

An Act

ENROLLED HOUSE
BILL NO. 1590

By: Grego, Sims, Cantrell, and
Ford of the House

and

Murdock, Stephens, Rogers,
and Pederson of the Senate

An Act relating to public safety; creating the Haiden Fleming Memorial Act; providing short title; requiring Oklahoma 9-1-1 Management Authority to maintain certain training platform; requiring creation, maintenance, and certification of certain list; stating certain training requirements; requiring establishment of certain hourly training requirements; requiring completion of certain training by certain date; requiring training follow certain guidelines; amending 63 O.S. 2021, Section 2803, which relates to establishment of basic or sophisticated system; removing certain compatibility stipulation; amending 63 O.S. 2021, Section 2846, which relates to mandatory provision of emergency telephone service; requiring service company provide certain data elements; amending 63 O.S. 2021, Section 2862, as amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022, Section 2862), which relates to definitions; defining term; amending 63 O.S. 2021, Section 2863, which relates 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; modifying certain 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 types of phones; removing prohibition on fee collection for certain phones; modifying certain deposit amount; amending 63 O.S. 2021, Sections 2866 and 2867, which relate to collection and apportionment of fees; modifying retention percentage of certain fees; modifying certain share to be paid or escrowed for governing bodies by the Oklahoma Tax Commission; amending 63 O.S. 2021, Section 2868, which relates to use and oversight of funds; updating statutory references; allowing the transfer of certain monies; requiring certain designee of public agency to have certain meeting; amending 63 O.S. 2021, Section 2871, which relates to the Regional Emergency Nine-One-One Services Act; disallowing establishment of new public safety answering point after certain date; providing certain exceptions; repealing 63 O.S. 2021, Sections 2814 and 2815, which relate to additional powers and duties of governing bodies and fee collection; providing for noncodification; providing for codification; and providing an effective date.

SUBJECT: Public safety

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Haiden Fleming Memorial Act".

SECTION 2. 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 this state.

B. The Oklahoma 9-1-1 Management Authority shall create, 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 as well as coordinate and collaborate with local and regional 9-1-1 training authorities. Classes shall be a minimum of forty (40) hours in length and include instruction for basic call handling and dispatch services. The Oklahoma 9-1-1 Management Authority shall establish hourly training requirements on a yearly basis.

C. On or before July 1, 2024, emergency telecommunicators in this state that provide dispatch service for emergency medical services shall complete, either in-person or virtually, a forty-hour state-recognized training course for basic call handling and dispatch services.

D. Any new emergency telecommunicator hired after January 1, 2024, shall complete, either in-person or virtually, a forty-hour state-recognized training course for basic call handling and dispatch services within six (6) months of his or her hire date.

E. On or before July 1, 2024, emergency telecommunicators in this state that provide dispatch service for emergency medical services shall complete, either in-person or virtually, a state- or nationally recognized telecommunicator CPR training course. Telecommunicator CPR training shall follow evidence-based, nationally recognized guidelines for High-Quality Telecommunicator CPR which incorporates recognition protocols for out-of-hospital cardiac events.

SECTION 3. AMENDATORY 63 O.S. 2021, Section 2803, is amended to read as follows:

Section 2803. Every public agency or public safety agency within its respective jurisdiction may establish a basic or sophisticated system, ~~if technologically compatible with the existing local telephone network.~~ The establishment of such systems shall be centralized where feasible. Any system established pursuant to ~~this act~~ the Oklahoma Emergency Telephone Act may include a segment of the territory of a public agency. All systems shall be designed to meet the requirements of each community and

public agency served by the system. Every system, whether basic or sophisticated, may be designed to have the capability of utilizing at least three of the four methods specified in paragraphs 3, 8, 9 and 11 of Section ~~2~~ 2802 of this ~~act~~ title, in response to emergency calls. In addition to the number "~~911~~" "9-1-1", a public agency or public safety agency may maintain a separate secondary backup number, and shall maintain a separate number for nonemergency telephone calls.

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

Section 2846. A. All local exchange companies, and wireless and other telephone service companies providing service to users in an area in which ~~nine-one-one~~ 9-1-1 emergency telephone service is currently operating shall also provide emergency telephone service to all subscribing service users in that area. Wireless and other telephone service companies shall provide information necessary for automatic number identification, automatic location identification and selective routing of ~~nine-one-one~~ 9-1-1 emergency wireless calls to cities and counties answering emergency telephone calls for maintenance of existing ~~nine-one-one~~ 9-1-1 databases. If the state or an area of the state is utilizing a Next Generation 9-1-1 system that uses the National Emergency Number Association (NENA) i3 standard for call delivery, then the service company shall provide the data elements required by the standard. The governing body may reasonably require sufficient information to ensure compliance with this section and to provide data for audit and budgetary calculation purposes.

B. Information that a wireless service provider is required to furnish in providing ~~nine-one-one~~ 9-1-1 service is confidential and exempt from disclosure. The wireless service provider is not liable to any person who uses a ~~nine-one-one~~ 9-1-1 service created under this ~~act~~ title for the release of information furnished by the wireless service provider in providing ~~nine-one-one~~ 9-1-1 service. Information that is confidential under this section may be released only for budgetary calculation purposes and only in aggregate form so that no provider-specific information may be extrapolated.

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

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

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

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

3. "Landline telecommunications connection" means a ten-digit access number assigned to a customer that utilizes analog communications over a wired transmission line that travels underground or on telephone poles;

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

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

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

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

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

~~5.~~ 6. "9-1-1 wireless telephone fee" means the fee imposed in Section 2865 of this title to finance the installation and operation of emergency 9-1-1 services and any necessary equipment;

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

~~7.~~ 8. "Prepaid wireless telecommunications service" means a telecommunications wireless service that provides the right to utilize mobile wireless service as well as other telecommunications services including the download of digital products delivered electronically, content and ancillary services, which are paid for

in advance and sold in predetermined units or dollars of which the number declines with use in a known amount;

~~8.~~ 9. "Proprietary information" means wireless service provider or VoIP service provider, subscriber, market share, cost and review information;

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

~~10.~~ 11. "Public safety answering point" or "PSAP" means an entity responsible for receiving 9-1-1 calls and processing those calls according to specific operational policy;

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

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

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

~~13.~~ 14. "Wireless telecommunications connection" means the ten-digit access number assigned to a customer regardless of whether

more than one such number is aggregated for the purpose of billing a service user; and

~~14.~~ 15. "Voice over Internet Protocol (VoIP) provider" means a provider of interconnected Voice over Internet Protocol service to end users in the state, including resellers.

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

Section 2863. A. There is hereby created the Oklahoma 9-1-1 Management Authority which shall be the governing board overseeing the development and regulation of 9-1-1 emergency systems in this state and managing the distribution of all 9-1-1 telephone fees collected pursuant to the provisions of Section ~~5~~ 2865 of this ~~act~~ title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~17. One member representing a local exchange telecommunications service provider which serves less than fifty thousand (50,000)~~

~~access lines in the state or a telephone cooperative to be appointed by the President Pro Tempore of the Senate;~~

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

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

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

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

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

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

C. There shall be five (5) nonvoting 9-1-1 industry members. Nonvoting members are not required for a quorum. Nonvoting members shall not be included in executive sessions. The nonvoting members shall be made up of the following:

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

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

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

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

5. One member representing the telephone industry, to be appointed by the President Pro Tempore of the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. submit or comply with master plans to deliver Next Generation 9-1-1 (NG9-1-1) services as required by the Oklahoma 9-1-1 Management Authority Act and approved by the Authority. Local plans must align with the State's Master plan to deploy NG9-1-1,
- b. meet standards of the National Emergency Number Association (NENA) limited to call-taking and caller-location technology or comply with an improvement plan to meet such standards as directed by the Authority,
- c. submit annual reports or audits as required by the Oklahoma 9-1-1 Management Authority Act,
- d. provide connectivity and interoperability between state, regional and local next-generation systems, or

- e. comply with the requirements of the Oklahoma 9-1-1 Management Authority Act or procedures established by the Authority;

5. Establish and submit to the Tax Commission a list of eligible governing bodies entitled to receive 9-1-1 telephone fees and establish annual population figures and square miles for the coverage area of the public safety answering points (PSAPs) for the purpose of distributing fees collected pursuant to Section 2865 of this title. Distribution of the net monthly revenue from 9-1-1 fees after the distributions established in Sections 2865, 2866, and 2867 of this title will be provided to eligible governing bodies established by this section as follows:

- a. a flat rate of Three Thousand Dollars (\$3,000.00) per month per PSAP, and
- b. from the remaining balance:
 - (1) ten percent (10%) to be derived by dividing the land area covered by each public agency's response area by the total land area of the state, and
 - (2) ninety percent (90%) to be derived by dividing the population of each public agency's response area by the total population of the state using data from the latest available Census estimates as of July 1 of each year;

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

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

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

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

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

11. Facilitate information-sharing among public agencies;

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

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

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

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

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

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

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

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

18. Establish contracts for the necessary equipment and services to deliver 9-1-1 calls to the public safety answering points;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~E. From each seventy-five-cent~~ one-dollar-and-twenty-five-cent fee assessed and collected pursuant to subsection A of this section, ~~five cents (\$0.05)~~ twenty-two cents (\$0.22) shall be deposited into the Oklahoma 9-1-1 Management Authority Revolving Fund created pursuant to Section ~~9~~ 2869 of this ~~act~~ title. Funds accumulating in this revolving fund shall be used to fund the salary of the Oklahoma 9-1-1 Coordinator and any administrative staff, operations of the Authority and any costs associated with the administration of the Oklahoma 9-1-1 Management Authority Act within the Oklahoma

Department of Emergency Management and Homeland Security, and for grants approved by the Authority for purposes as authorized in ~~this act~~ the Oklahoma 9-1-1 Management Authority Act.

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

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

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

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

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

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

F. Any 9-1-1 fee imposed pursuant to the provisions of the Oklahoma 9-1-1 Management Authority Act shall be collected insofar as practicable at the same time as, and along with, the charges for

~~wireless telephone or VoIP~~ the service in accordance with the regular billing practice of the provider.

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

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

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

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

K. Within thirty (30) days of receipt, the Oklahoma Tax Commission shall pay available fees remitted pursuant to Section 2865 of this title to the governing bodies that the Oklahoma 9-1-1 Management Authority has certified in accordance with Section 2864 of this title as eligible to receive funds. The share to be paid to or escrowed for each governing body shall be determined by ~~dividing the population of the governing body by the total population of the~~

state using the latest Federal Decennial Census estimates the formula provided for in paragraph 5 of Section 2864 of this title.

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

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

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

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

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

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

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

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

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

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

B. The 9-1-1 Management Authority will oversee all 9-1-1 fees collected under ~~the Oklahoma Emergency Telephone Act and the fees collected by this act~~ section and Sections 2864, 2866, and 2867 of this title. The Authority may order the Oklahoma Tax Commission to escrow fees attributable to public agencies which have misspent, diverted or supplanted 9-1-1 collected fees to a purpose other than what is authorized by ~~the Oklahoma Emergency Telephone Act or this act~~ section and Sections 2864, 2866, and 2867 of this title.

C. Money remitted to public agencies pursuant to the Oklahoma 9-1-1 Management Authority Act and any money otherwise collected by any lawful means for purposes of providing 9-1-1 emergency telephone services shall be deposited in a separate 9-1-1 emergency telephone service account established by a public agency or its governing body to carry out the requirements of the Oklahoma 9-1-1 Management Authority Act. Monies deposited in this account may be transferred to another account within the governing body, but a 9-1-1-specific sub-account line item shall be maintained with the accounting system. Monies remaining in such accounts at the end of a fiscal year shall carry over to subsequent years. The monies deposited in the Oklahoma 9-1-1 Management Authority Revolving Fund shall at no time be monies of the state and shall not become part of the general budget of the ~~Office of Emergency Management~~ Oklahoma Department of

Emergency Management and Homeland Security or any other state agency. Except as otherwise authorized by the Oklahoma 9-1-1 Management Authority Act, no monies from the Oklahoma 9-1-1 Management Authority Revolving Fund shall be transferred for any purpose to any other state agency or any account of the ~~Office of Emergency Management~~ Oklahoma Department of Emergency Management and Homeland Security or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. Payments from the Oklahoma 9-1-1 Management Authority Revolving Fund shall not become or be construed to be any obligation of the state. No claims for reimbursement from the Oklahoma 9-1-1 Management Authority Revolving Fund shall be paid with state monies.

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

E. A public agency shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used for the operation of a 9-1-1 emergency telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the public agency. The cost of the audit of the 9-1-1 emergency telephone system may be paid from and be considered a part of the operating expenses of the 9-1-1 emergency telephone system. Proprietary information of the wireless service providers shall be confidential. Audit information pertaining to revenue collected or disbursed may be released only in aggregate form so that no provider-specific information may be extrapolated.

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

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

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

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

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

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

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

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

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

C. ~~This act~~ The Regional Emergency 9-1-1 Services Act shall not apply to any 9-1-1 system or public agency participating in a 9-1-1 system that was established prior to January 1, 2017, and that had adopted Phase II 9-1-1 service by that date.

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

1. A consolidation with an existing public safety answering point; or

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

E. For the purposes of this section:

1. "District" means an emergency communication district;

2. "Emergency communication district" means a district formed pursuant to ~~this act~~ the Regional Emergency 9-1-1 Services Act to deliver emergency 9-1-1 services on a regional basis;

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

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

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

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

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

~~F.~~ G. The public agencies to be included in each district may form the district by entering into local cooperative agreements

which shall establish a governance structure and provide for the joint implementation, funding, operation, and management of the district.

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

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

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

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

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

SECTION 13. REPEALER 63 O.S. 2021, Sections 2814 and 2815, are hereby repealed.

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

Passed the House of Representatives the 11th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____