

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1166 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Reynolds

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1166

By: Jolley and Garrison of the
Senate

and

Terrill of the House

FLOOR SUBSTITUTE

(public health and safety - creating the Regional
Emergency Nine-One-One Services Act - codification
- effective date -
emergency)

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2843.1, as
last amended by Section 3, Chapter 353, O.S.L. 2007 (63 O.S. Supp.
2008, Section 2843.1), is amended to read as follows:

Section 2843.1 A. To provide for processing nine-one-one
emergency wireless calls, the board of county commissioners of a
county may by resolution submit to the voters of the county the
question of the imposition of a nine-one-one emergency wireless
telephone fee for each wireless connection in the county as

1 determined by the subscriber's place of primary use. The resolution
2 shall include the amount of the fee which shall be ~~fifty cents~~
3 ~~(\$0.50)~~ fifteen cents (\$0.15) per month for each wireless
4 connection, and shall call for an election to be held within one (1)
5 year from the date the resolution is adopted. If a majority of the
6 votes cast in an election held approve the imposition of an
7 emergency telephone fee, the fee shall be imposed. A political
8 subdivision may not impose another fee on a wireless service
9 provider or subscriber for nine-one-one emergency service. The
10 proceeds of the fee shall be utilized to pay for the operation of
11 emergency wireless telephone service as specified in this section.

12 B. A wireless service provider shall collect the emergency
13 wireless telephone fee in an amount equal to the amount approved as
14 provided for in subsection A of this section for each wireless
15 telecommunications connection from each of its subscribers of
16 wireless telephone service within the boundaries of the county as
17 determined by the subscriber's place of primary use and shall pay
18 the money collected to the substate planning district that
19 represents that county not later than thirty (30) days after the
20 last day of the month during which the fees were collected. The
21 wireless service provider may retain an administrative fee of two
22 percent (2%) of the amount collected when remitted in the time
23 specified, unless otherwise agreed upon. The money remitted to the
24 substate planning district and any other money collected to fund the

1 emergency wireless telephone system shall be deposited in a special
2 wireless nine-one-one account established by the district.

3 C. Money collected under subsection B of this section shall be
4 used only for services related to nine-one-one emergency wireless
5 telephone services, including automatic number identification and
6 automatic location information services. The substate planning
7 districts shall distribute the money collected for each county which
8 has approved the emergency wireless telephone fee to each public
9 agency within that county which has established emergency wireless
10 telephone service or has sent a written request for installation,
11 maintenance, and operation of an emergency wireless telephone
12 service to a wireless service provider. The money remitted to the
13 public agency and any other money collected to fund the emergency
14 wireless telephone system shall be deposited in a special wireless
15 nine-one-one account established by the substate planning district.
16 From the emergency wireless telephone fee, the substate planning
17 districts shall distribute to other public agencies in the county
18 their proportionate share attributable to emergency wireless
19 telephone services as determined by at least an annual census of
20 wireless users provided by the wireless service provider. All
21 wireless user information provided by a wireless service provider
22 shall be deemed proprietary and is not subject to disclosure to the
23 public or any other party. Remittance of the fee to a public agency
24 may begin at any time if an existing emergency wireless telephone

1 service is already operative or upon written request by the local
2 governing body to the provider for installation, maintenance, and
3 operation of a nine-one-one emergency wireless telephone service and
4 related equipment. Amounts not used within a given year shall be
5 carried forward.

6 D. Every billed service user shall be liable for any emergency
7 wireless telephone fee imposed pursuant to this section until it has
8 been paid to the wireless service provider. As of the effective
9 date of this section, each prepaid wireless service provider shall
10 remit the emergency wireless telephone fee for its prepaid wireless
11 customers in accordance with either of the following methods:

12 1. For each active prepaid wireless customer whose account
13 balance is equal to or greater than the amount of the fee, the
14 provider shall deduct and remit the fee; and

15 2. If it is not technically feasible for the prepaid wireless
16 service provider to deduct the emergency wireless telephone fee from
17 an active account, the prepaid wireless service provider shall pay
18 the fee for each active prepaid account and seek reimbursement using
19 whatever means are available to the provider.

20 E. The duty to collect any emergency wireless telephone fee
21 imposed pursuant to the authority of the Nine-One-One Wireless
22 Emergency Number Act from a service user shall commence within sixty
23 (60) days following the date that a wireless service provider
24 receives notice from a local county that the voters in a county have

1 approved the fee, the amount of such fee and the address to which
2 the fee should be remitted. Fees imposed pursuant to this section
3 that are required to be collected by the wireless service provider
4 may be added to and shall be stated separately in any billings to
5 the service user.

6 F. The wireless service provider shall have no obligation to
7 take any legal action to enforce the collection of any emergency
8 wireless telephone fee imposed pursuant to the authority of this
9 section; however, should any service user tender a payment
10 insufficient to satisfy all charges, tariffs, fees, and taxes for
11 wireless telephone service, the amount tendered shall be credited to
12 the nine-one-one emergency wireless telephone fee in the same manner
13 as other taxes and fees. The wireless service provider shall at
14 least annually provide the governing body with a list of amounts
15 uncollected along with the names and addresses of those service
16 users who carry a balance that can be determined by the wireless
17 service provider to be nonpayment of any fee imposed pursuant to the
18 authority of this section.

19 G. Any emergency wireless telephone fee imposed pursuant to the
20 authority provided by this section shall be collected insofar as
21 practicable at the same time as, and along with, the charges for
22 wireless telephone service in accordance with the regular billing
23 practice of the wireless telephone service. If the customer has
24 prepaid for wireless telephone service, the wireless service

1 provider shall remit the emergency wireless telephone fee in
2 accordance with subsection D of this section. However, if the
3 public agency has not deployed nine-one-one emergency wireless
4 telephone service within twenty-four (24) months or thirty-six (36)
5 months for counties with a population of less than thirty thousand
6 (30,000), from the initial collection of the fee under subsection B
7 of this section, the collection of the fee may be suspended until
8 such service is deployed. A wireless service provider is not liable
9 for failing to suspend collection of a fee.

10 H. Nothing in the Nine-One-One Wireless Emergency Number Act
11 shall be construed to limit the ability of a wireless service
12 provider from recovering its costs associated with designing,
13 developing, deploying, and maintaining wireless enhanced nine-one-
14 one service directly from the customers of the provider, whether the
15 costs are itemized on the bill of the wireless customer as a
16 surcharge or by any other lawful means.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2849 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall be known and may be cited as the "Regional
21 Emergency Nine-One-One Services Act".

22 B. It is the purpose of the Regional Emergency Nine-One-One
23 Services Act to encourage formation of emergency communication
24

1 districts in order to provide efficient delivery of emergency nine-
2 one-one (911) service throughout the state.

3 C. This act shall not apply to any nine-one-one (911) system or
4 public agency participating in a nine-one-one (911) system that was
5 established prior to January 1, 2009, and that had adopted and begun
6 implementation of a process to provide Phase I and Phase II nine-
7 one-one (911) service by that date.

8 D. For the purposes of this section:

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

10 2. "Emergency communication district" means a district formed
11 pursuant to this act to deliver emergency nine-one-one (911)
12 services on a regional basis;

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

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

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

19 6. "Public agency" means a municipality or county that provides
20 or has authority to provide fire-fighting, law enforcement,
21 ambulance, medical or other emergency services; provided, it does
22 not mean any entity excluded from this act by the provisions of
23 subsection C of this section.

24

1 E. On or before December 31, 2012, all public agencies in this
2 state shall form regional emergency communication districts for the
3 purpose of creating an area-wide emergency nine-one-one (911) system
4 for their respective jurisdictions. The territory of the district
5 shall be coextensive with the territory of the regional substate
6 planning district. If a public agency is situated in more than one
7 such territory it shall become part of the district in which it is
8 principally located. If, due to the effect of subsection C of this
9 section, the majority of the participating public agencies located
10 in the territory of a proposed district determine that it would be
11 in the best interests of their citizens, they may request inclusion
12 in an adjacent district.

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

17 G. If the public agencies in a region are unable to develop a
18 local cooperative agreement by December 31, 2012, they shall be
19 included in an emergency communication district that is governed by
20 a board of directors consisting of an appointee by each public
21 agency that was authorized by its voters to fund a nine-one-one
22 (911) system prior to the formation of the district, one appointee
23 elected by a majority of the remaining public agencies in the
24

1 district, and an additional appointee by the principal municipality
2 in the district who shall serve as chair of the board.

3 H. Unless otherwise provided by agreement, any participating
4 public agency that had been authorized by its voters to fund a nine-
5 one-one (911) system prior to the formation of the district shall
6 retain control of the property, operation, and funding of its
7 system; provided, however, the district may contract with such
8 participating public agency to include the agency's system in the
9 district's master implementation plan. To the extent practicable,
10 the district shall not duplicate the equipment or answering point
11 services already provided by a participating public agency. A user
12 of one or more communication services subject to the payment of fees
13 or taxes for an emergency nine-one-one (911) system shall not be
14 charged for more than one such fee or tax for each service.

15 I. An emergency communication district shall have power to make
16 all contracts to carry out the purposes of this act, purchase and
17 convey real property, impose service fees authorized for public
18 agencies for the provision of nine-one-one (911) service, appoint a
19 manager of the district and adopt rules and policies for the
20 operation of the district.

21 J. Within one (1) year after the effective date of the
22 formation of the district, the board of directors shall prepare its
23 master plan to deliver emergency nine-one-one (911) service
24

1 throughout its territory. It shall periodically review and update
2 its plan.

3 K. An emergency communication district shall operate on a
4 fiscal year beginning July 1st. It shall adopt an annual budget and
5 cause to be prepared an independent financial audit annually. As
6 soon as practicable after the end of the fiscal year, the district
7 shall deliver to each participating public agency an annual report
8 showing in detail the operations of the district.

9 SECTION 3. This act shall become effective July 1, 2009.

10 SECTION 4. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14

15 52-1-7810 KB 04/14/09

16

17

18

19

20

21

22

23

24