

1 **SENATE FLOOR VERSION**

2 April 4, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3278

By: Humphrey of the House

and

Weaver of the Senate

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7
8 An Act relating to emergency medical services;
9 amending 63 O.S. 2021, Sections 2802, 2805, 2806,
10 2807, 2813, 2862, and 2864, which relate to the
11 Oklahoma Emergency Telephone Act; modifying
12 definitions; authorizing the Oklahoma 9-1-1
13 Management Authority in the place of the Department
14 of Public Safety; modifying terms; modifying
15 definition; repealing 63 O.S. 2021, Section 2818.4,
16 which relates to developing recommendations; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2802, is
20 amended to read as follows:

21 Section 2802. As used in this act:

22 1. "Authority" means the Oklahoma 9-1-1 Management Authority;

23 2. "Basic system" means a telephone service which automatically
24 connects a person dialing the primary emergency telephone number to
an established public safety answering point through normal
telephone service facilities;

~~2. "Department" means the Department of Public Safety;~~

1 3. "Direct dispatch method" means a method whereby a call over
2 a basic or sophisticated system is connected to a centralized
3 dispatch center providing for the dispatching of an appropriate
4 emergency service unit upon receipt of a telephone request for such
5 services and a decision as to the proper action to be taken;

6 4. "Methods", as used in paragraphs 3, 8, 9 and 11 of this
7 section, means the procedures to be followed by the public agency or
8 public safety agency affected by such paragraphs;

9 5. "Primary emergency telephone number" means the digits nine-
10 one-one (911);

11 6. "Public agency" means any agency or political subdivision of
12 the state which provides or has authority to provide fire fighting,
13 police, ambulance, medical or other emergency services;

14 7. "Public safety agency" means a functional division of a
15 public agency which provides fire fighting, police, medical or other
16 emergency services;

17 8. "Referral method" means a method whereby a call over a basic
18 or sophisticated system results in providing the requesting party
19 with the telephone number of the appropriate public safety agency or
20 other provider of emergency services;

21 9. "Relay method" means a method whereby a call over a basic or
22 sophisticated system results in pertinent information being noted by
23 the recipient of a telephone request for emergency services and is
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1 relayed to appropriate public safety agencies or other providers of
2 emergency services for dispatch of an emergency service unit;

3 10. "Sophisticated system" means a basic system with the
4 additional capability of automatic identification of the caller's
5 number, holding the incoming call, reconnection on the same
6 telephone line, clearing a telephone line or automatic call routing
7 or combinations of such capabilities; and

8 11. "Transfer method" means a method whereby a call over a
9 basic or sophisticated system is received and directly transferred
10 to an appropriate public safety agency or other provider of
11 emergency services.

12 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2805, is
13 amended to read as follows:

14 Section 2805. In order to insure that proper preparation and
15 implementation of such systems can be accomplished as provided in
16 Section 2803 of this title, the ~~Department of Public Safety~~ Oklahoma
17 9-1-1 Management Authority may develop an overall plan prior to
18 development of any system and shall coordinate the implementation of
19 systems to be established pursuant to the provisions of Section 2803
20 of this title. Any such plan shall contain an estimate of the costs
21 of installing alternate 911 systems and an estimate of the first
22 year's additional operating expenses, if any. The ~~Department~~
23 Authority may formulate a plan by which it and the public agencies
24 and public safety agencies involved may share proportionately the

1 costs of any system and method from their current funds. The
2 ~~Department~~ Authority may aid such agencies in the formulation of
3 concepts, methods and procedures which will improve the operation of
4 systems and which will increase cooperation between public safety
5 agencies. The ~~Department~~ Authority may consult at regular intervals
6 with the State Fire Marshal, the Oklahoma State Bureau of
7 Investigation, the State Department of Health, the Department of
8 Emergency Management and the public utilities in this state
9 providing telephone service.

10 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2806, is
11 amended to read as follows:

12 Section 2806. The ~~Department of Public Safety~~ Oklahoma 9-1-1
13 Management Authority may establish technical and operational
14 standards for the development of basic and sophisticated systems.
15 Such standards shall be forwarded to the Corporation Commission for
16 consideration of any tariff limitations and conditions which may
17 need revision to accommodate such standards; and the Corporation
18 Commission may issue such revisions after whatever hearings or
19 procedures it deems appropriate.

20 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2807, is
21 amended to read as follows:

22 Section 2807. A. All public agencies shall submit final plans
23 for the establishment of any system to the public telephone
24 utilities and may make arrangement with such utilities for the

1 implementation of the planned emergency telephone system. A copy of
2 the plan required by this subsection shall be filed with the
3 ~~Department of Public Safety~~ Oklahoma 9-1-1 Management Authority.

4 B. If any public agency has implemented or is a part of a
5 system which would be authorized by this act on the effective date
6 of this act such public agency may submit in lieu of the tentative
7 or final plan a report describing the system and stating its
8 operational date.

9 C. Plans filed pursuant to subsection A of this section shall
10 conform to minimum standards established pursuant to Section ~~6~~ 2806
11 of this ~~act~~ title.

12 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2813, is
13 amended to read as follows:

14 Section 2813. As used in the Nine-One-One Emergency Number Act,
15 Section 2811 et seq. of this title, unless the context otherwise
16 requires:

17 1. "Area served" means the geographic area which shall be
18 served by the emergency telephone service provided by the governing
19 body of a county, municipality, part of a county or combination of
20 such governing bodies;

21 2. "Emergency telephone service" means any telephone system
22 utilizing a three-digit number, nine-one-one (911), for reporting an
23 emergency to the appropriate public agency providing law
24 enforcement, fire, medical or other emergency services, including

1 ancillary communications systems and personnel necessary to pass the
2 reported emergency to the appropriate emergency service and
3 personnel;

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

6 4. "Governing body" means the board of county commissioners of
7 a county, the city council or other governing body of a
8 municipality, or a combination of such boards, councils or other
9 municipal governing bodies, which shall have an administering board
10 as provided in subsection G of Section 2815 of this title. Any such
11 combined administering board shall be formed and shall enter into an
12 agreement between the governing body of each entity in accordance
13 with the Interlocal Cooperation Act. The agreement shall be filed
14 with the office of the county clerk and in the offices of each
15 governmental entity involved;

16 5. "Local exchange telephone company" means any company
17 providing exchange telephone services 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. "Person" means any service user, including but not limited
21 to, any 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,
4 department, commission, board or bureau;

5 7. "Public agency" means any city, town, county, municipal
6 corporation, public district, public trust or public authority
7 located within this state which provides or has authority to provide
8 fire fighting, law enforcement, ambulance, emergency medical or
9 other emergency services;

10 8. "Service user" means any person who is provided exchange
11 telephone service in this state; and

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

19 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2862, is
20 amended to read as follows:

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

23 1. "Authority" means the Oklahoma 9-1-1 Management Authority
24 created in Section ~~3~~ 2863 of this ~~act~~ title;

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

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

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

22 (1) provides standardized interfaces from emergency
23 call and message services to support emergency
24 communications,

- 1 (2) processes all types of emergency calls, including
- 2 voice, text, data and multimedia information,
- 3 (3) acquires and integrates additional emergency call
- 4 data useful to call routing and handling,
- 5 (4) delivers the emergency calls, messages and data
- 6 to the appropriate public safety answering point
- 7 and other appropriate emergency entities,
- 8 (5) supports data or video communications needs for
- 9 coordinated incident response and management, and
- 10 (6) provides broadband service to public safety
- 11 answering points or other first responder
- 12 entities, or

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

17 4. "9-1-1 emergency telephone service" means any telephone
18 system whereby telephone subscribers may utilize a three-digit
19 number (9-1-1) for reporting an emergency to the appropriate public
20 agency providing law enforcement, fire, medical or other emergency
21 services, including ancillary communications systems and personnel
22 necessary to pass the reported emergency to the appropriate
23 emergency service and which the wireless service provider is

1 required to provide pursuant to the Federal Communications
2 Commission Order 94-102 (961 Federal Register 40348);

3 5. "9-1-1 wireless telephone fee" means the fee imposed in
4 Section ~~5~~ 2865 of this ~~act~~ title to finance the installation and
5 operation of emergency 9-1-1 services and any necessary equipment;

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

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

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

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

10 11. "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 12. "Wireless service provider" means a provider of commercial
16 mobile service under Section 332(d) of the Telecommunications Act of
17 1996, 47 U.S.C., Section 151 et seq., Federal Communications
18 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
19 Pub. L. No. 103-66, and includes a provider of wireless two-way
20 communication service, radio-telephone communications related to
21 cellular telephone service, network radio access lines or the
22 equivalent, and personal communication service. The term does not
23 include a provider of:

24

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

7 ~~12.~~ 13. "Wireless telecommunications connection" means the ten-

8 digit access number assigned to a customer regardless of whether

9 more than one such number is aggregated for the purpose of billing a

10 service user; and

11 ~~13.~~ 14. "Voice over Internet Protocol (VoIP) provider" means a

12 provider of interconnected Voice over Internet Protocol service to

13 end users in the state, including resellers.

14 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2864, is

15 amended to read as follows:

16 Section 2864. The powers and duties of the Oklahoma 9-1-1

17 Management Authority created in Section 2863 of this title shall be

18 to:

- 19 1. Approve or disapprove the selection of the Oklahoma 9-1-1
- 20 Coordinator by majority vote of the members. The Authority shall
- 21 direct the Oklahoma 9-1-1 Coordinator to administer grants approved
- 22 by the Authority pursuant to this section and perform other duties
- 23 as it deems necessary to accomplish the requirements of the Oklahoma
- 24 9-1-1 Management Authority Act;

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

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

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

14 a. submit or comply with master plans to deliver Next
15 Generation 9-1-1 (NG9-1-1) services as required by the
16 Oklahoma 9-1-1 Management Authority Act and approved
17 by the Authority. Local plans must align with the
18 State's Master plan to deploy NG9-1-1,

19 b. meet standards of the National Emergency Number
20 Association (NENA) limited to call-taking and caller-
21 location technology or comply with an improvement plan
22 to meet such standards as directed by the Authority,

23 c. submit annual reports or audits as required by the
24 Oklahoma 9-1-1 Management Authority Act,

- 1 d. provide connectivity and interoperability between
2 state, regional and local next-generation systems, or
3 e. comply with the requirements of the Oklahoma 9-1-1
4 Management Authority Act or procedures established by
5 the Authority;

6 5. Establish and submit to the Tax Commission a list of
7 eligible governing bodies entitled to receive 9-1-1 telephone fees
8 and establish annual population figures for the purpose of
9 distributing fees collected pursuant to Section 2865 of this title,
10 to be derived by dividing the population of each public agency's
11 response area by the total population of the state using data from
12 the latest available Census estimates as of July 1 of each year;

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

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

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

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

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

15 11. Facilitate information-sharing among public agencies;

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

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

20 14. Develop training program standards for ~~9-1-1 call takers~~
21 public safety telecommunicators for call taking.

22 a. Training program standards shall include instruction
23 on recognizing the need for and delivery of High-
24 Quality Telecommunicator CPR (T-CPR) that can be

1 delivered by 9-1-1 ~~call-takers~~ public safety
2 telecommunicators for acute events requiring CPR
3 including, but not limited to, out-of-hospital cardiac
4 events (OHCA).

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

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

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

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

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

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

18 SECTION 8. REPEALER 63 O.S. 2021, Section 2818.4, is
19 hereby repealed.

20 SECTION 9. This act shall become effective November 1, 2022.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
22 April 4, 2022 - DO PASS
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