

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1590

By: Grego

4
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 2846, which relates to
18 mandatory provision of emergency telephone service;
19 requiring service company provide certain data
20 elements; amending 63 O.S. 2021, Section 2862, as
21 amended by Section 6, Chapter 30, O.S.L. 2022 (63
22 O.S. Supp. 2022, Section 2862), which relates to
23 definitions; defining term; amending 63 O.S. 2021,
24 Section 2863, which relations to the creation of the
Oklahoma 9-1-1 Management Authority; modifying
membership of the Authority; adding certain non-
voting members; excluding non-voting members from
quorum requirements; excluding non-voting members
from executive sessions; providing selection
requirements for non-voting 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 relates to fees; modifying
certain fees collected; including fees for certain

1 types of phones; removing prohibition on fee
2 collection for certain phones; modifying certain
3 deposit amount; amending 63 O.S. 2021, Sections 2866
4 and 2867, which relate to collection and
5 apportionment of fees; modifying retention percentage
6 of certain fees; amending 63 O.S. 2021, Section 2868,
7 which relates to use and oversight of funds; allowing
8 the transfer of certain monies; requiring certain
9 designee of public agency to have certain meeting;
10 amending 63 O.S. 2021, Section 2871, which relates to
11 the Regional Emergency Nine-One-One Services Act;
12 disallowing establishment of new public safety
13 answering point after certain date; providing certain
14 exceptions; repealing 63 O.S. 2021, Sections 2814 and
15 2815, which relate to additional powers and duties of
16 governing bodies and fee collection; providing for
17 codification; and providing an effective date.

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

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

22 A. The Oklahoma 9-1-1 Management Authority shall maintain an
23 online training platform for 911 Emergency Telecommunicators in the
24 State of Oklahoma.

25 B. The Oklahoma 9-1-1 Management Authority shall create and
26 maintain and certify a list of qualified online and in person
27 training programs that include the basic requirements for a 9-1-1
28 Emergency Telecommunicator. Classes shall be a minimum of forty
29 (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 1st, 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
9 state recognized training course for basic call handling and
10 dispatch services within six (6) months of his or her 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~~
4 2802 of this ~~act~~ title, as amended by Section 1, Chapter 30, O.S.L.
5 2022, in response to emergency calls. In addition to the number
6 "911", a public agency or public safety agency may maintain a
7 separate secondary backup number, and shall maintain a separate
8 number for nonemergency telephone calls.

9 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2846, is
10 amended to read as follows:

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

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

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

13 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2862, as
14 amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,
15 Section 2862), is amended to read as follows:

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

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

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

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

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

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

17 (1) provides standardized interfaces from emergency
18 call and message services to support emergency
19 communications,

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

22 (3) acquires and integrates additional emergency call
23 data useful to call routing and handling,
24

- 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;

24

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 5. 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~~ 2865 of this ~~act~~
19 title.

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

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

24

1 2. One member representing a statewide organization dedicated
2 to public safety to be appointed by the President Pro Tempore of the
3 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 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 House of Representatives, and one to be appointed by the
23 Governor;

24

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 House of
8 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 Senate;

19 14. One member who is a 9-1-1 ~~Coordinator~~ coordinator for a
20 county with a population of less than twenty thousand (20,000) to be
21 appointed by the Speaker of the House of Representatives;

22 15. One member who is a 9-1-1 ~~Coordinator~~ coordinator for a
23 county with a population of more than twenty thousand (20,000) to be
24 appointed by the President Pro Tempore of the Senate;

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

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

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

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

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

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

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

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

23 C. There shall be five (5) non-voting 9-1-1 industry members.
24 nonvoting members are not required for a quorum. Nonvoting members

1 shall not be included in executive sessions. The nonvoting members
2 shall be made up of the following:

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

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

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

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

18 5. One (1) member representing the telephone industry to be
19 appointed by the President Pro Tempore of the Oklahoma State Senate;

20 D. Members shall serve at the pleasure of their appointing
21 authority and vacancies shall be filled by the original appointing
22 authority.

23 ~~D.~~ E. Members shall receive no compensation for serving on the
24 Authority.

1 ~~E. At its first meeting annually the Authority shall designate~~
2 ~~a chair from its members. Meetings shall be held at the call of the~~
3 ~~chair.~~

4 F. The Authority shall be subject to the Oklahoma Open Records
5 Act and the Oklahoma Open Meeting Act.

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

11 H. The Oklahoma Department of Emergency Management shall
12 provide ~~legal~~, administrative, fiscal and staff support for the
13 Authority. Expenses related to the provision of such services may
14 be paid from funds available in the Oklahoma 9-1-1 Management
15 Authority Revolving Fund created in Section ~~9~~ 2869 of this ~~act~~
16 title, upon approval by a majority of the members of the Authority.

17 ~~H.~~ I. Members serving on the Statewide Nine-One-One Advisory
18 Board appointed pursuant to Section 2847 of ~~Title 63 of the Oklahoma~~
19 ~~Statutes~~ this title on ~~the effective date of this act~~ November 1,
20 2016, shall continue serving as members of the Oklahoma 9-1-1
21 Management Authority unless replaced by their appointing authority.

22 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2864, as
23 amended by Section 7, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,
24 Section 2864), is amended to read as follows:

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

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

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

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

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

23 a. submit or comply with master plans to deliver Next
24 Generation 9-1-1 (NG9-1-1) services as required by the

1 Oklahoma 9-1-1 Management Authority Act and approved
2 by the Authority. Local plans must align with the
3 State's Master plan to deploy NG9-1-1,

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

15 5. Establish and submit to the Tax Commission a list of
16 eligible governing bodies entitled to receive 9-1-1 telephone fees
17 and establish annual population figures and square miles for the
18 coverage area Public Safety Answering Points (PSAP) for the purpose
19 of distributing fees collected pursuant to Section 2865 of this
20 title. Distribution of the net monthly revenue from 9-1-1 fees
21 after the distributions established in Sections 2865, 2866, and 2867
22 of this title will be provided to eligible governing bodies
23 established by this section as follows:
24

1 a. a flat rate of Three Thousand Dollars (\$3,000.00) per
2 month per PSAP; and

3 b. from the remaining balance:

4 (1) ten percent (10%) to be derived by dividing the
5 land area covered by the public agency's response
6 area by the total land area of the state; and

7 (2) ninety percent (90%) to be derived by dividing
8 the population of each public agency's response
9 area by the total population of the state using
10 data from the latest available Census estimates
11 as of July 1 of each year;

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

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

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

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

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

12 11. Facilitate information-sharing among public agencies;

13 12. Create and maintain best practices databases for PSAP
14 operations;

15 13. Encourage equipment- and technology-sharing among all
16 jurisdictions;

17 14. Develop training program standards for public safety
18 telecommunicators for call taking.

- 19 a. Training program standards shall include instruction
20 on recognizing the need for and delivery of High-
21 Quality Telecommunicator CPR (T-CPR) that can be
22 delivered by 9-1-1 public safety telecommunicators for
23 acute events requiring CPR including, but not limited
24 to, out-of-hospital cardiac events (OHCA).

1 b. T-CPR training shall follow evidence-based, nationally
2 recognized guidelines for ~~high-quality~~ high quality T-
3 CPR which incorporates recognition protocols for OHCA
4 and continuous education;

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

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

9 17. Make recommendations for consolidation upon the request of
10 public agencies;

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

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

15 ~~19.~~ 20. Take any steps necessary to carry out the duties
16 required by the Oklahoma 9-1-1 Management Authority Act.

17 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2865, is
18 amended to read as follows:

19 Section 2865. A. Beginning ~~November 1, 2017~~ November 1, 2023,
20 there shall be imposed a 9-1-1 telephone fee as follows:

21 1. ~~Seventy-five cents (\$0.75)~~ One Dollar and Twenty-five Cents
22 (\$1.25) monthly on each wireless telephone connection and other
23 wireless communication device or service connection with the ability
24 to dial 9-1-1 for emergency calls;

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

5 3. ~~Seventy-five cents (\$0.75)~~ One Dollar and Twenty-five Cents
6 (\$1.25) on each prepaid wireless retail transaction occurring in
7 this state.

8 B. 1. For purposes of paragraph 3 of subsection A of this
9 section, a retail transaction that is effected in person by a
10 consumer at a business location of the seller shall be treated as
11 occurring in this state if that business location is in this state.
12 Any other retail transaction shall be sourced as provided in
13 paragraphs 2 through 5 of this subsection as applicable.

14 2. When the retail transaction does not occur at a business
15 location of the seller, the retail transaction shall be sourced to
16 the location where receipt by the consumer, or the consumer's donee,
17 designated as such by the consumer, occurs, including the location
18 indicated by instructions for delivery to the consumer or donee,
19 known to the seller.

20 3. When the provisions of paragraph 2 of this subsection do not
21 apply, the sale shall be sourced to the location indicated by an
22 address for the consumer that is available from the business records
23 of the seller that are maintained in the ordinary course of the
24

1 seller's business when use of this address does not constitute bad
2 faith.

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

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

17 ~~C. The fees authorized by subsection A of this section shall~~
18 ~~not be assessed on landline phone customers.~~

19 ~~D. C.~~ C. The fees imposed in subsection A of this section shall
20 replace any 9-1-1 wireless telephone fees previously adopted by any
21 county pursuant to Section 2843.1 of ~~Title 63 of the Oklahoma~~
22 ~~Statutes~~ this title, or 9-1-1 VoIP emergency service fees adopted by
23 a governing body pursuant to Section 2853 of ~~Title 63 of the~~
24 ~~Oklahoma Statutes~~ this title, or fees on prepaid wireless retail

1 transactions pursuant to Section 2843.2 of ~~Title 63 of the Oklahoma~~
2 ~~Statutes~~ this title. Fees collected and transferred pursuant to
3 those sections shall remain in effect through December 31, 2016.

4 ~~E.~~ D. From each ~~seventy-five-cent~~ one-dollar-and-twenty-five-
5 cent fee assessed and collected pursuant to subsection A of this
6 section, twenty-five cents ~~(\$0.05)~~ (\$0.25) shall be deposited into
7 the Oklahoma 9-1-1 Management Authority Revolving Fund created
8 pursuant to Section ~~9~~ 2869 of this ~~act~~ title. Funds accumulating in
9 this revolving fund shall be used to fund the salary of the Oklahoma
10 9-1-1 Coordinator and any administrative staff, operations of the
11 Authority and any costs associated with the administration of the
12 Oklahoma 9-1-1 Management Authority Act within the Oklahoma
13 Department of Emergency Management, and for grants approved by the
14 Authority for purposes as authorized in this act.

15 SECTION 8. AMENDATORY 63 O.S. 2021, Section 2866, is
16 amended to read as follows:

17 Section 2866. A. 9-1-1 telephone fees authorized and collected
18 by wireless service providers and Voice over Internet Protocol
19 (VoIP) providers, pursuant to paragraphs 1 and 2 of subsection A of
20 Section 2865 of this title, from each of their end users residing in
21 this state shall be paid to the Oklahoma Tax Commission no later
22 than the twentieth day of the month succeeding the month of
23 collection.

24

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

7 C. Every billed service subscriber shall be liable for any 9-1-
8 1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1
9 Management Authority Act until the fee has been paid to the wireless
10 service provider.

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

15 E. The wireless service provider or VoIP provider shall have no
16 obligation to take any legal action to enforce the collection of any
17 9-1-1 wireless telephone fee imposed pursuant to the provisions of
18 the Oklahoma 9-1-1 Management Authority Act. Should any service
19 subscriber tender a payment insufficient to satisfy all charges,
20 tariffs, fees and taxes for wireless telephone or VoIP service, the
21 amount tendered shall be credited to the 9-1-1 wireless telephone
22 fee in the same manner as other taxes and fees.

23 F. Any 9-1-1 fee imposed pursuant to the provisions of the
24 Oklahoma 9-1-1 Management Authority Act shall be collected insofar

1 as practicable at the same time as, and along with, the charges for
2 wireless telephone or VoIP service in accordance with the regular
3 billing practice of the provider.

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

11 H. The wireless service provider or VoIP provider shall
12 maintain records of the amount of 9-1-1 telephone fees collected in
13 accordance with the provisions of the Oklahoma 9-1-1 Management
14 Authority Act for a period of three (3) years from the time the fee
15 is collected. The State Auditor and Inspector, the Oklahoma 9-1-1
16 Management Authority or any affected public agency may require an
17 annual audit of the books and records of the wireless service
18 provider or VoIP provider concerning the collection and remittance
19 of fees authorized by the Oklahoma 9-1-1 Management Authority Act.
20 Auditors shall have access to all information used by the wireless
21 service provider or VoIP provider to calculate and remit the 9-1-1
22 telephone fee. Audit expenses shall be reimbursable pursuant to
23 procedures established by the Oklahoma 9-1-1 Management Authority if
24 the audit is approved by the Authority.

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

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

10 K. Within thirty (30) days of receipt, the Oklahoma Tax
11 Commission shall pay available fees remitted pursuant to Section
12 2865 of this title to the governing bodies that the Oklahoma 9-1-1
13 Management Authority has certified in accordance with Section 2864
14 of this title as eligible to receive funds. The share to be paid to
15 or escrowed for each governing body shall be determined by dividing
16 the population of the governing body by the total population of the
17 state using the latest Federal Decennial Census estimates.

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

23 SECTION 9. AMENDATORY 63 O.S. 2021, Section 2867, is
24 amended to read as follows:

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

11 B. From the total fees collected pursuant to paragraph 3 of
12 subsection A of Section 2865 of this title, ~~three percent (3%) shall~~
13 ~~be retained by the seller and~~ eight tenths of one percent (1%)
14 (0.8%) shall be retained by the Tax Commission as reimbursement for
15 the direct cost of administering the collection and remittance of
16 such fees.

17 C. The prepaid 9-1-1 wireless transaction fee shall be
18 collected by the retailer from the consumer for each retail
19 transaction occurring in this state. The amount of the prepaid 9-1-
20 1 wireless fee shall either be separately stated on the invoice,
21 receipt or similar document that is provided to the consumer by the
22 seller, or otherwise disclosed to the consumer.

23 D. The prepaid 9-1-1 wireless telephone fee is the liability of
24 the consumer and not of the seller or of any provider, except that

1 the seller shall be liable to remit all prepaid 9-1-1 wireless
2 telephone fees that the seller collects as provided in this section,
3 including all charges that the seller is deemed to collect where the
4 amount of the fee has not been separately stated on an invoice,
5 receipt or other similar document.

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

12 F. The Oklahoma Tax Commission shall provide the 9-1-1
13 Management Authority with a monthly report showing the 9-1-1
14 wireless fee deposits including the name of the provider and the
15 amount of each deposit. Upon request the 9-1-1 Authority may
16 request telephone or mailing address information of the provider.

17 SECTION 10. AMENDATORY 63 O.S. 2021, Section 2868, is
18 amended to read as follows:

19 Section 2868. A. Public agencies recognized by the Oklahoma 9-
20 1-1 Management Authority and authorized to receive funds collected
21 pursuant to the provisions of the Oklahoma 9-1-1 Management
22 Authority Act shall use the funds only for services, equipment and
23 operations related to 9-1-1 emergency telephone services.

24

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

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

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

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

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

1 Proprietary information of the wireless service providers shall be
2 confidential. Audit information pertaining to revenue collected or
3 disbursed may be released only in aggregate form so that no
4 provider-specific information may be extrapolated.

5 F. Public agencies shall be required to annually submit to the
6 Authority:

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

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

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

23 H. The governing body or public safety oversight designee of
24 the public agency shall meet at least quarterly to oversee the

1 operations of the 9-1-1 emergency telephone system, review
2 expenditures and annually set and approve an operating budget, and
3 take any other action as necessary for the operation and management
4 of the system.

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

7 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2871, is
8 amended to read as follows:

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

11 B. It is the purpose of the Regional Emergency 9-1-1 Services
12 Act to encourage formation of emergency communication districts in
13 order to provide efficient delivery of emergency 9-1-1 service
14 throughout the state.

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

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

22 1. A consolidation with an existing public safely answering
23 point; or

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

1 E. For the purposes of this section:

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

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

6 3. "9-1-1 system" means an entity that processes emergency 9-1-
7 1 calls through a public safety answering point;

8 4. "Participating public agency" means a public agency that is
9 included in a district;

10 5. "Principal municipality" means the municipality with the
11 largest population in a district; and

12 6. "Public agency" means any city, town, county, municipal
13 corporation, public district, public trust, substate planning
14 district, public authority or tribal authority located within this
15 state which provides or has authority to provide firefighting, law
16 enforcement, ambulance, emergency medical or other emergency
17 services.

18 ~~E.~~ F. On or before December 31, 2017, all public agencies in
19 this state shall form regional emergency communication districts for
20 the purpose of creating an area-wide emergency 9-1-1 system for
21 their respective jurisdictions. The territory of the district shall
22 be coextensive with the territory of the regional substate planning
23 district unless a different territory is approved by the Oklahoma 9-
24 1-1 Management Authority. If a public agency is situated in more

1 than one such territory, it shall become part of the district in
2 which it is principally located. If, due to the effect of
3 subsection C of this section, the majority of the participating
4 public agencies located in the territory of a proposed district
5 determine that it would be in the best interests of their citizens,
6 they may request inclusion in an adjacent district.

7 ~~F.~~ G. The public agencies to be included in each district may
8 form the district by entering into local cooperative agreements
9 which shall establish a governance structure and provide for the
10 joint implementation, funding, operation, and management of the
11 district.

12 ~~G.~~ H. If the public agencies in a region are unable to develop
13 a local cooperative agreement by December 31, 2017, they shall be
14 included in an emergency communication district that is governed by
15 a board of directors consisting of an appointee by each public
16 agency that was authorized by its voters to fund a 9-1-1 system
17 prior to the formation of the district, one appointee elected by a
18 majority of the remaining public agencies in the district, and an
19 additional appointee by the principal municipality in the district
20 who shall serve as chair of the board.

21 ~~H.~~ I. Unless otherwise provided by agreement, any participating
22 public agency that had been authorized by its voters to fund a 9-1-1
23 system prior to the formation of the district shall retain control
24 of the property, operation, and funding of its system; provided,

1 however, the district may contract with such participating public
2 agency to include the agency's system in the district's master
3 implementation plan. To the extent practicable, the district shall
4 not duplicate the equipment or answering point services already
5 provided by a participating public agency. A user of one or more
6 communication services subject to the payment of fees or taxes for
7 an emergency 9-1-1 system shall not be charged for more than one
8 such fee or tax for each service.

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

15 ~~J.~~ K. Within one (1) year after the effective date of the
16 formation of the district, the board of directors shall submit its
17 master plan to deliver Phase II emergency 9-1-1 service throughout
18 its territory to the Oklahoma 9-1-1 Management Authority for
19 approval. The Authority shall have the power to prescribe the terms
20 of the plan and to approve or disapprove the master plan.
21 Additionally, the Authority shall have the power to request the Tax
22 Commission to escrow the wireless fees attributable to the public
23 agencies which have not submitted a master plan or which have not
24 complied with the terms of the master plan.

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

7 SECTION 12. REPEALER 63 O.S. 2021, Sections 2814 and
8 2815 are hereby repealed.

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

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