

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 2167

By JOINT COMMITTEE ON WAYS AND MEANS

June 26

1 On page 3 of the printed A-engrossed bill, after line 16, insert:

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3 **401.808) is repealed and ORS 401.808, as amended by section 21, chapter 203, Oregon Laws 2009**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

5 “401.808. (1) The Office of Emergency Management shall distribute quarterly the entire amount
6 of the moneys in the Emergency Communications Account [*beginning in June 1982*]. The office shall
7 pay the following amounts from the account:

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

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

18 “(2) The office may:

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

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

25 “(3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay for costs incurred during
26 the preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS
27 401.720. The office may not disburse funds in the Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction
28 that does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991.
29 The office shall make payments for reimbursement only after a reimbursement request has been
30 submitted to the office in the manner prescribed by the office. Reimbursement requests for recurring
31 and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 401.720
32 must be submitted directly to the office. The costs reimbursable under this subsection are only those
33 incurred for:

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

35 “(b) Network development, operation and maintenance;

1 “(c) Database development, operation and maintenance;

2 “(d) On-premises equipment procurement, maintenance and replacement;

3 “(e) Conversion of pay station telephones required by ORS 401.770;

4 “(f) Collection of the tax imposed by ORS 401.792 to 401.804; and

5 “(g) Addressing if the reimbursement request is consistent with rules adopted by the office.

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

14 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described
15 in ORS 401.806 to repay loans from the Special Public Works Fund if the loans were used for pur-
16 poses that are allowable under ORS 401.710 to 401.816.

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

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

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

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

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

37 “(11) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report must
38 be provided in the manner prescribed by the office and must include but not be limited to:

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

41 “(b) Local funds received and expended for the purposes of fulfilling the requirements of ORS
42 401.720; and

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

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

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

2 “(1) On the first date of distribution after the effective date of this 2009 Act, the Office of
3 Emergency Management shall pay administrative costs of the office incurred in carrying out its
4 duties under ORS 305.823 and 401.710 to 401.816 for the calendar quarter described in ORS 401.808
5 [(2)] **(1)(b)** and for the preceding quarter.

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

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