

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 278

By: Paddack

4  
5  
6 AS INTRODUCED

7 An Act relating to 9-1-1 emergency services; amending  
8 63 O.S. 2011, Section 2841, which relates to the  
9 Nine-One-One Wireless Emergency Number Act; modifying  
10 name of act; amending 63 O.S. 2011, Section 2842,  
11 which relates to purpose of act; modifying purpose;  
12 amending 63 O.S. 2011, Section 2843, which relates to  
13 definitions; modifying definitions; defining terms;  
14 amending 63 O.S. 2011, Section 2843.1, which relates  
15 to 9-1-1 fees; modifying collection process for  
16 certain fees; establishing certain fee on wireless  
17 telephone customers for 9-1-1 services; providing for  
18 remittance and distribution of fees; creating certain  
19 fund for grant administration; creating the Oklahoma  
20 9-1-1 Management Authority Revolving Fund; amending  
21 63 O.S. 2011, Section 2843.2, which relates to pre-  
22 paid wireless telephone fee; modifying fees for  
23 certain prepaid wireless transactions; amending 63  
24 O.S. 2011, Section 2844, which relates to records of  
emergency wireless telephone fees; stating  
requirements for certain wireless service providers  
to provide census information annually; requiring  
annual report by public agencies; amending 63 O.S.  
2011, Section 2847, which relates to the Statewide  
Nine-One-One Advisory Board; modifying name of  
entity; modifying make up and duties of Authority;  
stating additional duties of Authority; requiring the  
Office of Management and Enterprise Services to  
provide certain services for Authority; providing for  
continuation of members serving on certain Authority;  
amending 63 O.S. 2011, Section 2849, which relates to  
the Regional Nine-One-One Services Act; modifying  
name of act; modifying definitions; modifying  
requirements for certain entities; creating the  
Oklahoma 9-1-1 Management Authority Revolving Fund;  
stating purpose; repealing 63 O.S. 2011, Sections

1 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, and  
2 2810 which relate to the Oklahoma Emergency Telephone  
3 Act; providing for codification; providing for  
4 noncodification; and providing an effective date.

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

6 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2841, is  
7 amended to read as follows:

8 Section 2841. This act shall be known and may be cited as the  
9 "~~Nine One One Wireless Emergency Number~~ Oklahoma 9-1-1 Management  
10 Authority Act".

11 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2842, is  
12 amended to read as follows:

13 Section 2842. It is the purpose of the ~~Nine One One Wireless~~  
14 ~~Emergency Number~~ Oklahoma 9-1-1 Management Authority Act to provide  
15 efficient communication between wireless telephone customers and  
16 emergency service providers in order to expedite the response of law  
17 enforcement, fire, medical, rescue, and other emergency services to  
18 any person requiring such assistance. ~~In addition, this enables the~~  
19 ~~state, wireless telephone providers, and local jurisdictions to~~  
20 ~~comply with FCC Docket 94-102 requiring enhanced nine-one-one~~  
21 ~~wireless services when requested by local public safety answering~~  
22 ~~points~~ Further, the provisions of this act as amended in 2015 shall  
23 provide additional resources and increased authority to assist the  
24 local communities, including unincorporated areas of this state in

1 reaching standardized goals adopted by the Oklahoma 9-1-1 Management  
2 Authority and upgrading 9-1-1 capabilities for all the citizens of  
3 this state.

4 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2843, is  
5 amended to read as follows:

6 Section 2843. As used in the ~~Nine-One-One Wireless Emergency~~  
7 ~~Number~~ Oklahoma 9-1-1 Management Authority Act, unless the context  
8 otherwise requires:

9 1. "Area served" means the geographic area which shall be  
10 served by the emergency telephone service provided by the governing  
11 body of a county, municipality, part of a county or combination of  
12 such governing bodies;

13 2. "Governing body" means the board of county commissioners of  
14 a county, the city council or other governing body of a  
15 municipality, or a combination of such boards, councils or other  
16 municipal governing bodies, which shall have an administering board  
17 as provided in subsection G of Section 2815 of this title. Any such  
18 combined administering board shall be formed and shall enter into an  
19 agreement with the governing body of each entity in accordance with  
20 the Interlocal Cooperation Act. The agreement shall be filed with  
21 the office of the county clerk and in the offices of each  
22 governmental entity involved;

23 3. Next Generation 9-1-1 (NG9-1-1) means an interconnection of  
24 9-1-1 Internet networks, databases, and other functionalities that

1 allows emergency service providers from a large area to share data  
2 and to enhance response capabilities;

3 4. "~~Nine-one-one~~ 9-1-1 wireless emergency telephone service"  
4 means any telephone system whereby wireless telephone subscribers  
5 may utilize a three-digit number, ~~nine-one-one (911)~~ 9-1-1, for  
6 reporting an emergency to the appropriate public agency providing  
7 law enforcement, fire, medical, or other emergency services,  
8 including ancillary communications systems and personnel necessary  
9 to pass the reported emergency to the appropriate emergency service  
10 and which the wireless service provider is required to provide  
11 pursuant to the Federal Communications Commission Order 94-102 (961  
12 Federal Register 40348);

13 ~~4.~~ 5. "~~Nine-one-one~~ 9-1-1 emergency wireless telephone fee"  
14 means a fee to finance the installation and operation of emergency  
15 wireless telephone service and related equipment;

16 ~~5.~~ 6. "Local exchange telephone company" means any company  
17 providing exchange telephone service to any service user in this  
18 state, and shall include any competitive local exchange carrier as  
19 defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

20 ~~6.~~ 7. "Person" means any service user, including any  
21 individual, firm, partnership, copartnership, joint venture,  
22 association, cooperative organization, private corporation, whether  
23 organized for profit or not, fraternal organization, nonprofit  
24 organization, estate, trust, business or common law trust, receiver,

1 assignee for the benefit of creditors, trustee or trustee in  
2 bankruptcy, the United States of America, the state, any political  
3 subdivision of the state or any federal or state agency, department,  
4 commission, board, or bureau;

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

13 ~~8.~~ 9. "Prepaid wireless telecommunications service", as defined  
14 in paragraph 12 of Subsection A of Section 1354.30 of Title 68 of  
15 the Oklahoma Statutes, means a telecommunications wireless service  
16 that provides the right to utilize mobile wireless service as well  
17 as other non-telecommunications services, including the download of  
18 digital products delivered electronically, content and ancillary  
19 services, which must be paid for in advance that is sold in  
20 predetermined units or dollars of which the number declines with use  
21 in a known amount;

22 ~~9.~~ 10. "Proprietary information" shall include subscriber,  
23 market share, cost and review information;

24

1       ~~10.~~ 11. "Public agency" means any city, town, county, municipal  
2 corporation, public district, public trust, substate planning  
3 district, or public authority located within this state which  
4 provides or has authority to provide fire fighting, law enforcement,  
5 ambulance, emergency medical, or other emergency services;

6       ~~11.~~ 12. "Substate planning district" means the following  
7 organizations:

- 8           a. Association of Central Oklahoma Governments (ACOG),
- 9           b. Association of South Central Oklahoma Governments  
10               (ASCOG),
- 11           c. Central Oklahoma Economic Development District  
12               (COEDD),
- 13           d. Eastern Oklahoma Economic Development District  
14               (EOEDD),
- 15           e. Grand Gateway Economic Development Association  
16               (GGEDA),
- 17           f. Indian Nations Council of Governments (INCOG),
- 18           g. Kiamichi Economic Development District (KEDDO),
- 19           h. Northern Oklahoma Development Association (NODA),
- 20           i. Oklahoma Economic Development Association (OEDA),
- 21           j. Southern Oklahoma Development Association (SODA), and
- 22           k. South Western Oklahoma Development Authority (SWODA);

1        13. "Public Safety Answering Point (PSAP)" means an entity  
2 responsible for receiving 9-1-1 calls and processing those calls  
3 according to specific operational policy;

4        ~~12.~~ 14. "Wireless service provider" means a provider of  
5 commercial mobile service under Section 332(d) of the  
6 Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,  
7 Federal Communications Commission rules, and the Omnibus Budget  
8 Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a  
9 provider of wireless two-way communication service, radio-telephone  
10 communications related to cellular telephone service, network radio  
11 access lines or the equivalent, and personal communication service.  
12 The term does not include a provider of:

- 13            a. a service whose users do not have access to ~~nine-one~~  
14            ~~one~~ 9-1-1 service,  
15            b. a communication channel used only for data  
16            transmission, or  
17            c. a wireless roaming service or other nonlocal radio  
18            access line service; and

19        ~~13.~~ 15. "Wireless telecommunications connection" means the ten-  
20 digit access number assigned to a customer regardless of whether  
21 more than one such number is aggregated for the purpose of billing a  
22 service user.

23        SECTION 4.        AMENDATORY        63 O.S. 2011, Section 2843.1, is  
24 amended to read as follows:

1 Section 2843.1. A. To provide for processing ~~nine-one-one~~ 9-1-  
2 1 emergency wireless calls, the board of county commissioners of a  
3 county may by resolution submit to the voters of the county the  
4 question of the imposition of a ~~nine-one-one~~ 9-1-1 emergency  
5 wireless telephone fee for each wireless connection, excluding a  
6 connection for prepaid wireless telecommunications services, in the  
7 county as determined by the subscriber's place of primary use. The  
8 resolution shall include the amount of the fee which shall be fifty  
9 cents (\$0.50) per month for each wireless connection, and shall call  
10 for an election to be held within one (1) year from the date the  
11 resolution is adopted. If a majority of the votes cast in an  
12 election held approve the imposition of an emergency telephone fee,  
13 the fee shall be imposed. A political subdivision may not impose  
14 another fee on a wireless service provider or subscriber for ~~nine-~~  
15 ~~one-one~~ 9-1-1 emergency service. The proceeds of the fee shall be  
16 utilized to pay for the operation of emergency wireless telephone  
17 service as specified in this section. Prepaid wireless  
18 telecommunications services shall be subject only to the fees as set  
19 forth in Section ~~3 of this act~~ 2843.2 of this title.

20 B. A wireless service provider shall collect the emergency  
21 wireless telephone fee in an amount equal to the amount approved as  
22 provided for in subsection A of this section for each wireless  
23 telecommunications connection from each of its subscribers of  
24 wireless telephone service within the boundaries of the county as



1 determined by the subscriber's place of primary use and shall pay  
2 the money collected to the ~~substate planning district that~~  
3 ~~represents that county~~ Tax Commission not later than thirty (30)  
4 days after the last day of the month during which the fees were  
5 collected. ~~The wireless service provider may retain an~~  
6 ~~administrative fee of two percent (2%) of the amount collected when~~  
7 ~~remitted in the time specified, unless otherwise agreed upon. The~~  
8 ~~money remitted to the substate planning district and any other money~~  
9 ~~collected to fund the emergency wireless telephone system shall be~~  
10 ~~deposited in a special wireless nine-one-one account established by~~  
11 ~~the district.~~

12 C. Money collected under subsection B of this section shall be  
13 used only for services related to ~~nine-one-one~~ 9-1-1 emergency  
14 wireless telephone services, including automatic number  
15 identification and automatic location information services. ~~The~~  
16 ~~substate planning districts shall distribute the money collected for~~  
17 ~~each county which has approved the emergency wireless telephone fee~~  
18 ~~to each public agency within that county which has established~~  
19 ~~emergency wireless telephone service or has sent a written request~~  
20 ~~for installation, maintenance, and operation of an emergency~~  
21 ~~wireless telephone service to a wireless service provider~~ Money  
22 collected from fees authorized by subsection A of this section,  
23 subsection B of Section 2843.2 of this title and Section 5 of this  
24 act, excepting the ten cent (\$0.10) deduction designated in

1 subsection D of Section 5 of this act, is hereby allocated to the  
2 governing bodies as defined in Section 2843 of this title and shall  
3 be paid to the governing bodies pursuant to a formula, based on  
4 population, that is certified by the Oklahoma 9-1-1 Management  
5 Authority each year in accordance with subsection L of Section 2847  
6 of this title. From the total fees collected pursuant to subsection  
7 A of this section and Section 5 of this act, one percent (1%) shall  
8 be retained by the wireless service provider and one percent (1%) by  
9 the Oklahoma Tax Commission as reimbursement for the direct cost of  
10 administering the collection and remittance of such fees. The  
11 money remitted to the public agency and any other money collected to  
12 fund the emergency wireless telephone system shall be deposited in a  
13 special wireless ~~nine one one~~ 9-1-1 account established by the  
14 ~~substate planning district. From the emergency wireless telephone~~  
15 ~~fee, the substate planning districts shall distribute to other~~  
16 ~~public agencies in the county their proportionate share attributable~~  
17 ~~to emergency wireless telephone services as determined by at least~~  
18 ~~an annual census of wireless users provided by the wireless service~~  
19 ~~provider. All wireless user information provided by a wireless~~  
20 ~~service provider shall be deemed proprietary and is not subject to~~  
21 ~~disclosure to the public or any other party.~~ Remittance of the fee  
22 to a public agency may begin at any time if an existing emergency  
23 wireless telephone service is already operative or upon written  
24 request by the local governing body to the provider for

1 installation, maintenance, and operation of a ~~nine-one-one~~ 9-1-1  
2 emergency wireless telephone service and related equipment. Amounts  
3 not used within a given year shall be carried forward.

4 D. Every billed service user shall be liable for any emergency  
5 wireless telephone fee imposed pursuant to this section until it has  
6 been paid to the wireless service provider.

7 E. The duty to collect any emergency wireless telephone fee  
8 imposed pursuant to the authority of the ~~Nine-One-One Wireless~~  
9 ~~Emergency Number~~ Oklahoma 9-1-1 Management Authority Act from a  
10 service user shall commence on the first day of the calendar quarter  
11 following the date that a wireless service provider receives notice  
12 from a local county which shall be at least sixty (60) days from the  
13 date that the voters in a county have approved the fee, the amount  
14 of such fee and the address to which the fee should be remitted.  
15 Fees imposed pursuant to this section that are required to be  
16 collected by the wireless service provider may be added to and shall  
17 be stated separately in any billings to the service user.

18 F. The wireless service provider shall have no obligation to  
19 take any legal action to enforce the collection of any emergency  
20 wireless telephone fee imposed pursuant to the authority of this  
21 section; however, should any service user tender a payment  
22 insufficient to satisfy all charges, tariffs, fees, and taxes for  
23 wireless telephone service, the amount tendered shall be credited to  
24 the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee in the same

1 manner as other taxes and fees. The wireless service provider shall  
2 at least annually provide the governing body with a list of amounts  
3 uncollected along with the names and addresses of those service  
4 users who carry a balance that can be determined by the wireless  
5 service provider to be nonpayment of any fee imposed pursuant to the  
6 authority of this section.

7 G. Any emergency wireless telephone fee imposed pursuant to the  
8 authority provided by this section shall be collected insofar as  
9 practicable at the same time as, and along with, the charges for  
10 wireless telephone service in accordance with the regular billing  
11 practice of the wireless telephone service. ~~However, if the public~~  
12 ~~agency has not deployed nine-one-one emergency wireless telephone~~  
13 ~~service within twenty-four (24) months or thirty-six (36) months for~~  
14 ~~counties with a population of less than thirty thousand (30,000),~~  
15 ~~from the initial collection of the fee under subsection B of this~~  
16 ~~section, the collection of the fee may be suspended until such~~  
17 ~~service is deployed.~~ A wireless service provider is not liable for  
18 failing to suspend collection of a fee.

19 H. Nothing in the ~~Nine One One Wireless Emergency Number~~  
20 Oklahoma 9-1-1 Management Authority Act shall be construed to limit  
21 the ability of a wireless service provider from recovering its costs  
22 associated with designing, developing, deploying, and maintaining  
23 wireless enhanced ~~nine-one-one~~ 9-1-1 service directly from the  
24 customers of the provider, whether the costs are itemized on the

1 bill of the wireless customer as a surcharge or by any other lawful  
2 means.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2843.1A of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. In addition to any fee assessed by a county pursuant to  
7 Section 2814 of Title 63 of the Oklahoma Statutes, beginning January  
8 1, 2016, for customers residing in this state there is hereby  
9 imposed a monthly fifty-cent (\$0.50) fee on wireless service  
10 contracts for all wireless phones or other electronic devices or  
11 services with the ability to dial 9-1-1 for emergency calls. This  
12 fee shall not be assessed on landline phone customers or Voice over  
13 Internet Protocol (VoIP or IP) enabled services.

14 B. The fee shall be collected by the wireless service providers  
15 and remitted to the Oklahoma Tax Commission in the same manner as  
16 provided in Section 2843.2 of Title 63 of the Oklahoma Statutes or  
17 as otherwise directed by the Oklahoma 9-1-1 Management Authority,  
18 created in Section 7 of this act.

19 C. From each fifty-cent fee assessed and collected pursuant to  
20 subsection A of this section, ten cents (\$0.10) shall be deposited  
21 into the Oklahoma 9-1-1 Management Authority Revolving Fund created  
22 pursuant to Section 11 of this act. Funds accumulating in this  
23 revolving fund shall be used to fund the salary and operations of  
24 the State 9-1-1 Coordinator and any administrative staff or costs

1 associated with the administration of this act within the Office of  
2 Management and Enterprise Services and grants administered by the  
3 Oklahoma 9-1-1 Management Authority pursuant to the provisions of  
4 Section 2847 of Title 63 of the Oklahoma Statutes.

5 D. The remaining funds collected from the fifty-cent fee  
6 authorized by subsection A, shall be distributed by the Oklahoma Tax  
7 Commission to the eligible public agencies as authorized by law.

8 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2843.2, is  
9 amended to read as follows:

10 Section 2843.2. A. As used in this section, unless the context  
11 otherwise requires:

12 1. "Consumer" means a person who purchases prepaid wireless  
13 telecommunications service in a retail transaction;

14 2. "Prepaid wireless ~~nine-one-one~~ 9-1-1 fee" means the fee that  
15 is required to be collected by a seller from a consumer in the  
16 amount established in this section;

17 3. "Provider" means a person who provides prepaid wireless  
18 telecommunications service pursuant to a license issued by the  
19 Federal Communications Commission;

20 4. "Retail transaction" means the purchase of prepaid wireless  
21 telecommunications service from a seller for any purpose other than  
22 for resale; and

23 5. "Seller" means a person who sells prepaid wireless  
24 telecommunications service to another person.

1 B. There is hereby imposed a prepaid wireless ~~nine-one-one~~ 9-1-  
2 1 fee of ~~fifty cents (\$0.50)~~ One Dollar (\$1.00) per retail  
3 transaction or, on and after the effective date of an adjusted  
4 amount per retail transaction that is established under subsection G  
5 of this section, the adjusted amount.

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

13 D. For purposes of subsection C of this section, a retail  
14 transaction that is effected in person by a consumer at a business  
15 location of the seller shall be treated as occurring in this state  
16 if that business location is in this state. Any other retail  
17 transaction shall be sourced as follows:

18 1. When the retail transaction does not occur at a business  
19 location of the seller, the retail transaction is sourced to the  
20 location where receipt by the consumer, or the consumer's donee,  
21 designated as such by the consumer, occurs, including the location  
22 indicated by instructions for delivery to the consumer or donee,  
23 known to the seller;

24

1           2. When the provisions of paragraph 1 of this subsection do not  
2 apply, the sale is sourced to the location indicated by an address  
3 for the consumer that is available from the business records of the  
4 seller that are maintained in the ordinary course of the seller's  
5 business when use of this address does not constitute bad faith;

6           3. When the provisions of paragraphs 1 and 2 of this subsection  
7 do not apply, the sale is sourced to the location indicated by an  
8 address for the consumer obtained during the consummation of the  
9 sale, including the address of a consumer's payment instrument, if  
10 no other address is available, when use of this address does not  
11 constitute bad faith; and

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

20           E. The prepaid wireless ~~nine-one-one~~ 9-1-1 fee is the liability  
21 of the consumer and not of the seller or of any provider, except  
22 that the seller shall be liable to remit all prepaid wireless ~~nine-~~  
23 ~~one-one~~ 9-1-1 fees that the seller collects from the consumer as  
24 provided for in this section, including all charges that the seller



1 is deemed to collect where the amount of the fee has not been  
2 separately stated on an invoice, receipt, or other similar document  
3 provided by the consumer to the seller.

4 F. If the amount of the prepaid wireless ~~nine-one-one~~ 9-1-1 fee  
5 is separately stated on the invoice, the prepaid wireless ~~nine-one-~~  
6 ~~one~~ 9-1-1 fee shall not be included in the base for measuring any  
7 tax, fee, surcharge, or other charge that is imposed by the state,  
8 any political subdivision of this state, or any intergovernmental  
9 agency.

10 G. The prepaid wireless ~~nine-one-one~~ 9-1-1 fee shall be  
11 proportionately increased or reduced, as applicable, upon any change  
12 to the amount of the ~~nine-one-one~~ 9-1-1 emergency wireless telephone  
13 fee as provided in subsection A of Section 2843.1 of this title.  
14 The increase or reduction shall be effective on the effective date  
15 of the change to the ~~nine-one-one~~ 9-1-1 emergency wireless telephone  
16 fee as provided in subsection A of Section 2843.1 of this title or,  
17 if later, the first day of the first calendar month to occur at  
18 least sixty (60) days after the enactment of the change. The  
19 Oklahoma Tax Commission shall provide not less than thirty ~~(30)~~ =  
20 days' advance notice of an increase or reduction on its public  
21 website.

22 H. Prepaid wireless ~~nine-one-one~~ 9-1-1 fees collected by  
23 sellers shall be remitted to the Oklahoma Tax Commission at the  
24 times and in a manner provided for under the Oklahoma Sales Tax Code

1 with respect to the sales tax imposed on prepaid wireless  
2 telecommunications services. The ~~Oklahoma~~ Tax Commission shall  
3 establish registration and payment procedures that substantially  
4 coincide with the registration and payment procedures that apply  
5 under the Oklahoma Sales Tax Code.

6 I. A seller shall be permitted to deduct and retain three  
7 percent (3%) of the prepaid wireless ~~nine-one-one~~ 9-1-1 fees  
8 collected from consumers.

9 J. The audit and appeal procedures, including limitations  
10 period, applicable to the Oklahoma Sales Tax Code shall apply to  
11 prepaid wireless ~~nine-one-one~~ 9-1-1 fees.

12 K. The Oklahoma Tax Commission shall establish procedures by  
13 which a seller may document that a sale is not a retail transaction.  
14 The procedures shall be in substantial conformity with the  
15 procedures for document sale for resale transactions under the  
16 Oklahoma Sales Tax Code.

17 L. Within thirty (30) days of receipt, the Oklahoma Tax  
18 Commission shall pay all remitted prepaid wireless ~~nine-one-one~~ 9-1-  
19 1 fees to the governing bodies that the ~~Statewide Nine-One-One~~  
20 ~~Advisory Board~~ Oklahoma 9-1-1 Management Authority has certified as  
21 eligible to receive funds. The certification shall be provided to  
22 the ~~Oklahoma~~ Tax Commission annually before July 1. Eligible  
23 governing bodies shall be those governing bodies that have imposed,  
24 and are collecting, the ~~nine-one-one~~ 9-1-1 emergency wireless

1 telephone fee as authorized in subsection A of Section 2843.1 of  
2 this title or, for those counties that have not assessed a ~~nine-one-~~  
3 ~~one~~ 9-1-1 emergency wireless telephone fee, the substate planning  
4 district designated by that county. It shall be the duty and  
5 obligation of the substate planning district to hold in a separate  
6 escrow account all fees paid on behalf of counties in its region  
7 that have not assessed a ~~nine-one-one~~ 9-1-1 emergency wireless  
8 telephone fee pursuant to Section 2843.1 of this title, until such  
9 time as the county votes to assess the fee or develops wireless  
10 ~~nine-one-one~~ 9-1-1 service pursuant to Section 2849 of this title.

11 Distribution shall be as follows:

12 1. Ninety-eight percent (98%) of the revenue from the fee is  
13 hereby allocated to the governing bodies as defined in Section 2843  
14 of this title and shall be paid to the governing bodies. The share  
15 for each governing body shall be determined by dividing the  
16 population of the governing body by the total population of the  
17 state. The Oklahoma Tax Commission shall develop the formula on the  
18 basis of population residing within the governing body, as shown by  
19 the latest available Federal Census estimates as of July 1, or from  
20 the best information then available to the Commission when the  
21 information is not available from the latest available Federal  
22 Census; and

23 2. The remaining two percent (2%) of the revenue from the fee  
24 shall be retained by the Oklahoma Tax Commission to reimburse its

1 direct cost of administering the collection and remittance of  
2 prepaid wireless ~~nine-one-one~~ 9-1-1 fees.

3 Notwithstanding paragraphs 1 and 2 of this subsection, in the  
4 fiscal year in which this act takes effect, prior to making the  
5 distributions provided in paragraphs 1 and 2 of this subsection, the  
6 Oklahoma Tax Commission shall retain an amount not to exceed Three  
7 Hundred Thousand Dollars (\$300,000.00) to cover programming and  
8 other one-time costs to implement a system to collect the prepaid  
9 wireless ~~nine-one-one~~ 9-1-1 fees. Distributions to governing bodies  
10 that enact the wireless ~~nine-one-one~~ 9-1-1 fee authorized under  
11 Section 2843.1 of this title after ~~the effective date of this act~~  
12 January 1, 2011, shall commence in the calendar quarter after which  
13 the ~~Oklahoma~~ Tax Commission has received at least ~~one hundred twenty~~  
14 ~~(120)~~ one-hundred-twenty-(120) days' written notice from the  
15 governing body of the imposition of the fee.

16 M. Money distributed by the Oklahoma Tax Commission to a  
17 governing body pursuant to paragraph 1 of subsection L of this  
18 section shall be used only for services related to ~~nine-one-one~~ 9-1-  
19 1 emergency wireless telephone services, including automatic number  
20 identification and automatic location information services.

21 N. The provisions of subsection C of Section 2817 of this title  
22 shall apply to providers and sellers of prepaid wireless  
23 telecommunications service.

24

1           O. The prepaid wireless ~~nine-one-one~~ 9-1-1 fee imposed by this  
2 section shall be the only ~~nine-one-one~~ 9-1-1 funding obligation  
3 imposed with respect to prepaid wireless telecommunications services  
4 in this state, and no tax, fee, surcharge, or other charge shall be  
5 imposed by this state, any political subdivision of this state, or  
6 any intergovernmental agency, for ~~nine-one-one~~ 9-1-1 funding  
7 purposes, upon any provider, seller, or consumer with respect to the  
8 sale, purchase, use, or provision of prepaid wireless  
9 telecommunications service.

10           P. Money collected pursuant to this section shall be used only  
11 for services related to ~~nine-one-one~~ 9-1-1 emergency wireless  
12 telephone services, including automatic number identification and  
13 automatic location information services. The money remitted to the  
14 governing body and any other money collected to fund the emergency  
15 wireless telephone system shall be deposited in a special wireless  
16 ~~nine-one-one~~ 9-1-1 account established by the governing body to  
17 which the Oklahoma Tax Commission has remitted the prepaid wireless  
18 ~~nine-one-one~~ 9-1-1 fees and that has established emergency wireless  
19 telephone service. The special wireless ~~nine-one-one~~ 9-1-1 account  
20 may be the same account that is or was established by the governing  
21 body under subsection C of Section 2843.1 of this title. Amounts  
22 not used within a given year shall be carried forward.

23  
24

1 Q. All wireless user information provided by a wireless service  
2 provider shall be deemed proprietary and is not subject to  
3 disclosure to the public or any other party.

4 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2844, is  
5 amended to read as follows:

6 Section 2844. A. Any ~~nine-one-one~~ 9-1-1 emergency wireless  
7 telephone fee imposed pursuant to ~~Section 2843.1 of this title~~ the  
8 Oklahoma 9-1-1 Management Authority Act and the amounts required to  
9 be collected are due monthly. ~~The amount of fee collected in one~~  
10 ~~(1) month by the wireless service provider shall be remitted to the~~  
11 ~~appropriate substate planning district no later than thirty (30)~~  
12 ~~days after the close of the month in which such fees were collected.~~  
13 ~~All fees collected by the wireless service provider and remitted to~~  
14 ~~a substate planning district and any other money collected to fund~~  
15 ~~the emergency wireless telephone system shall be deposited in a~~  
16 ~~special nine-one-one account established by the district. Each~~  
17 ~~district shall account for all disbursements from the account~~  
18 ~~established for the operation of the emergency wireless telephone~~  
19 ~~system.~~

20 B. The wireless service provider shall maintain records of the  
21 amount of any ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee  
22 collected in accordance with the provisions of ~~the Nine-One-One~~  
23 ~~Wireless Emergency Number Act~~ this act. The records shall be  
24 maintained for a period of three (3) years from the time the fee is

1 collected. The State Auditor and Inspector or ~~any substate planning~~  
2 ~~district~~ the Oklahoma 9-1-1 Management Authority or any affected  
3 public agency may require an annual audit of the books and records  
4 of the wireless service provider concerning the collection and  
5 remittance of the fee authorized by ~~the Nine-One-One Wireless~~  
6 ~~Emergency Number Act~~ this act. Auditors shall have access to all  
7 information used by the wireless service provider to calculate and  
8 remit the ~~nine-one-one~~ 9-1-1 emergency wireless telephone fee. Any  
9 audit expenses shall be reimbursable pursuant to Section 2843.1 of  
10 this title.

11 C. The wireless service provider shall provide to the Oklahoma  
12 9-1-1 Management Authority an annual census showing the primary  
13 place of use of its wireless subscribers located by county and  
14 either a municipality or unincorporated area. The census shall  
15 contain all wireless subscribers as of December 31 of each year, and  
16 be remitted to the Authority no later than February 1 of each year.  
17 All information provided by the wireless service provider shall be  
18 deemed proprietary and not subject to disclosure to the public or  
19 any other entity.

20 D. A public agency shall be required to have conducted  
21 separately or as a part of the annual audit required by law of the  
22 municipality or county an annual audit of any accounts established  
23 or used by the governing body for the operation of an emergency  
24 wireless telephone system. The audit may be conducted by the State

1 Auditor and Inspector at the discretion of the public agency. All  
2 audits shall be conducted in accordance with generally accepted  
3 auditing standards and Government Auditing Standards issued by the  
4 Comptroller General of the United States. A copy of the audit shall  
5 be filed with the State Auditor and Inspector and action taken in  
6 accordance with Section 212A of Title 74 of the Oklahoma Statutes.  
7 The cost of the audit of the emergency wireless telephone system  
8 accounts may be paid from and be considered a part of the operating  
9 expenses of the emergency wireless telephone system. Proprietary  
10 information of the wireless service providers shall be confidential.  
11 Audit information pertaining to revenues collected or disbursed may  
12 be released only in aggregate form so that no provider-specific  
13 information may be extrapolated.

14 E. Public agencies are required to submit annually to the  
15 Oklahoma 9-1-1 Management Authority a report, on a form to be  
16 prescribed by the Authority, covering the operation and financing of  
17 the public safety answering point which shall include all sources of  
18 funding available to the public agency for 9-1-1 services. The  
19 Oklahoma 9-1-1 Management Authority shall have the power to review,  
20 approve, submit for further information or deny approval of the  
21 annual report of each public agency providing 9-1-1 services.  
22 Failure by a public agency to submit the report annually or denial  
23 of a report shall cause the Authority to order the Oklahoma Tax  
24 Commission to escrow the wireless fees due to the public agency



1 until the public agency complies with the provisions of this act and  
2 rules of the Authority.

3 ~~D.~~ F. The governing body of the public agency shall meet at  
4 least quarterly to oversee the operations of the emergency wireless  
5 telephone system, review expenditures, set and approve an operating  
6 budget, and take such other action as necessary for the operation  
7 and management of the system. The records and meetings of the  
8 governing body shall be subject to the Oklahoma Open Records Act and  
9 the Oklahoma Open Meeting Act. Notwithstanding any other provision  
10 to the contrary, all information deemed proprietary under subsection  
11 C of Section 2843.1 of this title shall be held confidential.

12 SECTION 8. AMENDATORY 63 O.S. 2011, Section 2847, is  
13 amended to read as follows:

14 Section 2847. A. There is hereby created the ~~Statewide Nine-~~  
15 ~~One-One Advisory Board~~ Oklahoma 9-1-1 Management Authority. The  
16 purpose of the ~~Board~~ Authority shall be to oversee development and  
17 operation of 9-1-1 emergency ~~nine-one-one~~ systems in the state.

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

20 1. The ~~Statewide Nine-One-One~~ Oklahoma 9-1-1 Coordinator,  
21 appointed as provided for in this section;

22 2. One member who represents the Oklahoma Chapter of the  
23 Association of Public Safety Communication Officials (APSCO) to be  
24 appointed by the President Pro Tempore of the Senate;

1           3. One member who represents the Oklahoma Chapter of the  
2 National Emergency Number Association (NENA) to be appointed by the  
3 Governor;

4           4. One member who represents the Oklahoma Municipal League  
5 (OML) to be appointed by the Speaker of the House of  
6 Representatives;

7           5. One member who represents the Association of County  
8 Commissioners of Oklahoma (ACCO) to be appointed by the Governor;

9           6. One member who represents the Oklahoma Association of  
10 Regional Councils (OARC) to be appointed by the President Pro  
11 Tempore of the Senate;

12           ~~7. One member who represents the Oklahoma State Law Enforcement~~  
13 ~~Communications Association (OSLECA) to be appointed by the President~~  
14 ~~Pro Tempore of the Senate;~~

15           ~~8.~~ 8. One member who represents a substate planning district as  
16 defined in Section 2843 of Title 63 of the Oklahoma Statutes to be  
17 appointed by the Governor;

18           ~~9.~~ 8. Two members who each represent a municipal government  
19 that operates a ~~nine-one-one~~ 9-1-1 system and has a population of  
20 less than one hundred thousand (100,000), one to be appointed by the  
21 Speaker of the House of Representatives and one to be appointed by  
22 the Governor;

23           ~~10.~~ 9. One member who represents a municipal government that  
24 operates a ~~nine-one-one~~ 9-1-1 system and has a population of more

1 than one hundred thousand (100,000) but less than four hundred fifty  
2 thousand (450,000) to be appointed by the Governor;

3 ~~11.~~ 10. One member who represents a municipal government that  
4 operates a ~~nine-one-one~~ 9-1-1 system and has a population of more  
5 than four hundred fifty thousand (450,000) to be appointed by the  
6 Speaker of the House of Representatives;

7 ~~12.~~ 11. One member who represents an organization created by an  
8 interlocal agreement for the purpose of sharing public safety  
9 answering-point duties and whose members are municipal governments  
10 with a population of less than four hundred fifty thousand (450,000)  
11 to be appointed by the Governor;

12 ~~13.~~ 12. One member who represents an organization created by an  
13 interlocal agreement for the purpose of sharing public safety  
14 answering-point duties and whose members are municipal governments  
15 with a population of more than four hundred fifty thousand (450,000)  
16 to be appointed by the President Pro Tempore of the Senate;

17 ~~14.~~ 13. One member who is a ~~nine-one-one~~ 9-1-1 coordinator for  
18 a county with a population of less than twenty thousand (20,000), to  
19 be appointed by the Speaker of the House of Representatives;

20 ~~15.~~ 14. One member who is a ~~nine-one-one~~ 9-1-1 coordinator for  
21 a county with a population of more than twenty thousand (20,000), to  
22 be appointed by the President Pro Tempore of the Senate;

23 ~~16.~~ 15. One member who is a ~~nine-one-one~~ 9-1-1 coordinator for  
24 a county, to be appointed by the Governor;

1       ~~17.~~ 16. One member who represents a local exchange  
2 telecommunications service provider which serves less than fifty  
3 thousand (50,000) access lines in the state or a telephone  
4 cooperative to be appointed by the President Pro Tempore of the  
5 Senate;

6       ~~18.~~ 17. One member who represents a local exchange  
7 telecommunications service provider which serves more than fifty  
8 thousand (50,000) access lines in the state to be appointed by the  
9 Speaker of the House of Representatives;

10       ~~19.~~ 18. One member who represents a Tier I wireless carrier, as  
11 defined by the Federal Communications Commission, to be appointed by  
12 the Speaker of the House of Representatives;

13       ~~20.~~ 19. One member who represents a Tier II wireless carrier,  
14 as defined by the Federal Communications Commission, to be appointed  
15 by the Speaker of the House of Representatives;

16       ~~21.~~ 20. One member who represents a Tier III wireless carrier,  
17 as defined by the Federal Communications Commission, to be appointed  
18 by the President Pro Tempore of the Senate;

19       ~~22.~~ 21. One member who represents a public or private entity  
20 that supports ~~nine-one-one~~ 9-1-1 services or public safety providers  
21 to be appointed by the Speaker of the House of Representatives; and

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

24

1 C. At its first meeting annually the ~~board~~ Authority shall  
2 designate a chair from its members.

3 D. Meetings shall be held at the call of the chair. The ~~Board~~  
4 Authority shall meet at such time as is established by the chair.

5 E. ~~Board members~~ Members shall receive no compensation for  
6 serving on the ~~Board~~ Authority but shall be eligible to receive  
7 travel reimbursement by the appointing authority from funds  
8 available to the Authority in the Oklahoma 9-1-1 Management  
9 Authority Revolving Fund for travel expenses incurred in the  
10 performance of ~~Board~~ their duties in accordance with the State  
11 Travel Reimbursement Act.

12 F. The ~~Board~~ Authority shall be subject to the Oklahoma Open  
13 Meeting Act and the Oklahoma Open Records Act.

14 G. The duties of the ~~Board~~ Authority shall be to:

15 1. ~~Secure~~ Allocate resources for the creation, operation,  
16 expansion, and cooperative undertaking of local public safety  
17 answering points;

18 2. ~~Secure and direct~~ Direct the distribution of ~~public funds~~  
19 ~~and~~ grants as needed;

20 3. Facilitate information-sharing among public safety answering  
21 points;

22 4. Create and maintain best practices databases for public  
23 safety answering-point operations;

24

1 5. Encourage equipment and technology sharing among small  
2 jurisdictions;

3 6. ~~Take steps~~ Utilize available resources to expand enhanced  
4 ~~wire-line nine-one-one~~ wireless 9-1-1 service to every telephone  
5 user in the state;

6 7. Assist public-safety answering points in implementing Phase  
7 I and Phase II wireless technology;

8 8. Provide a clearinghouse of contact information for all  
9 telephone companies operating in the state and contact information  
10 and ~~nine-one-one~~ 9-1-1 fees charged in each jurisdiction;

11 9. Develop training program standards for ~~nine-one-one~~ 9-1-1  
12 call takers;

13 10. ~~Designate a Statewide Nine-One-One~~ Select and hire an  
14 Oklahoma 9-1-1 Coordinator, by majority vote of the members  
15 appointed to the Authority. Such Coordinator shall serve at the  
16 pleasure of the Authority; and

17 11. Take any steps necessary to carry out the duties provided  
18 for in this ~~subsection~~ act.

19 H. The Authority shall annually require operational and  
20 financial information, covering the operation and financing of the  
21 public safety answering point which shall include all sources of  
22 funding available to the public agency for 9-1-1 services, in a form  
23 to be prescribed by the Authority, from each public agency. The  
24 Authority shall review and approve or disapprove the annual reports.

1 I. The Authority shall create a plan to develop and deploy Next  
2 Generation 9-1-1 services in this state. The Authority may fund  
3 feasibility and implementation studies it deems necessary to create  
4 such plan.

5 J. The Authority shall further require and assist public  
6 agencies in developing a master plan for the deployment of Phase II  
7 9-1-1 service. Such plans shall be approved or disapproved by the  
8 Authority. Upon determination that a public agency has failed to  
9 submit a master plan for Phase II service deployment, or failed to  
10 comply with the terms of an approved master plan, the Authority  
11 shall order the Tax Commission to escrow all or a portion of the  
12 wireless fee income attributable to the public safety agency until  
13 such time as the public agency complies with the law and the master  
14 plan.

15 K. If the Authority determines that a public agency providing  
16 9-1-1 emergency service is performing below National Emergency  
17 Number Association (NENA) Standards, the Authority may assist the  
18 public agency in developing an improvement plan. Improvement plans  
19 may include consideration and recommendations for consolidation with  
20 other public agencies, and sharing equipment and technology with  
21 other jurisdictions. Such plan shall be approved by the Authority.  
22 Following a time period specified by the Authority deemed sufficient  
23 for the public agency to comply with the terms of the improvement  
24 plan, if the Authority determines the public agency has failed to

1 comply with the terms of an approved improvement plan, the Authority  
2 may direct the Oklahoma Tax Commission to escrow all or a portion of  
3 the wireless fee income attributable to the public agency until such  
4 time as the public agency complies with this act and the rules of  
5 the Authority.

6 L. The Authority is hereby authorized to administer a grant  
7 fund, created in subsection D of Section 5 of this act, for the  
8 purposes of assisting public agencies in deploying Phase II service,  
9 to fund consolidation of public agencies, to assist with funding for  
10 the development of next-generation regional emergency services  
11 networks, and for such other purposes as the Authority determines  
12 appropriate and consistent with the purpose of this act;

13 M. Further, the Authority shall:

14 1. Establish annual population figures for the distribution of  
15 wireless fees pursuant to Section 5 of this act, for submission to  
16 the Tax Commission by dividing the population of the governing body  
17 by the total population of the state as shown by the latest  
18 available Federal Decennial Census estimates as of July 1 of each  
19 year;

20 2. Mediate disputes between public agencies and between public  
21 agencies and 9-1-1 providers;

22 3. Make non-binding recommendations upon the request of public  
23 agencies for consolidation;

24



1        4. Audit the wireless service providers financial records  
2 regarding the remission of 9-1-1 fees; and

3        5. Enforce the provisions of the Regional Emergency 9-1-1  
4 Services Act;

5        N. The ~~Oklahoma Department of Commerce~~ Office of Management and  
6 Enterprise Services shall provide legal, administrative, fiscal, and  
7 staff support for the Board. Expenses related to the provision of  
8 such services may be paid from funds in the Oklahoma 9-1-1  
9 Management Authority Revolving Fund, created in Section 11 of this  
10 act, upon approval by a majority of the members of the Authority.

11        ~~F. O.~~ O. To be eligible to serve as the ~~Statewide Nine One One~~  
12 Oklahoma 9-1-1 Coordinator, a person shall have a minimum of three  
13 (3) years ~~nine-one-one~~ 9-1-1 or public safety experience and  
14 demonstrate an ability to work with diverse groups. The Coordinator  
15 shall not receive direct or indirect income from a business or  
16 entity providing ~~nine-one-one~~ 9-1-1 or public safety equipment or  
17 services in the state.

18        SECTION 9.        NEW LAW        A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20        Persons appointed and serving as members of the Statewide Nine-  
21 One-One Advisory Board upon the effective date of this act shall be  
22 deemed to be members of the Oklahoma 9-1-1 Management Authority.  
23 Members shall serve at the pleasure of their appointing authority as  
24 provided in Section 2847 of Title 63 of the Oklahoma Statutes.

1 SECTION 10. AMENDATORY 63 O.S. 2011, Section 2849, is  
2 amended to read as follows:

3 Section 2849. A. This act shall be known and may be cited as  
4 the "Regional Emergency ~~Nine-One-One~~ 9-1-1 Services Act".

5 B. It is the purpose of the Regional Emergency ~~Nine-One-One~~ 9-  
6 1-1 Services Act to encourage formation of emergency communication  
7 districts in order to provide efficient delivery of emergency ~~nine-~~  
8 ~~one-one~~ ~~(911)~~ 9-1-1 service throughout the state.

9 C. This act shall not apply to any ~~nine-one-one~~ ~~(911)~~ 9-1-1  
10 system or public agency participating in a ~~nine-one-one~~ ~~(911)~~ 9-1-1  
11 system that was established prior to January 1, ~~2009~~ 2016, and that  
12 had adopted ~~and begun implementation of a process to provide Phase I~~  
13 ~~and Phase II~~ ~~nine-one-one~~ ~~(911)~~ 9-1-1 service by that date.

14 D. For the purposes of this section:

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

16 2. "Emergency communication district" means a district formed  
17 pursuant to this act to deliver emergency ~~nine-one-one~~ ~~(911)~~ 9-1-1  
18 services on a regional basis;

19 3. "~~Nine-one-one~~ 9-1-1 system" means an entity that processes  
20 emergency ~~nine-one-one~~ ~~(911)~~ 9-1-1 calls through a public safety  
21 answering point;

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

24

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

3       6. "Public agency" means ~~a municipality or county that provides~~  
4 ~~or has authority to provide fire-fighting, law enforcement,~~  
5 ~~ambulance, medical or other emergency services; provided, it does~~  
6 ~~not mean any entity excluded from this act by the provisions of~~  
7 ~~subsection C of this section~~ any city, town, county, municipal  
8 corporation, public district, public trust, substate planning  
9 district, or public authority located within this state which  
10 provides or has authority to provide firefighting, law enforcement,  
11 ambulance, emergency medical, or other emergency services.

12       E. On or before December 31, ~~2012~~ 2016, all public agencies in  
13 this state shall form regional emergency communication districts for  
14 the purpose of creating an area-wide emergency ~~nine-one-one (911)~~ 9-  
15 1-1 system for their respective jurisdictions. The territory of the  
16 district shall be coextensive with the territory of the regional  
17 substate planning district unless a different territory is approved  
18 by the Oklahoma 9-1-1 Management Authority. If a public agency is  
19 situated in more than one such territory, it shall become part of  
20 the district in which it is principally located. If, due to the  
21 effect of subsection C of this section, the majority of the  
22 participating public agencies located in the territory of a proposed  
23 district determine that it would be in the best interests of their  
24 citizens, they may request inclusion in an adjacent district.

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

5 G. If the public agencies in a region are unable to develop a  
6 local cooperative agreement by December 31, ~~2012~~ 2016, they shall be  
7 included in an emergency communication district that is governed by  
8 a board of directors consisting of an appointee by each public  
9 agency that was authorized by its voters to fund a ~~nine-one-one~~  
10 ~~(911)~~ 9-1-1 system prior to the formation of the district, one  
11 appointee elected by a majority of the remaining public agencies in  
12 the district, and an additional appointee by the principal  
13 municipality in the district who shall serve as chair of the board.

14 H. Unless otherwise provided by agreement, any participating  
15 public agency that had been authorized by its voters to fund a ~~nine-~~  
16 ~~one-one~~ ~~(911)~~ 9-1-1 system prior to the formation of the district  
17 shall retain control of the property, operation, and funding of its  
18 system; provided, however, the district may contract with such  
19 participating public agency to include the agency's system in the  
20 district's master implementation plan. To the extent practicable,  
21 the district shall not duplicate the equipment or answering point  
22 services already provided by a participating public agency. A user  
23 of one or more communication services subject to the payment of fees  
24

1 or taxes for an emergency ~~nine one one (911)~~ 9-1-1 system shall not  
2 be charged for more than one such fee or tax for each service.

3 I. An emergency communication district shall have power to make  
4 all contracts to carry out the purposes of ~~this act~~ the Regional  
5 Emergency 9-1-1 Services Act, purchase and convey real property,  
6 impose service fees authorized for public agencies for the provision  
7 of ~~nine one one (911)~~ 9-1-1 service, appoint a manager of the  
8 district and adopt rules and policies for the operation of the  
9 district.

10 J. Within one (1) year after the effective date of the  
11 formation of the district, the board of directors shall ~~prepare~~  
12 submit its master plan to deliver Phase II emergency ~~nine one one~~  
13 ~~(911)~~ 9-1-1 service throughout its territory. ~~It shall periodically~~  
14 ~~review and update its plan~~ to the Oklahoma 9-1-1 Management  
15 Authority for approval. The Authority shall have the power to  
16 prescribe the terms of the plan and to approve or disapprove the  
17 master plan. Additionally, the Authority shall have the power to  
18 request the Oklahoma Tax Commission escrow the wireless fees  
19 attributable to public agencies who have not submitted a master plan  
20 or who have not complied with the terms of the master plan.

21 K. 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 11. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2847.1 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 There is hereby created in the State Treasury a revolving fund  
7 for the Office of Management and Enterprise Services to be  
8 designated the "Oklahoma 9-1-1 Management Authority Revolving Fund".  
9 The fund shall be a continuing fund, not subject to fiscal year  
10 limitations, and shall consist of all monies received by the Tax  
11 Commission from fees assessed on wireless phone customers designated  
12 for support of 9-1-1 emergency services. All monies accruing to the  
13 credit of the fund are hereby appropriated and may be budgeted and  
14 expended by the Office of Management and Enterprise Services upon  
15 approval by the Oklahoma 9-1-1 Management Authority for the purpose  
16 of supporting the administration of the Authority and providing  
17 grants to public agencies providing 9-1-1 services. Expenditures  
18 from the fund shall be made upon warrants issued by the State  
19 Treasurer against claims filed as prescribed by law with the  
20 Director of the Office of Management and Enterprise Services for  
21 approval and payment.

22 SECTION 12. NEW LAW A new section of law not to be  
23 codified in the Oklahoma Statutes reads as follows:

24

1       The Office of Management and Enterprise Services is authorized  
2 to promulgate any rules necessary to implement the provisions of  
3 this act.

4       SECTION 13.       REPEALER       63 O.S. 2011, Sections 2801, 2802  
5 2803, 2804, 2805, 2806, 2807, 2808, and 2810 are hereby repealed.

6       SECTION 14.   This act shall become effective November 1, 2015.

7  
8       55-1-169           MJM           1/20/2015 12:35:32 PM

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