

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1897

By: Cantrell

4
5 AS INTRODUCED

6 An Act relating to public health and safety; amending
7 63 O.S. 2021, Sections 2814 and 2815, which relate to
8 political subdivisions authorized to operate
9 emergency telephone service and fee collection;
10 modifying statutory references; modifying name of
11 certain act; amending 63 O.S. 2021, Section 2862, as
12 amended by Section 6, Chapter 30, O.S.L. 2022 (63
13 O.S. Supp. 2022, Section 2862), which relates to
14 definitions; defining terms; modifying definition;
15 amending 63 O.S. 2021, Section 2868, which relates to
16 use of funds; modifying name of certain act; removing
17 certain duplicate language; providing for
18 recodification; repealing 63 O.S. 2021, Sections
19 2811, 2812 and 2813, which relate to short title,
20 purpose of act and definitions; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2814, is
24 amended to read as follows:

25 Section 2814. A. In addition to other powers for the
26 protection of the public health, a governing body may provide for
27 the operation of an emergency telephone service and may impose an
28 emergency telephone fee, as provided in this section, for emergency
29 telephone service in areas, subject to the jurisdiction of the

1 governing body. The governing body may do such other acts as are
2 necessary for the protection and preservation of the public health
3 if necessary for the operation of the emergency telephone system.

4 B. The governing body is hereby authorized, by ordinance in the
5 case of municipalities and by resolution in the case of counties or
6 a combined governing body, to provide for the operation of emergency
7 telephone service and to impose an emergency telephone fee in the
8 area to be served by the system. The ordinance or resolution shall
9 submit to the voters in the area to be served the question of the
10 imposition of emergency telephone service and the amount of the
11 emergency telephone fee. The ordinance or resolution shall propose
12 the amount of the emergency telephone fee to begin the second year
13 and for each year thereafter, in an amount not greater than fifteen
14 percent (15%) of the tariff rate, and shall call for an election to
15 be held within one (1) year from the date the ordinance or
16 resolution is adopted.

17 The ordinance or resolution shall also provide for the
18 collection of an amount not to exceed five percent (5%) of the
19 tariff rate in areas subject to the jurisdiction of the governing
20 body for a period of no longer than one (1) year. The one (1) year,
21 five percent (5%) fee shall be a part of, not an addition to, the
22 fee set by the voters. The collection of the five percent (5%) fee
23 may begin, prior to the election, within thirty (30) days after the
24 resolution or ordinance becomes effective. The one (1) year, five

1 percent (5%) fee shall be used to provide for the cost of conducting
2 the election to set the emergency telephone fee and any initial or
3 start-up cost necessary to implement the emergency telephone
4 service. If the fee is not approved by the electors, any remaining
5 money collected during the first year shall be distributed to the
6 local exchange telephone company and then shall be refunded to each
7 service user charged on a pro rata basis.

8 C. Within sixty (60) days of the publication of the resolution
9 adopted pursuant to subsection B of this section, there may be filed
10 with the county election board of the affected county or counties a
11 petition signed by not less than three percent (3%) of the total
12 number of votes cast in the next preceding general election of the
13 county or affected area.

14 Within sixty (60) days of publication of an ordinance adopted by
15 a municipality pursuant to subsection B of this section, there may
16 be filed with the county election board of the county in which the
17 municipality is located a petition signed by not less than three
18 percent (3%) of the total number of votes cast in the next preceding
19 election of the city.

20 The petitions may request that the question of the installation
21 and operation of emergency telephone service and imposition of the
22 one (1) year, five percent (5%) emergency telephone fee as called
23 for in the resolution or ordinance be disapproved.

24

1 Upon determination of the sufficiency of the petition and
2 certification by the county election board or boards, the
3 proposition shall be submitted to the qualified voters of the
4 county, municipality or area to be served not less than sixty (60)
5 days following the certification of the petition.

6 If a majority of the votes cast in an election held pursuant to
7 subsection B of this section disapprove the operation of emergency
8 telephone service and imposition of an emergency telephone fee or a
9 majority of the votes cast disapprove the one (1) year, five percent
10 (5%) emergency telephone fee, upon certification of the election
11 results by the county election board or boards, the resolution or
12 ordinance shall not take effect and the emergency telephone service
13 and the emergency telephone fee called for in the resolution or
14 ordinance shall not be imposed. If the resolution or ordinance is
15 disapproved by the electors, any remaining money collected during
16 the first year shall be distributed to the local exchange telephone
17 company and then shall be refunded to each service user charged on a
18 pro rata basis.

19 D. If the governing board does not take action to provide for
20 the operation of emergency telephone service and to impose an
21 emergency telephone fee as provided in subsection B of this section,
22 there may be filed with the county election board or boards of the
23 affected area a petition signed by not less than three percent (3%)
24

1 of the total numbers of votes cast in the next preceding election of
2 the affected area.

3 The petition shall request that the question of the installation
4 and operation of emergency telephone service and imposition of a fee
5 in an amount not greater than fifteen percent (15%) of the tariff
6 rate be submitted to the qualified voters of the county,
7 municipality or area to be served. Upon determination of the
8 sufficiency of the petition and certification by the county election
9 board or boards, the proposition shall be submitted to the qualified
10 voters of the county, municipality or area to be served not less
11 than sixty (60) days following the certification of the petition.

12 If a majority of the votes cast at an election held pursuant to
13 this subsection approve the installation and operation of emergency
14 telephone service and imposition of an emergency telephone fee the
15 governing body shall provide for the installation and operation of
16 the service, impose the approved fee and provide for the governance
17 of the system. If the affected area is governed by two or more
18 governmental entities the governing bodies of each shall enter into
19 an agreement in accordance with the Interlocal Cooperative Act to
20 provide for the governance of the system.

21 E. Any fee imposed by a county or combined governing body shall
22 not apply to any portion of the county located within the boundaries
23 of a municipality or other governmental entity also imposing an
24 emergency telephone fee pursuant to the provisions of the ~~Nine-One-~~

1 ~~One Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The
2 approved emergency telephone fee shall be effective upon
3 certification of the election results by the county election board
4 or boards. Except as provided for in subsections G and I of this
5 section, an emergency telephone fee imposed prior to the effective
6 date of this act shall continue at the established amount until an
7 election to change the fee is called as provided for in this
8 section.

9 F. If a majority of the votes cast at an election held pursuant
10 to subsection B of this section approve the installation and
11 operation of emergency telephone service and imposition of an
12 emergency telephone fee, the governing body shall provide for the
13 installation and operation of the service and impose the approved
14 fee. The initial five percent (5%) fee, established by resolution
15 or an ordinance, as provided pursuant to the provisions of
16 subsection B of this section shall remain in effect for the
17 remainder of the first year.

18 G. The emergency telephone fee approved pursuant to the
19 provisions of this section shall be reviewed at least once each
20 calendar year by the governing body which shall, in accordance with
21 subsection D of Section ~~2815~~ 2 of this ~~title~~ act, establish the
22 amount of the fee for the next calendar year, not to exceed the
23 amount set by the electors. The governing body shall have the power
24 and authority to reduce the emergency telephone fee being paid by

1 the service users of the emergency telephone system to the estimated
2 amount needed for the annual operation and maintenance of the
3 system. If the governing body makes a reduction and in a subsequent
4 year determines it is necessary to increase the fee to operate and
5 maintain the system, the governing body may raise the fee up to an
6 amount not to exceed the amount previously set by the electors. Any
7 fee imposed by the electors of a county, municipality or area served
8 shall remain at the amount approved by the electors until a new vote
9 of the electors is conducted in the manner for which an election may
10 be conducted to impose a fee as provided for in this section. The
11 proceeds of the fee shall be utilized to pay for the operation of
12 emergency telephone service as specified in this section.

13 Collection of the fee may begin at any time if an existing service
14 is already operative or at any time subsequent to execution of a
15 contract with the provider of the emergency telephone service at the
16 discretion of the governing body.

17 H. If the fee approved by the voters is less than fifteen
18 percent (15%) and the governing body determines there exists a need
19 for ancillary communications systems necessary to communicate the
20 reported emergency to the appropriate emergency service and
21 personnel and the governing body also determines that the fee set by
22 the electors is not sufficient to fund the ancillary communications
23 systems, the governing body may by resolution or ordinance call an
24 election to submit the question of raising the voter-approved fee in

1 a sufficient amount, not to exceed fifteen percent (15%), for such
2 additional time as determined by the governing body it is necessary
3 to purchase the ancillary communications equipment. The vote shall
4 be conducted in the manner provided for in subsection B of this
5 section.

6 I. A governing body with an existing emergency telephone
7 service system in operation prior to the effective date of this act
8 may by ordinance or resolution restore the emergency telephone fee
9 set at three percent (3%) to an amount not to exceed five percent
10 (5%) of the tariff rate for such additional time as is necessary to
11 fund ancillary communications equipment necessary to communicate the
12 reported emergency to the appropriate emergency service and
13 personnel.

14 Within sixty (60) days of the publication of the resolution
15 adopted pursuant to this subsection, there may be filed with the
16 county election board of the affected county or counties a petition
17 signed by not less than three percent (3%) of the total number of
18 votes cast in the next preceding general election of the county or
19 affected area.

20 Within sixty (60) days of publication of an ordinance adopted by
21 a municipality pursuant to this subsection, there may be filed with
22 the county election board of the county in which the municipality is
23 located a petition signed by not less than three percent (3%) of the
24

1 total number of votes cast in the next preceding election of the
2 city.

3 The petitions may request that the question of restoring the
4 emergency telephone fee to an amount not to exceed five percent (5%)
5 of the tariff rate to fund ancillary communications equipment be
6 submitted to the qualified voters of the county, municipality or
7 area to be served.

8 Upon determination of the sufficiency of the petition and
9 certification by the county election board or boards, the
10 proposition shall be submitted to the qualified voters of the
11 county, municipality or area to be served not less than sixty (60)
12 days following the certification of the petition. If a majority of
13 the votes cast at the election are for restoring the emergency
14 telephone fee to an amount not to exceed five percent (5%) of the
15 tariff rate to fund ancillary communications equipment, the
16 resolution or ordinance restoring the fee shall become effective.
17 The increase of the fee may be implemented within thirty (30) days
18 after the resolution or ordinance becomes effective.

19 J. The tariff rate used for initial calculation of the
20 emergency telephone service fee shall remain static for the purpose
21 of calculating future fees for emergency telephone service.
22 Therefore, future rate changes for emergency telephone service shall
23 be stated as a percentage of the initial tariff rate.

24

1 K. The emergency telephone fee shall be imposed only upon the
2 amount received from the tariff for exchange telephone service or
3 its equivalent. No fee shall be imposed upon more than one hundred
4 exchange access lines or their equivalent per person per location.

5 L. Every billed service user shall be liable for any fee
6 imposed pursuant to this section until it has been paid to the local
7 exchange telephone company.

8 M. The duty to collect any fee imposed pursuant to the
9 authority of the ~~Nine-One-One Emergency Number~~ Oklahoma 9-1-1
10 Management Authority Act from a service user shall commence at a
11 time specified by the governing body. Fees imposed pursuant to this
12 section that are required to be collected by the local exchange
13 telephone company shall be added to and shall be stated separately
14 in the billings to the service user.

15 N. The local exchange telephone company shall have no
16 obligation to take any legal action to enforce the collection of any
17 fee imposed pursuant to the authority of this section, however,
18 should any service user tender a payment insufficient to satisfy all
19 charges, tariffs, fees and taxes for exchange telephone service, the
20 amount tendered shall be credited to the emergency telephone fee in
21 the same manner as other taxes and fees. The local exchange
22 telephone company shall annually provide the governing body with a
23 list of amounts uncollected along with the names and addresses of
24 those service users which carry a balance that can be determined by

1 the local exchange telephone company to be nonpayment of any fee
2 imposed pursuant to the authority of this section.

3 O. Any fee imposed pursuant to the authority provided by this
4 section shall be collected insofar as practicable at the same time
5 as, and along with, the charges for exchange telephone service in
6 accordance with the regular billing practice of the local exchange
7 telephone service. The tariff rates determined by or stated in the
8 billing of the local exchange telephone company shall be presumed to
9 be correct if such charges were made in accordance with the business
10 practices of the local exchange telephone company. The presumption
11 may be rebutted by evidence which establishes that an incorrect
12 tariff rate was charged.

13 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2815, is
14 amended to read as follows:

15 Section 2815. A. Any fee imposed pursuant to Section ~~2814~~ 1 of
16 this ~~title~~ act and the amounts required to be collected are due
17 monthly. The amount of fee collected in one (1) month by the local
18 exchange telephone company shall be remitted to the governing body
19 no later than thirty (30) days after the close of the month in which
20 such fees were collected. In the event the fee collected is not
21 remitted by the local exchange telephone company or by a competitive
22 local exchange company, as both are defined in Section 139.102 of
23 Title 17 of the Oklahoma Statutes, to the governing body within
24 thirty (30) days after the close of the month in which such fees

1 were collected, then the local exchange telephone company shall
2 remit a penalty to the governing body. The penalty shall be equal
3 to ten percent (10%) of the original unremitted fee, payable on the
4 first day of each month the fee remains delinquent. All fees
5 collected by the local exchange telephone company and remitted to
6 the governing body and any other money collected to fund the
7 emergency telephone system shall be deposited in a special nine-one-
8 one account established by the governing body, and shall be used
9 only to fund the expenditures authorized by the ~~Nine-One-One~~
10 ~~Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The
11 governing body shall account for all disbursements from the account
12 and shall not allow the funds to be transferred to another account
13 not specifically established for the operation of the emergency
14 telephone system.

15 B. On or before the last day of each month, a return for the
16 preceding month shall be filed with the governing body in a form the
17 governing body and the local exchange telephone company agree to.
18 The local exchange telephone company required to file the return
19 shall deliver the return together with a remittance of the amount of
20 the fee payable to the treasurer or other person responsible to the
21 governing body for receipt of payments from the fee. The local
22 exchange telephone company shall maintain records of the amount of
23 any fee collected in accordance with the provisions of the ~~Nine-One-~~
24 ~~One Emergency Number~~ Oklahoma 9-1-1 Management Authority Act. The

1 records shall be maintained for a period of one (1) year from the
2 time the fee is collected.

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

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

1 emergency telephone service to areas within the jurisdiction of the
2 governing body. The governing body may at its own expense require
3 an annual audit of the books and records of the local exchange
4 telephone company concerning the collection and remittance of the
5 fee authorized by the ~~Nine One One Emergency Number~~ Oklahoma 9-1-1
6 Management Authority Act.

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

21 F. The governing body shall meet at least quarterly to oversee
22 the operations of the 9-1-1 emergency telephone system, review
23 expenditures, set and approve an operating budget and take such
24 other action as necessary for the operation and management of the

1 system. The records and meetings of the governing body shall be
2 subject to the Oklahoma Open Meeting Act and the Oklahoma Open
3 Records Act.

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

17 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2862, as
18 amended by Section 6, Chapter 30, O.S.L. 2022 (63 O.S. Supp. 2022,
19 Section 2862), is amended to read as follows:

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

22 1. "Area served" means the geographic area which shall be
23 served by the 9-1-1 emergency telephone service provided by the
24

1 governing body of a county, municipality, part of a county or
2 combination of such governing bodies;

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

5 3. "Emergency telephone service" means any telephone system
6 utilizing a three-digit number, nine-one-one (9-1-1), for reporting
7 an emergency to the appropriate public agency providing law
8 enforcement, fire, medical or other emergency services, including
9 ancillary communications systems and personnel necessary to pass the
10 reported emergency to the appropriate emergency service and
11 personnel;

12 4. "Emergency telephone fee" means a fee to finance the
13 operation of emergency telephone service;

14 ~~2.~~ 5. "Governing body" means the board of county commissioners
15 of a county, the city council, tribal authority or other governing
16 body of a municipality, or a combination of such boards, councils or
17 other municipal governing bodies including county or municipal
18 beneficiary public trusts, or other public trusts which shall have
19 an administering board. ~~A governing body made up of two or more~~
20 ~~governmental entities shall have a board consisting of not less than~~
21 ~~three members and shall consist of at least one member representing~~
22 ~~each governmental entity, appointed by the governing body of each~~
23 ~~participating governmental entity, as set forth in the agreement~~
24 ~~forming the board. The members of the board shall serve for terms~~

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

8 6. "Local exchange telephone company" means any company
9 providing exchange telephone services to any service user in this
10 state, and shall include any competitive local exchange carrier as
11 defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

12 ~~3.~~ 7. "Next-generation 9-1-1" or "NG9-1-1" means an:

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

1 (5) supports data or video communications needs for
2 coordinated incident response and management, and
3 (6) provides broadband service to public safety
4 answering points or other first responder
5 entities, or

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

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

19 ~~5.~~ 9. "9-1-1 wireless telephone fee" means the fee imposed in
20 Section 2865 of this title to finance the installation and operation
21 of emergency 9-1-1 services and any necessary equipment;

22 10. "Person" means any service user, including but not limited
23 to, any individual, firm, partnership, co-partnership, joint
24 venture, association, cooperative organization, private corporation,

1 whether organized for profit or not, fraternal organization,
2 nonprofit organization, estate, trust, business or common law trust,
3 receiver, assignee for the benefit of creditors, trustee or trustee
4 in bankruptcy, the United States of America, the state, any
5 political subdivision of the state, or any federal or state agency,
6 department, commission, board or bureau;

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

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

22 ~~8.~~ 13. "Proprietary information" means wireless service
23 provider or VoIP service provider, subscriber, market share, cost
24 and review information;

1 ~~9.~~ 14. "Public agency" means any city, town, county, municipal
2 corporation, public district, public trust, substate planning
3 district, public authority or tribal authority located within this
4 state which provides or has authority to provide firefighting, law
5 enforcement, ambulance, emergency medical or other emergency
6 services;

7 ~~10.~~ 15. "Public safety answering point" or "PSAP" means an
8 entity responsible for receiving 9-1-1 calls and processing those
9 calls according to specific operational policy;

10 ~~11.~~ 16. "Public safety telecommunicator" means a person who
11 performs a public service by processing, analyzing, and dispatching
12 calls for emergency assistance. The person is a first responder
13 that provides pre-arrival instructions and has specialized training
14 to mitigate the loss of life and property;

15 17. "Service user" means any person who is provided exchange
16 telephone service in this state;

17 18. "Tariff rate" means the rate or rates billed by a local
18 exchange telephone company stated in tariffs applicable for such
19 company, as approved by the Oklahoma Corporation Commission, or the
20 current equivalent of such rates, which represent the recurring
21 charges of such local exchange telephone company for exchange
22 telephone service or its equivalent, exclusive of all taxes, fees,
23 licenses or similar charges whatsoever.

24

1 ~~12.~~ 19. "Wireless service provider" means a provider of
2 commercial mobile service under Section 332(d) of the
3 Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq.,
4 Federal Communications Commission rules, and the Omnibus Budget
5 Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a
6 provider of wireless two-way communication service, radio-telephone
7 communications related to cellular telephone service, network radio
8 access lines or the equivalent, and personal communication service.
9 The term does not include a provider of:

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

16 ~~13.~~ 20. "Wireless telecommunications connection" means the ten-
17 digit access number assigned to a customer regardless of whether
18 more than one such number is aggregated for the purpose of billing a
19 service user; and

20 ~~14.~~ 21. "Voice over Internet Protocol (VoIP) provider" means a
21 provider of interconnected Voice over Internet Protocol service to
22 end users in the state, including resellers.

23 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2868, is
24 amended to read as follows:

1 Section 2868. A. Public agencies recognized by the Oklahoma 9-
2 1-1 Management Authority and authorized to receive funds collected
3 pursuant to the provisions of the Oklahoma 9-1-1 Management
4 Authority Act shall use the funds only for services, equipment and
5 operations related to 9-1-1 emergency telephone services.

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

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

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

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

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

1 emergency telephone system may be paid from and be considered a part
2 of the operating expenses of the 9-1-1 emergency telephone system.
3 Proprietary information of the wireless service providers shall be
4 confidential. Audit information pertaining to revenue collected or
5 disbursed may be released only in aggregate form so that no
6 provider-specific information may be extrapolated.

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

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

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

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

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

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

8 SECTION 5. RECODIFICATION 63 O.S. 2021, Section 2814, as
9 last amended by Section 1 of this act, shall be recodified as
10 Section 2869.1 of Title 63 of the Oklahoma Statutes, unless there is
11 created a duplication in numbering.

12 SECTION 6. RECODIFICATION 63 O.S. 2021, Section 2815, as
13 last amended by Section 2 of this act, shall be recodified as
14 Section 2869.2 of Title 63 of the Oklahoma Statutes, unless there is
15 created a duplication in numbering.

16 SECTION 7. RECODIFICATION 63 O.S. 2021, Section 2815.1,
17 shall be recodified as Section 2869.3 of Title 63 of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 8. RECODIFICATION 63 O.S. 2021, Section 2816,
20 shall be recodified as Section 2869.4 of Title 63 of the Oklahoma
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 9. RECODIFICATION 63 O.S. 2021, Section 2817,
23 shall be recodified as Section 2869.5 of Title 63 of the Oklahoma
24 Statutes, unless there is created a duplication in numbering.

1 SECTION 10. RECODIFICATION 63 O.S. 2021, Section 2818,
2 shall be recodified as Section 2869.6 of Title 63 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 11. RECODIFICATION 63 O.S. 2021, Section 2820,
5 shall be recodified as Section 2869.7 of Title 63 of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 12. REPEALER 63 O.S. 2021, Sections 2811, 2812
8 and 2813 are hereby repealed.

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

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