

(To Resolve Conflicts)

B-Engrossed
House Bill 2167

Ordered by the Senate June 26
Including House Amendments dated June 9 and Senate Amendments
dated June 26 to resolve conflicts

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Military Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies timing of payment of certain administrative expenses of Office of Emergency Management from moneys in Emergency Communications Account.

A BILL FOR AN ACT

1
2 Relating to distribution of 9-1-1 taxes; creating new provisions; and amending ORS 401.808.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 401.808 is amended to read:

5 401.808. The Office of Emergency Management shall distribute quarterly the entire amount of
6 the moneys in the Emergency Communications Account [*beginning in June 1982*]. The office shall
7 pay the following amounts from the account:

8 (1) Administrative costs incurred during the preceding calendar quarter by the Department of
9 Revenue in carrying out ORS 401.792 to 401.804. The amount paid to the department shall not ex-
10 ceed one-half of one percent of the amount in the account on the date of distribution, or actual ex-
11 penses incurred by the department, whichever is less.

12 (2) Administrative costs **to be** incurred during the [*preceding*] calendar quarter by the Office of
13 Emergency Management in carrying out its duties under ORS 305.823 and 401.710 to 401.816. The
14 amount paid to the office **under this subsection** shall not exceed four percent of the amount in the
15 account on the date of distribution, [*or*] **and, on or before the next date of distribution, the of-**
16 **ice shall repay to the account any amount received under this subsection that exceeds the**
17 **actual expenses incurred by the office, [*whichever is less*] in the quarter.** The office may provide
18 funding under this subsection for the Oregon Emergency Response System in an amount not to ex-
19 ceed 15 percent of the legislatively approved budget for the Oregon Emergency Response System.
20 Funding provided to the Oregon Emergency Response System under this subsection shall be in the
21 manner prescribed by the office and shall be subject to the availability of funds for such funding.

22 (3) Funds in the Enhanced 9-1-1 Subaccount shall be used to pay for costs incurred during the
23 preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS
24 401.720. Enhanced 9-1-1 subaccount funds shall not be disbursed to a 9-1-1 jurisdiction which does
25 not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991. Payments
26 shall be made only after a reimbursement request has been submitted to the Office of Emergency

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 Management in the manner prescribed by the office. Reimbursement requests for recurring and
2 nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720 shall
3 be submitted directly to the Office of Emergency Management. The costs payable under this section
4 are only those incurred for:

- 5 (a) Modification of central office switching and trunking equipment;
- 6 (b) Network development, operation and maintenance;
- 7 (c) Database development, operation and maintenance;
- 8 (d) On-premises equipment procurement, maintenance and replacement;
- 9 (e) Conversion of pay station telephones required by ORS 401.770;
- 10 (f) Collection of the tax imposed by ORS 401.792 to 401.804; and
- 11 (g) Addressing if the reimbursement request is consistent with rules adopted by the office.

12 (4) 9-1-1 jurisdictions who have enhanced 9-1-1 telephone service operational prior to December
13 31, 1991, shall receive funding based on cost information provided in their final plan required in
14 section 7, chapter 743, Oregon Laws 1991. Plans submitted which meet the minimum requirements
15 set forth in ORS 401.720 (2) and (4) shall be approved. Funding for costs incurred prior to the pre-
16 ceding calendar quarter shall be limited to charges associated with database development, network
17 and on-premises equipment which satisfy the requirements of ORS 401.720 (2) and (4). Funding under
18 this section shall be in the manner prescribed by the office and subject to the availability of funds
19 therefor.

20 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described
21 in ORS 401.806 to repay loans from the Special Public Works Fund if the loans were used for pur-
22 poses that are allowable under ORS 401.710 to 401.816.

23 (6) Any amounts remaining in the Enhanced 9-1-1 Subaccount shall be retained by the Office of
24 Emergency Management and may be distributed in any subsequent quarter for those purposes set
25 forth in subsections (3), (4) and (5) of this section.

26 (7) The Enhanced 9-1-1 Equipment Replacement Subaccount shall be used by the Office of
27 Emergency Management to provide funds to replace and upgrade equipment to carry out the pro-
28 visions of ORS 401.710 to 401.816. If at any time unexpended and unobligated balances in the sub-
29 account exceed \$500,000, such excess amount shall be transferred and credited to the Emergency
30 Communications Account and shall be used for the purposes otherwise provided by law.

31 (8) The office shall review reimbursement requests for modification of central office switching
32 and trunking equipment, conversion of pay station telephones, and network development, operation
33 and maintenance costs necessary to comply with ORS 401.720 for the appropriateness of the costs
34 claimed. The office shall approve or disapprove the reimbursement requests.

35 (9) The office shall review reimbursement requests for database development, operation and
36 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary
37 to comply with ORS 401.720 for the appropriateness of the costs claimed.

38 (10) After all amounts under subsections (1) and (2) of this section and ORS 401.806 (2) and (3)
39 have been paid, the balance of the Emergency Communications Account shall be distributed to cities
40 on a per capita basis and to counties on a per capita basis of each county's unincorporated area,
41 for distribution to 9-1-1 jurisdictions within the city or county, but each county shall receive a
42 minimum of one percent of the balance of the account after the amounts under subsections (1) and
43 (2) of this section and ORS 401.806 (2) and (3) have been paid. A 9-1-1 jurisdiction whose 9-1-1 service
44 area includes more than one city or county shall receive funds from each city or county involved.

45 (11) Notwithstanding subsection (10) of this section, a city or county may have its quarterly

1 distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services
2 required in ORS 401.720.

3 (12) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report shall
4 be provided in the manner prescribed by the office, and shall include but not be limited to:

5 (a) Funds received and expended under subsection (10) or (11) of this section for the purposes
6 of fulfilling the requirements of ORS 401.720;

7 (b) Local funds received and expended for the purposes of fulfilling the requirements of ORS
8 401.720; and

9 (c) Local funds received and expended for the purposes of providing emergency communications
10 services.

11 **SECTION 2. Notwithstanding the amendments to ORS 401.808 by section 1 of this 2009**
12 **Act:**

13 (1) **On the first date of distribution after the effective date of this 2009 Act, the Office**
14 **of Emergency Management shall pay administrative costs of the office incurred in carrying**
15 **out its duties under ORS 305.823 and 401.710 to 401.816 for the calendar quarter described in**
16 **ORS 401.808 (2) and for the preceding quarter.**

17 (2) **The amount paid under subsection (1) of this section may not exceed eight percent**
18 **of the amount in the Emergency Communications Account on the date of distribution.**

19 **SECTION 3. If House Bill 2168 becomes law, section 1 of this 2009 Act (amending ORS**
20 **401.808) is repealed and ORS 401.808, as amended by section 21, chapter 203, Oregon Laws 2009**
21 **(Enrolled House Bill 2168), is amended to read:**

22 401.808. (1) The Office of Emergency Management shall distribute quarterly the entire amount
23 of the moneys in the Emergency Communications Account [*beginning in June 1982*]. The office shall
24 pay the following amounts from the account:

25 (a) Administrative costs incurred during the preceding calendar quarter by the Department of
26 Revenue in carrying out ORS 401.792 to 401.804 in an amount that does not exceed one-half of one
27 percent of the amount in the account on the date of distribution, or actual expenses incurred by the
28 department, whichever is less.

29 (b) Administrative costs **to be** incurred during the [*preceding*] calendar quarter by the Office of
30 Emergency Management in carrying out its duties under ORS 305.823 and 401.710 to 401.816 [*in an*
31 *amount that does*]. **The amount to be paid under this paragraph may not exceed four percent of**
32 **the amount in the account on the date of distribution, [*or*] and, on or before the next date of**
33 **distribution, the office shall repay to the account any amount received under this paragraph**
34 **that exceeds the actual expenses incurred by the office[, *whichever is less*] in the quarter.**

35 (2) The office may:

36 (a) Provide funding for the Oregon Emergency Response System in an amount that does not
37 exceed 15 percent of the legislatively approved budget for the Oregon Emergency Response System
38 subject to availability of funds within the limit for administrative costs in subsection (1)(b) of this
39 section.

40 (b) Prescribe the manner in which funding is provided to the Oregon Emergency Response Sys-
41 tem under this subsection.

42 (3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay for costs incurred during
43 the preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS
44 401.720. The office may not disburse funds in the Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction
45 that does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991.

1 The office shall make payments for reimbursement only after a reimbursement request has been
2 submitted to the office in the manner prescribed by the office. Reimbursement requests for recurring
3 and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720
4 must be submitted directly to the office. The costs reimbursable under this subsection are only those
5 incurred for:

- 6 (a) Modification of central office switching and trunking equipment;
- 7 (b) Network development, operation and maintenance;
- 8 (c) Database development, operation and maintenance;
- 9 (d) On-premises equipment procurement, maintenance and replacement;
- 10 (e) Conversion of pay station telephones required by ORS 401.770;
- 11 (f) Collection of the tax imposed by ORS 401.792 to 401.804; and
- 12 (g) Addressing if the reimbursement request is consistent with rules adopted by the office.

13 (4) Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions that
14 have enhanced 9-1-1 telephone service operational prior to December 31, 1991, based on cost infor-
15 mation provided in their final plan required in section 7, chapter 743, Oregon Laws 1991. The office
16 shall approve final plans submitted that meet the minimum requirements set forth in ORS 401.720
17 (2) and (4). The office shall limit funding for costs incurred prior to the preceding calendar quarter
18 to charges associated with database development, network and on-premises equipment that satisfies
19 the requirements of ORS 401.720 (2) and (4). The office shall prescribe the manner in which funding
20 is provided under this subsection.

21 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described
22 in ORS 401.806 to repay loans from the Special Public Works Fund if the loans were used for pur-
23 poses that are allowable under ORS 401.710 to 401.816.

24 (6) The office shall retain amounts remaining in the Enhanced 9-1-1 Subaccount and may dis-
25 tribute the amounts in a subsequent quarter for those purposes set forth in subsections (3), (4) and
26 (5) of this section.

27 (7) The office shall review reimbursement requests for modification of central office switching
28 and trunking equipment, conversion of pay station telephones, and network development, operation
29 and maintenance costs necessary to comply with ORS 401.720 for the appropriateness of the costs
30 claimed. The office shall approve or disapprove the reimbursement requests.

31 (8) The office shall review reimbursement requests for database development, operation and
32 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary
33 to comply with ORS 401.720 for the appropriateness of the costs claimed.

34 (9) After all amounts under subsections (1) and (2) of this section and ORS 401.806 (2) have been
35 paid, the office shall distribute the balance of the Emergency Communications Account to cities on
36 a per capita basis and to counties on a per capita basis of each county's unincorporated area for
37 distribution to 9-1-1 jurisdictions within the city or county. However, each county must receive a
38 minimum of one percent of the balance of the account after the amounts under subsections (1) and
39 (2) of this section and ORS 401.806 (2) have been paid. A city or county shall pay each 9-1-1 juris-
40 diction whose 9-1-1 service area includes all or part of the city or county.

41 (10) Notwithstanding subsection (9) of this section, a city or county may have its quarterly dis-
42 tribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services re-
43 quired in ORS 401.720.

44 (11) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report must
45 be provided in the manner prescribed by the office and must include but not be limited to:

1 (a) Funds received and expended under subsection (9) or (10) of this section for the purposes of
2 fulfilling the requirements of ORS 401.720;

3 (b) Local funds received and expended for the purposes of fulfilling the requirements of ORS
4 401.720; and

5 (c) Local funds received and expended for the purposes of providing emergency communications
6 services.

7 **SECTION 4.** If House Bill 2168 becomes law, section 2 of this 2009 Act is amended to read:

8 **Sec. 2.** Notwithstanding the amendments to ORS 401.808 by section [1] **3** of this 2009 Act:

9 (1) On the first date of distribution after the effective date of this 2009 Act, the Office of
10 Emergency Management shall pay administrative costs of the office incurred in carrying out its
11 duties under ORS 305.823 and 401.710 to 401.816 for the calendar quarter described in ORS 401.808
12 [(2)] **(1)(b)** and for the preceding quarter.

13 (2) The amount paid under subsection (1) of this section may not exceed eight percent of the
14 amount in the Emergency Communications Account on the date of distribution.

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