

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1924

By: Sims

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5
6 AS INTRODUCED

7 An Act relating to public safety; requiring Oklahoma
8 9-1-1 Management Authority to maintain certain
9 training platform; requiring creation, maintenance
10 and certification of certain list; stating certain
11 training requirements; requiring establishment of
12 certain hourly training requirements; requiring
13 completion of certain training by certain date;
14 amending 63 O.S. 2021, Section 2803, which relates to
15 establishment of basic or sophisticated system;
16 removing certain compatibility stipulation; amending
17 63 O.S. 2021, Section 2815, which relates to fee
18 collection; removing certain limits on terms;
19 amending 63 O.S. 2021, Section 2846, which relates to
20 mandatory provision of emergency telephone service;
21 requiring service company provide certain data
22 elements; amending 63 O.S. 2021, Section 2862, as
23 amended by Section 6, Chapter 30, O.S.L. 2022 (63
24 O.S. Supp. 2022, Section 2862), which relates to
definitions; defining term; amending 63 O.S. 2021,
Section 2863, which relations to the creation of the
Oklahoma 9-1-1 Management Authority; modifying
membership of the Authority; adding certain nonvoting
members; excluding nonvoting members from quorum
requirements; excluding nonvoting members from
executive sessions; providing selection requirements
for nonvoting members; deleting chair designation
requirement; allowing for certain reimbursement;
removing certain legal support requirement; amending
63 O.S. 2021, Section 2864, as amended by Section 7,
Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022, Section
2864), which relates to powers and duties; requiring
certain submission to Oklahoma Tax Commission;
detailing the distribution of certain revenue from
collected fees; allowing establishment of certain
contracts; amending 63 O.S. 2021, Section 2865, which

1 relates to fees; modifying certain fees collected;
2 excluding fees for certain types of phones; modifying
3 certain deposit amount; amending 63 O.S. 2021,
4 Sections 2866 and 2867, which relate to collection
5 and apportionment of fees; modifying retention
6 percentage of certain fees; amending 63 O.S. 2021,
7 Section 2868, which relates to use and oversight of
8 funds; allowing the transfer of certain monies;
9 requiring certain designee of public agency to have
10 certain meeting; amending 63 O.S. 2021, Section 2871,
11 which relates to the Regional Emergency Nine-One-One
12 Services Act; disallowing establishment of new public
13 safety answering point after certain date; providing
14 certain exceptions; providing for codification; and
15 providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2872 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma 9-1-1 Management Authority shall maintain an
online training platform for 9-1-1 Emergency Telecommunicators in
the State of Oklahoma.

B. The Oklahoma 9-1-1 Management Authority shall create and
maintain and certify a list of qualified online and in-person
training programs that include the basic requirements for a 9-1-1
Emergency Telecommunicator. Classes shall be a minimum of forty
(40) hours in length and include instruction for basic call handling

1 and dispatch services. The 9-1-1 Management Authority shall
2 establish hourly training requirements on a yearly basis.

3 C. On or before July 1, 2024, all Emergency Telecommunicators
4 in the State of Oklahoma shall complete, either in person or
5 virtual, a forty-hour state recognized training course for basic
6 call handling and dispatch services.

7 D. Any new Emergency Telecommunicator hired after January 1,
8 2024 shall complete, either in person or virtual, a forty-hour state
9 recognized training course for basic call handling and dispatch
10 services within 6 months of their hire date.

11 E. On or before July 1, 2024, all Emergency Telecommunicators
12 in the State of Oklahoma shall complete, either in person or
13 virtual, a state or nationally recognized telecommunicator CPR
14 training course.

15 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2803, is
16 amended to read as follows:

17 Section 2803. Every public agency or public safety agency
18 within its respective jurisdiction may establish a basic or
19 sophisticated system, ~~if technologically compatible~~ with the
20 existing local telephone network. The establishment of such systems
21 shall be centralized where feasible. Any system established
22 pursuant to this act may include a segment of the territory of a
23 public agency. All systems shall be designed to meet the
24 requirements of each community and public agency served by the

1 system. Every system, whether basic or sophisticated, may be
2 designed to have the capability of utilizing at least three of the
3 four methods specified in paragraphs 3, 8, 9 and 11 of Section 2 of
4 this act, in response to emergency calls. In addition to the number
5 "911", a public agency or public safety agency may maintain a
6 separate secondary backup number, and shall maintain a separate
7 number for nonemergency telephone calls.

8 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2815, is
9 amended to read as follows:

10 Section 2815. A. Any fee imposed pursuant to Section 2814 of
11 this title and the amounts required to be collected are due monthly.
12 The amount of fee collected in one (1) month by the local exchange
13 telephone company shall be remitted to the governing body no later
14 than thirty (30) days after the close of the month in which such
15 fees were collected. In the event the fee collected is not remitted
16 by the local exchange telephone company or by a competitive local
17 exchange company, as both are defined in Section 139.102 of Title 17
18 of the Oklahoma Statutes, to the governing body within thirty (30)
19 days after the close of the month in which such fees were collected,
20 then the local exchange telephone company shall remit a penalty to
21 the governing body. The penalty shall be equal to ten percent (10%)
22 of the original unremitted fee, payable on the first day of each
23 month the fee remains delinquent. All fees collected by the local
24 exchange telephone company and remitted to the governing body and

1 any other money collected to fund the emergency telephone system
2 shall be deposited in a special nine-one-one account established by
3 the governing body, and shall be used only to fund the expenditures
4 authorized by the Nine-One-One Emergency Number Act. The governing
5 body shall account for all disbursements from the account and shall
6 not allow the funds to be transferred to another account not
7 specifically established for the operation of the emergency
8 telephone system.

9 B. On or before the last day of each month, a return for the
10 preceding month shall be filed with the governing body in a form the
11 governing body and the local exchange telephone company agree to.
12 The local exchange telephone company required to file the return
13 shall deliver the return together with a remittance of the amount of
14 the fee payable to the treasurer or other person responsible to the
15 governing body for receipt of payments from the fee. The local
16 exchange telephone company shall maintain records of the amount of
17 any fee collected in accordance with the provisions of the Nine-One-
18 One Emergency Number Act. The records shall be maintained for a
19 period of one (1) year from the time the fee is collected.

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

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

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

15 F. The governing body shall meet at least quarterly to oversee
16 the operations of the emergency telephone system, review
17 expenditures, set and approve an operating budget and take such
18 other action as necessary for the operation and management of the
19 system. The records and meetings of the governing body shall be
20 subject to the Oklahoma Open Meeting Act and the Oklahoma Open
21 Records Act.

22 G. A governing body made up of two or more governmental
23 entities shall have a board consisting of not less than three
24 members; provided, the board shall consist of at least one member

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

11 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2846, is
12 amended to read as follows:

13 Section 2846. A. All local exchange companies, and wireless
14 and other telephone service companies providing service to users in
15 an area in which nine-one-one emergency telephone service is
16 currently operating shall also provide emergency telephone service
17 to all subscribing service users in that area. Wireless and other
18 telephone service companies shall provide information necessary for
19 automatic number identification, automatic location identification
20 and selective routing of nine-one-one emergency wireless calls to
21 cities and counties answering emergency telephone calls for
22 maintenance of existing nine-one-one databases. If the state or an
23 area of the state is utilizing Next Generation 9-1-1 system that
24 uses the NENA i3 standard for call delivery then the service company

1 shall provide the required data elements required by said standard.

2 The governing body may reasonably require sufficient information to
3 ensure compliance with this section and to provide data for audit
4 and budgetary calculation purposes.

5 B. Information that a wireless service provider is required to
6 furnish in providing nine-one-one service is confidential and exempt
7 from disclosure. The wireless service provider is not liable to any
8 person who uses a nine-one-one service created under this act for
9 the release of information furnished by the wireless service
10 provider in providing nine-one-one service. Information that is
11 confidential under this section may be released only for budgetary
12 calculation purposes and only in aggregate form so that no provider-
13 specific information may be extrapolated.

14 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2862, as
15 amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,
16 Section 2862), is amended to read as follows:

17 Section 2862. As used in the Oklahoma 9-1-1 Management
18 Authority Act:

19 1. "Authority" means the Oklahoma 9-1-1 Management Authority
20 created in Section 2863 of this title;

21 2. "Governing body" means the board of county commissioners of
22 a county, the city council, tribal authority or other governing body
23 of a municipality, or a combination of such boards, councils or
24 other municipal governing bodies including county or municipal

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

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

- 16 a. IP-based system comprised of hardware, software, data,
17 and operational policies and procedures that:
- 18 (1) provides standardized interfaces from emergency
19 call and message services to support emergency
20 communications,
 - 21 (2) processes all types of emergency calls, including
22 voice, text, data and multimedia information,
 - 23 (3) acquires and integrates additional emergency call
24 data useful to call routing and handling,

- 1 (4) delivers the emergency calls, messages and data
2 to the appropriate public safety answering point
3 and other appropriate emergency entities,
4 (5) supports data or video communications needs for
5 coordinated incident response and management, and
6 (6) provides broadband service to public safety
7 answering points or other first responder
8 entities, or

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

13 4. "9-1-1 emergency telephone service" means any telephone
14 system whereby telephone subscribers may utilize a three-digit
15 number (9-1-1) for reporting an emergency to the appropriate public
16 agency providing law enforcement, fire, medical or other emergency
17 services, including ancillary communications systems and personnel
18 necessary to pass the reported emergency to the appropriate
19 emergency service and which the wireless service provider is
20 required to provide pursuant to the Federal Communications
21 Commission Order 94-102 (961 Federal Register 40348);

22 5. "9-1-1 wireless telephone fee" means the fee imposed in
23 Section 2865 of this title to finance the installation and operation
24 of emergency 9-1-1 services and any necessary equipment;

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

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

16 8. "Proprietary information" means wireless service provider or
17 VoIP service provider, subscriber, market share, cost and review
18 information;

19 9. "Public agency" means any city, town, county, municipal
20 corporation, public district, public trust, substate planning
21 district, public authority or tribal authority located within this
22 state which provides or has authority to provide firefighting, law
23 enforcement, ambulance, emergency medical or other emergency
24 services;

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

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

9 12. "Wireless service provider" means a provider of commercial
10 mobile service under Section 332(d) of the Telecommunications Act of
11 1996, 47 U.S.C., Section 151 et seq., Federal Communications
12 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
13 Pub. L. No. 103-66, and includes a provider of wireless two-way
14 communication service, radio-telephone communications related to
15 cellular telephone service, network radio access lines or the
16 equivalent, and personal communication service. The term does not
17 include a provider of:

- 18 a. a service whose users do not have access to 9-1-1
19 service,
- 20 b. a communication channel used only for data
21 transmission, or
- 22 c. a wireless roaming service or other nonlocal radio
23 access line service;

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

5 14. "Voice over Internet Protocol (VoIP) provider" means a
6 provider of interconnected Voice over Internet Protocol service to
7 end users in the state, including resellers; and

8 15. "Landline telecommunications connection" means a ten-digit
9 access number assigned to a customer that utilized analog
10 communications over a wired transmission line that travels
11 underground or on telephone poles.

12 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2863, is
13 amended to read as follows:

14 Section 2863. A. There is hereby created the Oklahoma 9-1-1
15 Management Authority which shall be the governing board overseeing
16 the development and regulation of 9-1-1 emergency systems in this
17 state and managing the distribution of all 9-1-1 telephone fees
18 collected pursuant to the provisions of Section 5 of this act.

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

20 1. One member representing a tribal authority that operates a
21 9-1-1 system to be appointed by the President Pro Tempore of the
22 Oklahoma State Senate;

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1 2. One member representing a statewide organization dedicated
2 to public safety to be appointed by the President Pro Tempore of the
3 Oklahoma State Senate;

4 3. One member representing a statewide organization dedicated
5 to career development for emergency number professionals to be
6 appointed by the Governor;

7 4. One member representing a statewide organization dedicated
8 to representing Oklahoma municipalities to be appointed by the
9 Speaker of the Oklahoma House of Representatives;

10 5. One member representing a statewide organization
11 representing Oklahoma county commissioners to be appointed by the
12 Governor;

13 6. One member representing a statewide association of regional
14 councils of government to be appointed by the President Pro Tempore
15 of the Oklahoma State Senate;

16 7. The Chief Information Officer for the state, or designee;

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

19 9. Two members each representing a municipal government
20 operating a 9-1-1 system and having a population of less than one
21 hundred thousand (100,000), one to be appointed by the Speaker of
22 the Oklahoma House of Representatives, and one to be appointed by
23 the Governor;

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1 10. One member representing a municipal government operating a
2 9-1-1 system and having a population of more than one hundred
3 thousand (100,000) but less than four hundred fifty thousand
4 (450,000) to be appointed by the Governor;

5 11. One member representing a municipal government operating a
6 9-1-1 system and having a population of more than four hundred fifty
7 thousand (450,000) to be appointed by the Speaker of the Oklahoma
8 House of Representatives;

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

14 13. One member representing an organization created by an
15 interlocal agreement for the purpose of sharing public safety
16 answering point duties and whose members are municipal governments
17 with a population of more than four hundred fifty thousand (450,000)
18 to be appointed by the President Pro Tempore of the Oklahoma State
19 Senate;

20 14. One member who is a 9-1-1 Coordinator for a county with a
21 population of less than twenty thousand (20,000) to be appointed by
22 the Speaker of the Oklahoma House of Representatives;
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1 15. One member who is a 9-1-1 Coordinator for a county with a
2 population of more than twenty thousand (20,000) to be appointed by
3 the President Pro Tempore of the Oklahoma State Senate;

4 16. One member who is a 9-1-1 Coordinator for a county to be
5 appointed by the Governor; and

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

10 ~~18. One member representing a local exchange telecommunications~~
11 ~~service provider which serves more than fifty thousand (50,000)~~
12 ~~access lines in the state to be appointed by the Speaker of the~~
13 ~~House of Representatives;~~

14 ~~19. One member representing a Tier I wireless carrier, as~~
15 ~~defined by the Federal Communications Commission, to be appointed by~~
16 ~~the Speaker of the House of Representatives;~~

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

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

23 ~~22. One member representing the telephone industry to be~~
24 ~~appointed by the President Pro Tempore of the Senate; and~~

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

2 C. There shall be five (5) nonvoting 911 industry members.

3 Nonvoting members are not required for a quorum. Nonvoting members
4 shall not be included in executive sessions. The nonvoting members
5 shall be made up of the following:

6 1. One (1) member representing a local exchange
7 telecommunications service provider which serves less than fifty
8 thousand (50,000) access lines in the state or a telephone
9 cooperative to be appointed by the President Pro Tempore of the
10 Oklahoma State Senate;

11 2. One (1) member representing a local exchange
12 telecommunications service provider which serves more than fifty
13 thousand (50,000) access lines in the state to be appointed by the
14 Speaker of the Oklahoma House of Representatives;

15 3. One (1) member representing a Tier I wireless carrier, as
16 defined by the Federal Communications Commission, to be appointed by
17 the Speaker of the Oklahoma House of Representatives;

18 4. One (1) member representing a Tier III wireless carrier, as
19 defined by the Federal Communications Commission, to be appointed by
20 the President Pro Tempore of the Oklahoma State Senate; and

21 5. One (1) member representing the telephone industry to be
22 appointed by the President Pro Tempore of the Oklahoma State Senate;
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1 D. Members shall serve at the pleasure of their appointing
2 authority and vacancies shall be filled by the original appointing
3 authority.

4 ~~D.~~ E. Members shall receive no compensation for serving on the
5 Authority.

6 ~~E.~~ ~~At its first meeting annually the Authority shall designate~~
7 ~~a chair from its members. Meetings shall be held at the call of the~~
8 ~~chair.~~

9 F. The Authority shall be subject to the Oklahoma Open Records
10 Act and the Oklahoma Open Meeting Act.

11 G. The members of the Oklahoma 9-1-1 Management Authority shall
12 be reimbursed for mileage or actual travel expense, whichever is
13 less, to attend regular and special meetings when the travel exceeds
14 50 miles from their home or business whichever is closer to the
15 meeting location.

16 H. The Oklahoma Department of Emergency Management shall
17 provide ~~legal~~, administrative, fiscal and staff support for the
18 Authority. Expenses related to the provision of such services may
19 be paid from funds available in the Oklahoma 9-1-1 Management
20 Authority Revolving Fund created in Section 9 of this act, upon
21 approval by a majority of the members of the Authority.

22 ~~H.~~ I. Members serving on the Statewide Nine-One-One Advisory
23 Board appointed pursuant to Section 2847 of Title 63 of the Oklahoma
24 Statutes on the effective date of this act shall continue serving as

1 members of the Oklahoma 9-1-1 Management Authority unless replaced
2 by their appointing authority.

3 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2864, as
4 amended by Section 7, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,
5 Section 2864), is amended to read as follows:

6 Section 2864. The powers and duties of the Oklahoma 9-1-1
7 Management Authority created in Section 2863 of this title shall be
8 to:

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

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

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

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

- 5 a. submit or comply with master plans to deliver Next
6 Generation 9-1-1 (NG9-1-1) services as required by the
7 Oklahoma 9-1-1 Management Authority Act and approved
8 by the Authority. Local plans must align with the
9 State's Master plan to deploy NG9-1-1,
- 10 b. meet standards of the National Emergency Number
11 Association (NENA) limited to call-taking and caller-
12 location technology or comply with an improvement plan
13 to meet such standards as directed by the Authority,
- 14 c. submit annual reports or audits as required by the
15 Oklahoma 9-1-1 Management Authority Act,
- 16 d. provide connectivity and interoperability between
17 state, regional and local next-generation systems, or
- 18 e. comply with the requirements of the Oklahoma 9-1-1
19 Management Authority Act or procedures established by
20 the Authority;

21 5. Establish and submit to the Tax Commission a list of
22 eligible governing bodies entitled to receive 9-1-1 telephone fees
23 and establish annual population figures and square miles for the
24 coverage area of the Public Safety Answering Point (PSAP) for the

1 purpose of distributing fees collected pursuant to Section 2865 of
2 this title⁷. Distribution of the net monthly revenue from 911 fees
3 after the distributions established in Sections 2865, 2866, and 2867
4 of this title will be provided to eligible governing bodies
5 established by this section as follows:

6 a. a flat rate of Three Thousand Dollars (\$3,000.00) per
7 month per Public Safety Answering Points (PSAP); and

8 b. from the remaining balance:

9 (1) ten percent (10%) to be derived by dividing the
10 land area covered by the public agency's response
11 area by the total land area of the state, and

12 (2) ninety percent (90%) to be derived by dividing
13 the population of each public agency's response
14 area by the total population of the state using
15 data from the latest available Census estimates
16 as of July 1 of each year;

17 6. Assist any public agency the Authority determines is
18 performing below standards of the NENA, as limited by paragraph 4 of
19 this section, according to the improvement plan required by the
20 Oklahoma 9-1-1 Management Authority Act. The Authority shall
21 establish a time period for the public agency to come into
22 compliance after which the Authority shall escrow funds as
23 authorized in this section. Improvement plans may include
24 consideration and recommendations for consolidation with other

1 public agencies, and sharing equipment and technology with other
2 jurisdictions;

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

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

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

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

17 11. Facilitate information-sharing among public agencies;

18 12. Create and maintain best practices databases for PSAP
19 operations;

20 13. Encourage equipment- and technology-sharing among all
21 jurisdictions;

22 14. Develop training program standards for public safety
23 telecommunicators for call taking.

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- 1 a. Training program standards shall include instruction
2 on recognizing the need for and delivery of High-
3 Quality Telecommunicator CPR (T-CPR) that can be
4 delivered by 9-1-1 public safety telecommunicators for
5 acute events requiring CPR including, but not limited
6 to, out-of-hospital cardiac events (OHCA).
- 7 b. T-CPR training shall follow evidence-based, nationally
8 recognized guidelines for high-quality T-CPR which
9 incorporates recognition protocols for OHCA and
10 continuous education;

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

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

15 17. Make recommendations for consolidation upon the request of
16 public agencies;

17 18. May establish contracts for the necessary equipment and
18 services to deliver 9-1-1 calls to the Public Safety Answering
19 Points;

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

21 ~~19.~~ 20. Take any steps necessary to carry out the duties
22 required by the Oklahoma 9-1-1 Management Authority Act.

23 SECTION 8. AMENDATORY 63 O.S. 2021, Section 2865, is
24 amended to read as follows:

1 Section 2865. A. Beginning January 1, 2017, there shall be
2 imposed a 9-1-1 telephone fee as follows:

3 1. ~~Seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents
4 (\$1.25) monthly on each wireless telephone connection and other
5 wireless communication device or service connection with the ability
6 to dial 9-1-1 for emergency calls;

7 2. ~~Seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents
8 (\$1.25) monthly on each service ~~that is enabled by Voice over~~
9 ~~Internet Protocol (VoIP) or Internet Protocol (IP)~~ with the ability
10 to dial 9-1-1 for emergency calls, excluding landline; and

11 3. ~~Seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents
12 (\$1.25) on each prepaid wireless retail transaction occurring in
13 this state.

14 B. 1. For purposes of paragraph 3 of subsection A of this
15 section, a retail transaction that is effected in person by a
16 consumer at a business location of the seller shall be treated as
17 occurring in this state if that business location is in this state.
18 Any other retail transaction shall be sourced as provided in
19 paragraphs 2 through 5 of this subsection as applicable.

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

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

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

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

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

23 C. The fees authorized by subsection A of this section shall
24 not be assessed on landline phone customers.

1 D. The fees imposed in subsection A of this section shall
2 replace any 9-1-1 wireless telephone fees previously adopted by any
3 county pursuant to Section 2843.1 of Title 63 of the Oklahoma
4 Statutes, or 9-1-1 VoIP emergency service fees adopted by a
5 governing body pursuant to Section 2853 of Title 63 of the Oklahoma
6 Statutes, or fees on prepaid wireless retail transactions pursuant
7 to Section 2843.2 of Title 63 of the Oklahoma Statutes. Fees
8 collected and transferred pursuant to those sections shall remain in
9 effect through December 31, 2016.

10 E. From each ~~seventy-five-cent~~ One Dollar and twenty-five cents
11 (\$1.25) fee assessed and collected pursuant to subsection A of this
12 section, twenty-five cents ~~(\$0.05)~~ (\$0.25) shall be deposited into
13 the Oklahoma 9-1-1 Management Authority Revolving Fund created
14 pursuant to Section 9 of this act. Funds accumulating in this
15 revolving fund shall be used to fund the salary of the Oklahoma 9-1-
16 1 Coordinator and any administrative staff, operations of the
17 Authority and any costs associated with the administration of the
18 Oklahoma 9-1-1 Management Authority Act within the Oklahoma
19 Department of Emergency Management, and for grants approved by the
20 Authority for purposes as authorized in this act.

21 SECTION 9. AMENDATORY 63 O.S. 2021, Section 2866, is
22 amended to read as follows:

23 Section 2866. A. 9-1-1 telephone fees authorized and collected
24 by wireless service providers and Voice over Internet Protocol

1 (VoIP) providers, pursuant to paragraphs 1 and 2 of subsection A of
2 Section 2865 of this title, from each of their end users residing in
3 this state shall be paid to the Oklahoma Tax Commission no later
4 than the twentieth day of the month succeeding the month of
5 collection.

6 B. From the total fees collected pursuant to paragraphs 1 and 2
7 of subsection A of Section 2865 of this title, eight-tenths of one
8 percent ~~(1%)~~ (0.8%) shall be retained by the wireless service
9 provider or VoIP provider, and one percent (1%) shall be retained by
10 the Tax Commission as reimbursement for the direct cost of
11 administering the collection and remittance of the fees.

12 C. Every billed service subscriber shall be liable for any 9-1-
13 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1
14 Management Authority Act until the fee has been paid to the wireless
15 service provider.

16 D. Fees imposed pursuant to the Oklahoma 9-1-1 Management
17 Authority Act which are required to be collected by the wireless
18 service provider or VoIP provider may be added to and shall be
19 stated separately in any billings to the service subscriber.

20 E. The wireless service provider or VoIP provider shall have no
21 obligation to take any legal action to enforce the collection of any
22 9-1-1 wireless telephone fee imposed pursuant to the provisions of
23 the Oklahoma 9-1-1 Management Authority Act. Should any service
24 subscriber tender a payment insufficient to satisfy all charges,

1 tariffs, fees and taxes for wireless telephone or VoIP service, the
2 amount tendered shall be credited to the 9-1-1 wireless telephone
3 fee in the same manner as other taxes and fees.

4 F. Any 9-1-1 fee imposed pursuant to the provisions of the
5 Oklahoma 9-1-1 Management Authority Act shall be collected insofar
6 as practicable at the same time as, and along with, the charges for
7 wireless telephone or VoIP service in accordance with the regular
8 billing practice of the provider.

9 G. Nothing in the Oklahoma 9-1-1 Management Authority Act shall
10 be construed to limit the ability of a wireless service provider or
11 VoIP provider from recovering its costs associated with designing,
12 developing, deploying and maintaining enhanced 9-1-1 service
13 directly from the service subscribers of the provider, whether the
14 costs are itemized on the bill of the service subscriber as a
15 surcharge or by any other lawful means.

16 H. The wireless service provider or VoIP provider shall
17 maintain records of the amount of 9-1-1 telephone fees collected in
18 accordance with the provisions of the Oklahoma 9-1-1 Management
19 Authority Act for a period of three (3) years from the time the fee
20 is collected. The State Auditor and Inspector, the Oklahoma 9-1-1
21 Management Authority or any affected public agency may require an
22 annual audit of the books and records of the wireless service
23 provider or VoIP provider concerning the collection and remittance
24 of fees authorized by the Oklahoma 9-1-1 Management Authority Act.

1 Auditors shall have access to all information used by the wireless
2 service provider or VoIP provider to calculate and remit the 9-1-1
3 telephone fee. Audit expenses shall be reimbursable pursuant to
4 procedures established by the Oklahoma 9-1-1 Management Authority if
5 the audit is approved by the Authority.

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

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

15 K. Within thirty (30) days of receipt, the Oklahoma Tax
16 Commission shall pay available fees remitted pursuant to Section
17 2865 of this title to the governing bodies that the Oklahoma 9-1-1
18 Management Authority has certified in accordance with Section 2864
19 of this title as eligible to receive funds. The share to be paid to
20 or escrowed for each governing body shall be determined by dividing
21 the population of the governing body by the total population of the
22 state using the latest Federal Decennial Census estimates.

23 L. The Oklahoma Tax Commission shall provide the 9-1-1
24 Management Authority a monthly report showing the 9-1-1 wireless fee

1 deposits including the name of the provider and the amount of each
2 deposit. Upon request the 9-1-1 Authority may request telephone or
3 mailing address information of the provider.

4 SECTION 10. AMENDATORY 63 O.S. 2021, Section 2867, is
5 amended to read as follows:

6 Section 2867. A. Prepaid 9-1-1 wireless transaction fees
7 authorized and collected pursuant to paragraph 3 of subsection A of
8 Section 2865 of this title from retailers shall be paid to the
9 Oklahoma Tax Commission under procedures established by the Tax
10 Commission that substantially coincide with the registration and
11 payment procedures that apply under the Oklahoma Sales Tax Code and
12 as directed by the Oklahoma 9-1-1 Management Authority. The audit
13 and appeal procedures, including limitations period, applicable to
14 the Oklahoma Sales Tax Code shall apply to prepaid 9-1-1 wireless
15 telephone fees.

16 B. From the total fees collected pursuant to paragraph 3 of
17 subsection A of Section 2865 of this title, ~~three percent (3%) shall~~
18 ~~be retained by the seller and~~ eight-tenths of one percent (1%
19 (0.8%) shall be retained by the Tax Commission as reimbursement for
20 the direct cost of administering the collection and remittance of
21 such fees.

22 C. The prepaid 9-1-1 wireless transaction fee shall be
23 collected by the retailer from the consumer for each retail
24 transaction occurring in this state. The amount of the prepaid 9-1-

1 1 wireless fee shall either be separately stated on the invoice,
2 receipt or similar document that is provided to the consumer by the
3 seller, or otherwise disclosed to the consumer.

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

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

17 F. The Oklahoma Tax Commission shall provide the 9-1-1
18 Management Authority with a monthly report showing the 9-1-1
19 wireless fee deposits including the name of the provider and the
20 amount of each deposit. Upon request the 9-1-1 Authority may
21 request telephone or mailing address information of the provider.

22 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2868, is
23 amended to read as follows:

24

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 deposited in this account may be transferred
20 to another account within the governing body, but a 9-1-1-specific
21 sub-account line item shall be maintained with the accounting
22 system. Monies remaining in such accounts at the end of a fiscal
23 year shall carry over to subsequent years. The monies deposited in
24 the Oklahoma 9-1-1 Management Authority Revolving Fund shall at no

1 time be monies of the state and shall not become part of the general
2 budget of the Office of Emergency Management or any other state
3 agency. Except as otherwise authorized by the Oklahoma 9-1-1
4 Management Authority Act, no monies from the Oklahoma 9-1-1
5 Management Authority Revolving Fund shall be transferred for any
6 purpose to any other state agency or any account of the Office of
7 Emergency Management or be used for the purpose of contracting with
8 any other state agency or reimbursing any other state agency for any
9 expense. Payments from the Oklahoma 9-1-1 Management Authority
10 Revolving Fund shall not become or be construed to be any obligation
11 of the state. No claims for reimbursement from the Oklahoma 9-1-1
12 Management Authority Revolving Fund shall be paid with state monies.

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

22 E. A public agency shall be required to have conducted
23 separately or as a part of the annual audit required by law of the
24 municipality or county an annual audit of any accounts established

1 or used for the operation of a 9-1-1 emergency telephone system.
2 The audit may be conducted by the State Auditor and Inspector at the
3 discretion of the public agency. The cost of the audit of the 9-1-1
4 emergency telephone system may be paid from and be considered a part
5 of the operating expenses of the 9-1-1 emergency telephone system.
6 Proprietary information of the wireless service providers shall be
7 confidential. Audit information pertaining to revenue collected or
8 disbursed may be released only in aggregate form so that no
9 provider-specific information may be extrapolated.

10 F. Public agencies shall be required to annually submit to the
11 Authority:

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

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

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

1 public agency until the public agency complies with the requirements
2 of the Oklahoma 9-1-1 Management Authority Act and the procedures
3 established by the Authority.

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

10 I. Records and meetings of the public agency shall be subject
11 to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.

12 SECTION 12. AMENDATORY 63 O.S. 2021, Section 2871, is
13 amended to read as follows:

14 Section 2871. A. This act shall be known and may be cited as
15 the "Regional Emergency 9-1-1 Services Act".

16 B. It is the purpose of the Regional Emergency 9-1-1 Services
17 Act to encourage formation of emergency communication districts in
18 order to provide efficient delivery of emergency 9-1-1 service
19 throughout the state.

20 C. This act shall not apply to any 9-1-1 system or public
21 agency participating in a 9-1-1 system that was established prior to
22 January 1, 2017, and that had adopted Phase II 9-1-1 service by that
23 date.

24

1 D. A new public safety answering point shall not be established
2 after July 1, 2024, unless the new public safety answering point is
3 established as a result of:

4 1. A consolidation with an existing public safely answering
5 point; or

6 2. A replacement of an existing public safety answering point.

7 E. For the purposes of this section:

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

9 2. "Emergency communication district" means a district formed
10 pursuant to this act to deliver emergency 9-1-1 services on a
11 regional basis;

12 3. "9-1-1 system" means an entity that processes emergency 9-1-
13 1 calls through a public safety answering point;

14 4. "Participating public agency" means a public agency that is
15 included in a district;

16 5. "Principal municipality" means the municipality with the
17 largest population in a district; and

18 6. "Public agency" means any city, town, county, municipal
19 corporation, public district, public trust, substate planning
20 district, public authority or tribal authority located within this
21 state which provides or has authority to provide firefighting, law
22 enforcement, ambulance, emergency medical or other emergency
23 services.

1 ~~E.~~ F. On or before December 31, 2017, all public agencies in
2 this state shall form regional emergency communication districts for
3 the purpose of creating an area-wide emergency 9-1-1 system for
4 their respective jurisdictions. The territory of the district shall
5 be coextensive with the territory of the regional substate planning
6 district unless a different territory is approved by the Oklahoma 9-
7 1-1 Management Authority. If a public agency is situated in more
8 than one such territory, it shall become part of the district in
9 which it is principally located. If, due to the effect of
10 subsection C of this section, the majority of the participating
11 public agencies located in the territory of a proposed district
12 determine that it would be in the best interests of their citizens,
13 they may request inclusion in an adjacent district.

14 ~~F.~~ G. The public agencies to be included in each district may
15 form the district by entering into local cooperative agreements
16 which shall establish a governance structure and provide for the
17 joint implementation, funding, operation, and management of the
18 district.

19 ~~G.~~ H. If the public agencies in a region are unable to develop
20 a local cooperative agreement by December 31, 2017, they shall be
21 included in an emergency communication district that is governed by
22 a board of directors consisting of an appointee by each public
23 agency that was authorized by its voters to fund a 9-1-1 system
24 prior to the formation of the district, one appointee elected by a

1 majority of the remaining public agencies in the district, and an
2 additional appointee by the principal municipality in the district
3 who shall serve as chair of the board.

4 ~~H.~~ I. Unless otherwise provided by agreement, any participating
5 public agency that had been authorized by its voters to fund a 9-1-1
6 system prior to the formation of the district shall retain control
7 of the property, operation, and funding of its system; provided,
8 however, the district may contract with such participating public
9 agency to include the agency's system in the district's master
10 implementation plan. To the extent practicable, the district shall
11 not duplicate the equipment or answering point services already
12 provided by a participating public agency. A user of one or more
13 communication services subject to the payment of fees or taxes for
14 an emergency 9-1-1 system shall not be charged for more than one
15 such fee or tax for each service.

16 ~~I.~~ J. An emergency communication district shall have power to
17 make all contracts to carry out the purposes of the Regional
18 Emergency 9-1-1 Services Act, purchase and convey real property,
19 impose service fees authorized for public agencies for the provision
20 of 9-1-1 service, appoint a manager of the district, and adopt rules
21 and policies for the operation of the district.

22 ~~J.~~ K. Within one (1) year after the effective date of the
23 formation of the district, the board of directors shall submit its
24 master plan to deliver Phase II emergency 9-1-1 service throughout

1 its territory to the Oklahoma 9-1-1 Management Authority for
2 approval. The Authority shall have the power to prescribe the terms
3 of the plan and to approve or disapprove the master plan.
4 Additionally, the Authority shall have the power to request the Tax
5 Commission to escrow the wireless fees attributable to the public
6 agencies which have not submitted a master plan or which have not
7 complied with the terms of the master plan.

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

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

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