

1 **SENATE FLOOR VERSION**

2 April 12, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1590

6 By: Grego, Sims, and Cantrell
7 of the House

8 and

9 Murdock and Stephens of the
10 Senate

11 [public safety - Oklahoma 9-1-1 Management Authority
12 - platform - lists - requirements - guidelines -
13 systems - service - data elements - definitions -
14 membership - members - sessions - reimbursement -
15 powers - duties - revenue - fees - phones - agency -
16 codification - repealer - effective date]

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

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

21 A. The Oklahoma 9-1-1 Management Authority shall maintain an
22 online training platform for 9-1-1 emergency telecommunicators in
23 this state.

24 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. Classes shall be a minimum of forty

1 (40) hours in length and include instruction for basic call handling
2 and dispatch services. The Oklahoma 9-1-1 Management Authority
3 shall establish hourly training requirements on a yearly basis.

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

9 D. Any new emergency telecommunicator hired after January 1,
10 2024, shall complete, either in-person or virtually, a forty-hour
11 state-recognized training course for basic call handling and
12 dispatch services within six (6) months of his or her hire date.

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

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

23 Section 2803. Every public agency or public safety agency
24 within its respective jurisdiction may establish a basic or

1 sophisticated system, ~~if technologically compatible with the~~
2 ~~existing local telephone network.~~ The establishment of such systems
3 shall be centralized where feasible. Any system established
4 pursuant to ~~this act~~ the Oklahoma Emergency Telephone Act may
5 include a segment of the territory of a public agency. All systems
6 shall be designed to meet the requirements of each community and
7 public agency served by the system. Every system, whether basic or
8 sophisticated, may be designed to have the capability of utilizing
9 at least three of the four methods specified in paragraphs 3, 8, 9
10 and 11 of Section ~~2~~ 2802 of this ~~act~~ title, in response to emergency
11 calls. In addition to the number "~~911~~" "9-1-1", a public agency or
12 public safety agency may maintain a separate secondary backup
13 number, and shall maintain a separate number for nonemergency
14 telephone calls.

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

17 Section 2846. A. All local exchange companies, and wireless
18 and other telephone service companies providing service to users in
19 an area in which ~~nine-one-one~~ 9-1-1 emergency telephone service is
20 currently operating shall also provide emergency telephone service
21 to all subscribing service users in that area. Wireless and other
22 telephone service companies shall provide information necessary for
23 automatic number identification, automatic location identification
24 and selective routing of ~~nine-one-one~~ 9-1-1 emergency wireless calls

1 to cities and counties answering emergency telephone calls for
2 maintenance of existing ~~nine-one-one~~ 9-1-1 databases. If the state
3 or an area of the state is utilizing a Next Generation 9-1-1 system
4 that uses the National Emergency Number Association (NENA) i3
5 standard for call delivery, then the service company shall provide
6 the data elements required by the standard. The governing body may
7 reasonably require sufficient information to ensure compliance with
8 this section and to provide data for audit and budgetary calculation
9 purposes.

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

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

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

24

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

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

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

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

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

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

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

9 (3) acquires and integrates additional emergency call
10 data useful to call routing and handling,

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

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

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

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

23 ~~4.~~ 5. "9-1-1 emergency telephone service" means any telephone
24 system whereby telephone subscribers may utilize a three-digit

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

8 ~~5.~~ 6. "9-1-1 wireless telephone fee" means the fee imposed in
9 Section 2865 of this title to finance the installation and operation
10 of emergency 9-1-1 services and any necessary equipment;

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

19 ~~7.~~ 8. "Prepaid wireless telecommunications service" means a
20 telecommunications wireless service that provides the right to
21 utilize mobile wireless service as well as other telecommunications
22 services including the download of digital products delivered
23 electronically, content and ancillary services, which are paid for
24

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

3 ~~8.~~ 9. "Proprietary information" means wireless service provider
4 or VoIP service provider, subscriber, market share, cost and review
5 information;

6 ~~9.~~ 10. "Public agency" means any city, town, county, municipal
7 corporation, public district, public trust, substate planning
8 district, public authority or tribal authority located within this
9 state which provides or has authority to provide firefighting, law
10 enforcement, ambulance, emergency medical or other emergency
11 services;

12 ~~10.~~ 11. "Public safety answering point" or "PSAP" means an
13 entity responsible for receiving 9-1-1 calls and processing those
14 calls according to specific operational policy;

15 ~~11.~~ 12. "Public safety telecommunicator" means a person who
16 performs a public service by processing, analyzing, and dispatching
17 calls for emergency assistance. The person is a first responder
18 that provides pre-arrival instructions and has specialized training
19 to mitigate the loss of life and property;

20 ~~12.~~ 13. "Wireless service provider" means a provider of
21 commercial mobile service under Section 332(d) of the
22 Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,
23 Federal Communications Commission rules, and the Omnibus Budget
24 Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a

1 provider of wireless two-way communication service, radio-telephone
2 communications related to cellular telephone service, network radio
3 access lines or the equivalent, and personal communication service.

4 The term does not include a provider of:

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

11 ~~13.~~ 14. "Wireless telecommunications connection" means the ten-
12 digit access number assigned to a customer regardless of whether
13 more than one such number is aggregated for the purpose of billing a
14 service user; and

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

18 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2863, is
19 amended to read as follows:

20 Section 2863. A. There is hereby created the Oklahoma 9-1-1
21 Management Authority which shall be the governing board overseeing
22 the development and regulation of 9-1-1 emergency systems in this
23 state and managing the distribution of all 9-1-1 telephone fees
24

1 collected pursuant to the provisions of Section ~~5~~ 2865 of this ~~act~~
2 title.

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

4 1. One member representing a tribal authority that operates a
5 9-1-1 system to be appointed by the President Pro Tempore of the
6 Senate;

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

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

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

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

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

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

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

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

6 10. One member representing a municipal government operating a
7 9-1-1 system and having a population of more than one hundred
8 thousand (100,000) but less than four hundred fifty thousand
9 (450,000) to be appointed by the Governor;

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

14 12. 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 less than four hundred fifty thousand (450,000)
18 to be appointed by the Governor;

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

24

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

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

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

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

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

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

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

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

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

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

8 C. There shall be five non-voting 9-1-1 industry members.

9 Nonvoting members are not required for a quorum. Nonvoting members
10 shall not be included in executive sessions. The nonvoting members
11 shall be made up of the following:

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

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

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

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

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

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

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

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

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

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

21 H. The Oklahoma Department of Emergency Management shall
22 provide ~~legal,~~ administrative, fiscal and staff support for the
23 Authority. Expenses related to the provision of such services may
24 be paid from funds available in the Oklahoma 9-1-1 Management

1 Authority Revolving Fund created in Section ~~9~~ 2869 of this ~~act~~
2 title, upon approval by a majority of the members of the Authority.

3 ~~H.~~ I. Members serving on the Statewide Nine-One-One Advisory
4 Board appointed pursuant to Section 2847 of ~~Title 63 of the Oklahoma~~
5 ~~Statutes~~ this title on the ~~effective date of this act~~ November 1,
6 2016, shall continue serving as members of the Oklahoma 9-1-1
7 Management Authority unless replaced by their appointing authority.

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

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

14 1. Approve or disapprove the selection of the Oklahoma 9-1-1
15 Coordinator by majority vote of the members. The Authority shall
16 direct the Oklahoma 9-1-1 Coordinator to administer grants approved
17 by the Authority pursuant to this section and perform other duties
18 as it deems necessary to accomplish the requirements of the Oklahoma
19 9-1-1 Management Authority Act;

20 2. Prepare grant solicitations for funding for the purposes of
21 assisting public agencies with funding for consolidation of
22 facilities or services, deployment of Phase II technology or
23 successor technology, development of next-generation 9-1-1 regional
24

1 emergency service networks, and for other purposes it deems
2 appropriate and necessary;

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

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

- 10 a. submit or comply with master plans to deliver Next
11 Generation 9-1-1 (NG9-1-1) services as required by the
12 Oklahoma 9-1-1 Management Authority Act and approved
13 by the Authority. Local plans must align with the
14 State's Master plan to deploy NG9-1-1,
- 15 b. meet standards of the National Emergency Number
16 Association (NENA) limited to call-taking and caller-
17 location technology or comply with an improvement plan
18 to meet such standards as directed by the Authority,
- 19 c. submit annual reports or audits as required by the
20 Oklahoma 9-1-1 Management Authority Act,
- 21 d. provide connectivity and interoperability between
22 state, regional and local next-generation systems, or
23
24

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

4 5. Establish and submit to the Tax Commission a list of
5 eligible governing bodies entitled to receive 9-1-1 telephone fees
6 and establish annual population figures and square miles for the
7 coverage area of the public safety answering points (PSAP) for the
8 purpose of distributing fees collected pursuant to Section 2865 of
9 this title. Distribution of the net monthly revenue from 9-1-1
10 fees after the distributions established in Sections 2865, 2866, and
11 2867 of this title will be provided to eligible governing bodies
12 established by this section as follows:

13 a. a flat rate of Three Thousand Dollars (\$3,000.00) per
14 month per PSAP, and

15 b. from the remaining balance:

16 (1) ten percent (10%) to be derived by dividing the
17 land area covered by each public agency's
18 response area by the total land area of the
19 state, and

20 (2) ninety percent (90%) to be derived by dividing
21 the population of each public agency's response
22 area by the total population of the state using
23 data from the latest available Census estimates
24 as of July 1 of each year;

1 6. Assist any public agency the Authority determines is
2 performing below NENA standards ~~of the NENA~~, as limited by paragraph
3 4 of this section, according to the improvement plan required by the
4 Oklahoma 9-1-1 Management Authority Act. The Authority shall
5 establish a time period for the public agency to come into
6 compliance after which the Authority shall escrow funds as
7 authorized in this section. Improvement plans may include
8 consideration and recommendations for consolidation with other
9 public agencies, and sharing equipment and technology with other
10 jurisdictions;

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

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

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

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

- 1 11. Facilitate information-sharing among public agencies;
- 2 12. Create and maintain best practices databases for PSAP
3 operations;
- 4 13. Encourage equipment- and technology-sharing among all
5 jurisdictions;
- 6 14. Develop training program standards for public safety
7 telecommunicators for call taking.
- 8 a. Training program standards shall include instruction on
9 recognizing the need for and delivery of High-Quality
10 Telecommunicator CPR (T-CPR) that can be delivered by 9-1-1 public
11 safety telecommunicators for acute events requiring CPR including,
12 but not limited to, out-of-hospital cardiac events (OHCA)-
- 13 ~~b. T-CPR training shall follow evidence-based, nationally
14 recognized guidelines for high-quality T-CPR which incorporates
15 recognition protocols for OHCA and continuous education;~~
- 16 15. Mediate disputes between public agencies and other entities
17 involved in providing 9-1-1 emergency telephone services;
- 18 16. Provide a clearinghouse of contact information for
19 communications service companies and PSAPs operating in this state;
- 20 17. Make recommendations for consolidation upon the request of
21 public agencies;
- 22 18. Establish contracts for the necessary equipment and
23 services to deliver 9-1-1 calls to the public safety answering
24 points;

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

2 ~~19.~~ 20. Take any steps necessary to carry out the duties
3 required by the Oklahoma 9-1-1 Management Authority Act.

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

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

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

12 2. ~~Seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents
13 (\$1.25) monthly on each service ~~that is enabled by Voice over~~
14 ~~Internet Protocol (VoIP) or Internet Protocol (IP)~~ with the ability
15 to dial 9-1-1 for emergency calls, including landline; and

16 3. ~~Seventy-five cents (\$0.75)~~ One Dollar and twenty-five cents
17 (\$1.25) on each prepaid wireless retail transaction occurring in
18 this state.

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

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

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

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

19 5. When none of the previous rules of paragraphs 1, 2, 3 and 4
20 of this subsection apply, including the circumstance in which the
21 seller is without sufficient information to apply the previous
22 rules, then the location shall be determined by the address from
23 which the service was provided, disregarding for these purposes any
24 location that merely provided the digital transfer of the product

1 sold. If the seller knows the mobile telephone number, the location
2 will be that which is associated with the mobile telephone number.

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

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

14 E. From each ~~seventy-five-cent~~ one-dollar-and-twenty-five-cent
15 fee assessed and collected pursuant to subsection A of this section,
16 ~~five cents (\$0.05)~~ twenty-two cents (\$0.22) shall be deposited into
17 the Oklahoma 9-1-1 Management Authority Revolving Fund created
18 pursuant to Section ~~9~~ 2869 of this ~~act~~ title. Funds accumulating in
19 this revolving fund shall be used to fund the salary of the Oklahoma
20 9-1-1 Coordinator and any administrative staff, operations of the
21 Authority and any costs associated with the administration of the
22 Oklahoma 9-1-1 Management Authority Act within the Oklahoma
23 Department of Emergency Management, and for grants approved by the
24

1 Authority for purposes as authorized in ~~this act~~ the Oklahoma 9-1-1
2 Management Authority Act.

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

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

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

18 C. Every billed service subscriber shall be liable for any 9-1-
19 ~~1 wireless telephone~~ fee imposed pursuant to the Oklahoma 9-1-1
20 Management Authority Act until the fee has been paid to the ~~wireless~~
21 service provider.

22 D. Fees imposed pursuant to the Oklahoma 9-1-1 Management
23 Authority Act which are required to be collected by the ~~wireless~~
24

1 ~~service provider or VoIP~~ provider may be added to and shall be
2 stated separately in any billings to the service subscriber.

3 E. The ~~wireless service provider or VoIP~~ provider shall have no
4 obligation to take any legal action to enforce the collection of any
5 ~~9-1-1 wireless telephone~~ fee imposed pursuant to the provisions of
6 the Oklahoma 9-1-1 Management Authority Act. Should any service
7 subscriber tender a payment insufficient to satisfy all charges,
8 tariffs, fees and taxes for ~~wireless telephone or VoIP~~ the service,
9 the amount tendered shall be credited to the 9-1-1 wireless
10 telephone fee in the same manner as other taxes and fees.

11 F. Any 9-1-1 fee imposed pursuant to the provisions of the
12 Oklahoma 9-1-1 Management Authority Act shall be collected insofar
13 as practicable at the same time as, and along with, the charges for
14 ~~wireless telephone or VoIP~~ the service in accordance with the
15 regular billing practice of the provider.

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

23 H. The ~~wireless service provider or VoIP~~ provider shall
24 maintain records of the amount of 9-1-1 telephone fees collected in

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

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

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

22 K. Within thirty (30) days of receipt, the Oklahoma Tax
23 Commission shall pay available fees remitted pursuant to Section
24 2865 of this title to the governing bodies that the Oklahoma 9-1-1

1 Management Authority has certified in accordance with Section 2864
2 of this title as eligible to receive funds. The share to be paid to
3 or escrowed for each governing body shall be determined by ~~dividing~~
4 ~~the population of the governing body by the total population of the~~
5 ~~state using the latest Federal Decennial Census estimates~~ the
6 formula provided for in paragraph 5 of Section 2864 of this title.

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

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

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

24

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

7 C. The prepaid 9-1-1 wireless transaction fee shall be
8 collected by the retailer from the consumer for each retail
9 transaction occurring in this state. The amount of the prepaid 9-1-
10 1 wireless fee shall either be separately stated on the invoice,
11 receipt or similar document that is provided to the consumer by the
12 seller, or otherwise disclosed to the consumer.

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

20 E. If the amount of the prepaid 9-1-1 wireless telephone fee is
21 separately stated on the invoice, receipt or similar document, the
22 prepaid 9-1-1 wireless telephone fee shall not be included in the
23 base for measuring any tax, fee, surcharge or other charge that is
24

1 imposed by the state, any political subdivision of this state or any
2 intergovernmental agency.

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

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

10 Section 2868. A. Public agencies recognized by the Oklahoma 9-
11 1-1 Management Authority and authorized to receive funds collected
12 pursuant to the provisions of the Oklahoma 9-1-1 Management
13 Authority Act shall use the funds only for services, equipment and
14 operations related to 9-1-1 emergency telephone services.

15 B. The 9-1-1 Management Authority will oversee all 9-1-1 fees
16 collected under ~~the Oklahoma Emergency Telephone Act and the fees~~
17 ~~collected by this act~~ section and Sections 2864, 2866, and 2877 of
18 this title. The Authority may order the Oklahoma Tax Commission to
19 escrow fees attributable to public agencies which have misspent,
20 diverted or supplanted 9-1-1 collected fees to a purpose other than
21 what is authorized by ~~the Oklahoma Emergency Telephone Act or this~~
22 ~~act~~ section and Sections 2864, 2866, and 2877 of this title.

23 C. Money remitted to public agencies pursuant to the Oklahoma
24 9-1-1 Management Authority Act and any money otherwise collected by

1 any lawful means for purposes of providing 9-1-1 emergency telephone
2 services shall be deposited in a separate 9-1-1 emergency telephone
3 service account established by a public agency or its governing body
4 to carry out the requirements of the Oklahoma 9-1-1 Management
5 Authority Act. Monies deposited in this account may be transferred
6 to another account within the governing body, but a 9-1-1-specific
7 sub-account line item shall be maintained with the accounting
8 system. Monies remaining in such accounts at the end of a fiscal
9 year shall carry over to subsequent years. The monies deposited in
10 the Oklahoma 9-1-1 Management Authority Revolving Fund shall at no
11 time be monies of the state and shall not become part of the general
12 budget of the ~~Office of Emergency Management~~ Oklahoma Department of
13 Emergency Management or any other state agency. Except as otherwise
14 authorized by the Oklahoma 9-1-1 Management Authority Act, no monies
15 from the Oklahoma 9-1-1 Management Authority Revolving Fund shall be
16 transferred for any purpose to any other state agency or any account
17 of the ~~Office of Emergency Management~~ Oklahoma Department of
18 Emergency Management or be used for the purpose of contracting with
19 any other state agency or reimbursing any other state agency for any
20 expense. Payments from the Oklahoma 9-1-1 Management Authority
21 Revolving Fund shall not become or be construed to be any obligation
22 of the state. No claims for reimbursement from the Oklahoma 9-1-1
23 Management Authority Revolving Fund shall be paid with state monies.

24

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

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

22 F. Public agencies shall be required to annually submit to the
23 Authority:
24

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

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

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

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

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

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

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

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

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

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

16 1. A consolidation with an existing public safely answering
17 point; or

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

19 E. For the purposes of this section:

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

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

24

1 3. "9-1-1 system" means an entity that processes emergency 9-1-
2 1 calls through a public safety answering point;

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

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

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

13 ~~E.~~ F. On or before December 31, 2017, all public agencies in
14 this state shall form regional emergency communication districts for
15 the purpose of creating an area-wide emergency 9-1-1 system for
16 their respective jurisdictions. The territory of the district shall
17 be coextensive with the territory of the regional substate planning
18 district unless a different territory is approved by the Oklahoma 9-
19 1-1 Management Authority. If a public agency is situated in more
20 than one such territory, it shall become part of the district in
21 which it is principally located. If, due to the effect of
22 subsection C of this section, the majority of the participating
23 public agencies located in the territory of a proposed district

24

1 determine that it would be in the best interests of their citizens,
2 they may request inclusion in an adjacent district.

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

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

17 ~~H.~~ I. Unless otherwise provided by agreement, any participating
18 public agency that had been authorized by its voters to fund a 9-1-1
19 system prior to the formation of the district shall retain control
20 of the property, operation, and funding of its system; provided,
21 however, the district may contract with such participating public
22 agency to include the agency's system in the district's master
23 implementation plan. To the extent practicable, the district shall
24 not duplicate the equipment or answering point services already

1 provided by a participating public agency. A user of one or more
2 communication services subject to the payment of fees or taxes for
3 an emergency 9-1-1 system shall not be charged for more than one
4 such fee or tax for each service.

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

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

21 ~~K.~~ L. An emergency communication district shall operate on a
22 fiscal year beginning July 1. It shall adopt an annual budget and
23 cause to be prepared an independent financial audit annually. As
24 soon as practicable after the end of the fiscal year, the district

1 shall deliver to each participating public agency an annual report
2 showing in detail the operations of the district.

3 SECTION 12. REPEALER 63 O.S. 2021, Sections 2814 and
4 2815, are hereby repealed.

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 April 12, 2023 - DO PASS AS AMENDED BY CS
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