

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)

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 **as introduced**.

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

31 (a) Modification of central office switching and trunking equipment;

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 (b) Network development, operation and maintenance;
- 2 (c) Database development, operation and maintenance;
- 3 (d) On-premises equipment procurement, maintenance and replacement;
- 4 (e) Conversion of pay station telephones required by ORS 401.770;
- 5 (f) Collection of the tax imposed by ORS 401.792 to 401.804; and
- 6 (g) Addressing if the reimbursement request is consistent with rules adopted by the office.
- 7 (4) 9-1-1 jurisdictions who have enhanced 9-1-1 telephone service operational prior to December
- 8 31, 1991, shall receive funding based on cost information provided in their final plan required in
- 9 section 7, chapter 743, Oregon Laws 1991. Plans submitted which meet the minimum requirements
- 10 set forth in ORS 401.720 (2) and (4) shall be approved. Funding for costs incurred prior to the pre-
- 11 ceding calendar quarter shall be limited to charges associated with database development, network
- 12 and on-premises equipment which satisfy the requirements of ORS 401.720 (2) and (4). Funding under
- 13 this section shall be in the manner prescribed by the office and subject to the availability of funds
- 14 therefor.
- 15 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described
- 16 in ORS 401.806 to repay loans from the Special Public Works Fund if the loans were used for pur-
- 17 poses that are allowable under ORS 401.710 to 401.816.
- 18 (6) Any amounts remaining in the Enhanced 9-1-1 Subaccount shall be retained by the Office of
- 19 Emergency Management and may be distributed in any subsequent quarter for those purposes set
- 20 forth in subsections (3), (4) and (5) of this section.
- 21 (7) The Enhanced 9-1-1 Equipment Replacement Subaccount shall be used by the Office of
- 22 Emergency Management to provide funds to replace and upgrade equipment to carry out the pro-
- 23 visions of ORS 401.710 to 401.816. If at any time unexpended and unobligated balances in the sub-
- 24 account exceed \$500,000, such excess amount shall be transferred and credited to the Emergency
- 25 Communications Account and shall be used for the purposes otherwise provided by law.
- 26 (8) The office shall review reimbursement requests for modification of central office switching
- 27 and trunking equipment, conversion of pay station telephones, and network development, operation
- 28 and maintenance costs necessary to comply with ORS 401.720 for the appropriateness of the costs
- 29 claimed. The office shall approve or disapprove the reimbursement requests.
- 30 (9) The office shall review reimbursement requests for database development, operation and
- 31 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary
- 32 to comply with ORS 401.720 for the appropriateness of the costs claimed.
- 33 (10) After all amounts under subsections (1) and (2) of this section and ORS 401.806 (2) and (3)
- 34 have been paid, the balance of the Emergency Communications Account shall be distributed to cities
- 35 on a per capita basis and to counties on a per capita basis of each county's unincorporated area,
- 36 for distribution to 9-1-1 jurisdictions within the city or county, but each county shall receive a
- 37 minimum of one percent of the balance of the account after the amounts under subsections (1) and
- 38 (2) of this section and ORS 401.806 (2) and (3) have been paid. A 9-1-1 jurisdiction whose 9-1-1 service
- 39 area includes more than one city or county shall receive funds from each city or county involved.
- 40 (11) Notwithstanding subsection (10) of this section, a city or county may have its quarterly
- 41 distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services
- 42 required in ORS 401.720.
- 43 (12) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report shall
- 44 be provided in the manner prescribed by the office, and shall include but not be limited to:
- 45 (a) Funds received and expended under subsection (10) or (11) of this section for the purposes

1 of fulfilling the requirements of ORS 401.720;

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

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

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

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

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

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