

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 687

By: Weaver of the Senate

and

Humphrey and **Ford** of the
House

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10 An Act relating to the Oklahoma 9-1-1 Management
11 Authority; amending Sections 4, 6, 7 and 8, Chapter
12 324, O.S.L. 2016 (63 O.S. Supp. 2020, Sections 2864,
13 2866, 2867 and 2868), which relate to powers and
14 duties, collection and distribution of fees and use
15 of funds; modifying requirements; directing
16 establishment of certain rules; providing training
17 program standards; requiring certain reporting;
18 providing certain oversight of fees; and providing an
19 effective date.

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

23 SECTION 1. AMENDATORY Section 4, Chapter 324, O.S.L.
24 2016 (63 O.S. Supp. 2020, Section 2864), is amended to read as
25 follows:

26 Section 2864. The powers and duties of the Oklahoma 9-1-1
27 Management Authority created in Section ~~3 of this act~~ 2863 of this
28 title shall be to:

1 1. Approve or disapprove the selection of the Oklahoma 9-1-1
2 Coordinator by majority vote of the members. The Authority shall
3 direct the Oklahoma 9-1-1 Coordinator to administer grants approved
4 by the Authority pursuant to this section and perform other duties
5 as it deems necessary to accomplish the requirements of the Oklahoma
6 9-1-1 Management Authority Act;

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

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

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

20 a. submit or comply with master plans to deliver ~~Phase II~~
21 Next Generation 9-1-1 ~~wireless locating~~ (NG9-1-1)
22 services as required by ~~this act~~ the Oklahoma 9-1-1
23 Management Authority Act and approved by the
24

1 Authority. Local plans must align with the State's
2 Master plan to deploy NG9-1-1,

- 3 b. meet standards of the National Emergency Number
4 Association (NENA) limited to call-taking and caller-
5 location technology or comply with an improvement plan
6 to meet such standards as directed by the Authority,
7 c. submit annual reports or audits as required by ~~this~~
8 ~~act, or~~ the Oklahoma 9-1-1 Management Authority Act,
9 d. provide connectivity and interoperability between
10 state, regional and local next-generation systems, or
11 e. comply with the requirements of ~~this act~~ the Oklahoma
12 9-1-1 Management Authority Act or procedures
13 established by the Authority;

14 5. Establish and submit to the Tax Commission a list of
15 eligible governing bodies entitled to receive 9-1-1 telephone fees
16 and establish annual population figures for the purpose of
17 distributing fees collected pursuant to Section ~~5 of this act~~ 2865
18 of this title, to be derived by dividing the population of each
19 public agency's response area by the total population of the state
20 using data from the latest available ~~Federal Decennial~~ Census
21 estimates as of July 1 of each year;

22 6. Assist any public agency the Authority determines is
23 performing below standards of the NENA, as limited by paragraph 4 of
24 this section, according to the improvement plan required by the

1 Oklahoma 9-1-1 Management Authority Act. The Authority shall
2 establish a time period for the public agency to come into
3 compliance after which the Authority shall escrow funds as
4 authorized in this section. Improvement plans may include
5 consideration and recommendations for consolidation with other
6 public agencies, and sharing equipment and technology with other
7 jurisdictions;

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

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

16 9. Develop a master plan to deploy next-generation 9-1-1
17 services statewide. ~~The Authority may fund feasibility and~~
18 ~~implementation studies it deems necessary to create the plan~~ This
19 will include the development of performance criteria critical to the
20 function and performance of NG9-1-1 networks and systems;

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

23 11. Facilitate information-sharing among public agencies;
24

1 ~~11.~~ 12. Create and maintain best practices databases for PSAP
2 operations;

3 ~~12.~~ 13. Encourage equipment- and technology-sharing among all
4 jurisdictions;

5 ~~13.~~ 14. Develop training program standards for 9-1-1 call
6 takers.

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

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

17 ~~14.~~ 15. Mediate disputes between public agencies and other
18 entities involved in providing 9-1-1 emergency telephone services;

19 ~~15.~~ 16. Provide a clearinghouse of contact information for
20 communications service companies and PSAPs operating in this state;

21 ~~16.~~ 17. Make recommendations for consolidation upon the request
22 of public agencies; ~~and~~

23 ~~17.~~ 18. Establish an eligible use list for 9-1-1 funds; and
24

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

3 SECTION 2. AMENDATORY Section 6, Chapter 324, O.S.L.
4 2016 (63 O.S. Supp. 2020, Section 2866), is amended to read as
5 follows:

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

13 B. From the total fees collected pursuant to paragraphs 1 and 2
14 of subsection A of Section ~~5 of this act~~ 2865 of this title, one
15 percent (1%) shall be retained by the wireless service provider or
16 VoIP provider, and one percent (1%) shall be retained by the Tax
17 Commission as reimbursement for the direct cost of administering the
18 collection and remittance of the fees.

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

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

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

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

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

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

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

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

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

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

22 K. Within thirty (30) days of receipt, the Oklahoma Tax
23 Commission shall pay available fees remitted pursuant to Section 5
24 ~~of this act~~ 2865 of this title to the governing bodies that the

1 Oklahoma 9-1-1 Management Authority has certified in accordance with
2 Section ~~4 of this act~~ 2864 of this title as eligible to receive
3 funds. The share to be paid to or escrowed for each governing body
4 shall be determined by dividing the population of the governing body
5 by the total population of the state using the latest Federal
6 Decennial Census estimates.

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

12 SECTION 3. AMENDATORY Section 7, Chapter 324, O.S.L.
13 2016 (63 O.S. Supp. 2020, Section 2867), is amended to read as
14 follows:

15 Section 2867. A. Prepaid 9-1-1 wireless transaction fees
16 authorized and collected pursuant to paragraph 3 of subsection A of
17 Section ~~5 of this act~~ 2865 of this title from retailers shall be
18 paid to the Oklahoma Tax Commission under procedures established by
19 the Tax Commission that substantially coincide with the registration
20 and payment procedures that apply under the Oklahoma Sales Tax Code
21 and as directed by the Oklahoma 9-1-1 Management Authority. The
22 audit and appeal procedures, including limitations period,
23 applicable to the Oklahoma Sales Tax Code shall apply to prepaid 9-
24 1-1 wireless telephone fees.

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

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

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

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

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

8 SECTION 4. AMENDATORY Section 8, Chapter 324, O.S.L.
9 2016 (63 O.S. Supp. 2020, Section 2868), is amended to read as
10 follows:

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

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

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

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

21 ~~C.~~ D. If the Oklahoma 9-1-1 Management Authority determines
22 that the public agency has failed to deploy Phase II service, failed
23 to meet the State master plan for NG9-1-1 services or has failed to
24 deliver service consistent with National Emergency Number

1 Association (NENA) standards, the public agency shall submit an
2 improvement plan within the time prescribed by the Authority. The
3 Authority may order the Oklahoma Tax Commission to escrow fees
4 attributable to public agencies which have not submitted plans or
5 complied with improvement plans.

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

18 ~~E.~~ F. Public agencies shall be required to annually submit to
19 the Authority:

20 1. A report, on a form to be prescribed by the Authority,
21 covering the operation and financing of the public safety answering
22 point which shall include all sources of funding available to the
23 public agency for the 9-1-1 emergency telephone system; and
24

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

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

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

18 ~~H.~~ I. Records and meetings of the public agency shall be
19 subject to the Oklahoma Open Records Act and the Oklahoma Open
20 Meeting Act.

21 SECTION 5. This act shall become effective November 1, 2021.

22
23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
24 04/08/2021 - DO PASS, As Coauthored.