

Enrolled
House Bill 2167

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)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 401.808 is amended to read:

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

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

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

(3) Funds in the Enhanced 9-1-1 Subaccount shall be used to pay for costs incurred during the preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS 401.720. Enhanced 9-1-1 subaccount funds shall not be disbursed to a 9-1-1 jurisdiction which does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991. Payments shall be made only after a reimbursement request has been submitted to the Office of Emergency Management in the manner prescribed by the office. Reimbursement requests for recurring and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720 shall be submitted directly to the Office of Emergency Management. The costs payable under this section are only those incurred for:

- (a) Modification of central office switching and trunking equipment;
- (b) Network development, operation and maintenance;
- (c) Database development, operation and maintenance;
- (d) On-premises equipment procurement, maintenance and replacement;

- (e) Conversion of pay station telephones required by ORS 401.770;
- (f) Collection of the tax imposed by ORS 401.792 to 401.804; and
- (g) Addressing if the reimbursement request is consistent with rules adopted by the office.

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

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

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

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

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

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

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

(11) Notwithstanding subsection (10) of this section, a city or county may have its quarterly distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services required in ORS 401.720.

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

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

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

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

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

(1) On the first date of distribution after the effective date of this 2009 Act, the Office of Emergency Management shall pay administrative costs of the office incurred in carrying

out its duties under ORS 305.823 and 401.710 to 401.816 for the calendar quarter described in ORS 401.808 (2) and for the preceding quarter.

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

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

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

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

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

(2) The office may:

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

(b) Prescribe the manner in which funding is provided to the Oregon Emergency Response System under this subsection.

(3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay for costs incurred during the preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS 401.720. The office may not disburse funds in the Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction that does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991. The office shall make payments for reimbursement only after a reimbursement request has been submitted to the office in the manner prescribed by the office. Reimbursement requests for recurring and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720 must be submitted directly to the office. The costs reimbursable under this subsection are only those incurred for:

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

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

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

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

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

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

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

(10) Notwithstanding subsection (9) of this section, a city or county may have its quarterly distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services required in ORS 401.720.

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

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

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

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

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

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

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

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

Passed by House June 12, 2009

Repassed by House June 29, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State