified as Section 2869.3 of Title 63 of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19       SECTION 8.       RECODIFICATION       63 O.S. 2021, Section 2816,  
20 shall be recodified as Section 2869.4 of Title 63 of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22       SECTION 9.       RECODIFICATION       63 O.S. 2021, Section 2817,  
23 shall be recodified as Section 2869.5 of Title 63 of the Oklahoma  
24 Statutes, unless there is created a duplication in numbering.

1       SECTION 10.       RECODIFICATION       63 O.S. 2021, Section 2818,  
2 shall be recodified as Section 2869.6 of Title 63 of the Oklahoma  
3 Statutes, unless there is created a duplication in numbering.

4       SECTION 11.       RECODIFICATION       63 O.S. 2021, Section 2820,  
5 shall be recodified as Section 2869.7 of Title 63 of the Oklahoma  
6 Statutes, unless there is created a duplication in numbering.

7       SECTION 12.       REPEALER       63 O.S. 2021, Sections 2811, 2812  
8 and 2813 are hereby repealed.

9       SECTION 13.   This act shall become effective November 1, 2023.

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
11 April 6, 2023 - DO PASS  
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