

House Bill 4051

Sponsored by Representative SHEEHAN; Representatives BARKER, KRIEGER, MATTHEWS, OLSON, SPRENGER, Senator OLSEN (Presession filed.)

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**.

Requires Office of Emergency Management to distribute 9-1-1 tax revenues directly to 9-1-1 jurisdictions. Applies to distributions from Emergency Communications Account on or after January 1, 2013.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to distribution of 9-1-1 tax revenues; creating new provisions; amending ORS 403.240; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 403.240 is amended to read:

6 403.240. (1) The Office of Emergency Management shall distribute quarterly the entire amount
7 of the moneys in the Emergency Communications Account. The office shall pay the following
8 amounts from the account:

9 (a) Administrative costs incurred during the preceding calendar quarter by the Department of
10 Revenue in carrying out ORS 403.200 to 403.230 in an amount that does not exceed one-half of one
11 percent of the amount in the account on the date of distribution, or actual expenses incurred by the
12 department, whichever is less.

13 (b) Administrative costs to be incurred during the calendar quarter by the Office of Emergency
14 Management in carrying out its duties under ORS 305.823 and 403.105 to 403.250. The amount to be
15 paid under this paragraph may not exceed four percent of the amount in the account on the date
16 of distribution, and, on or before the next date of distribution, the office shall repay to the account
17 any amount received under this paragraph that exceeds the actual expenses incurred by the office
18 in the quarter.

19 (2) The office may:

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

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

26 (3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay for costs incurred during
27 the preceding calendar quarter for enhanced 9-1-1 telephone service established pursuant to ORS
28 403.115. The office may not disburse funds in the Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction
29 that does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991.
30 The office shall make payments for reimbursement only after a reimbursement request has been

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 submitted to the office in the manner prescribed by the office. Reimbursement requests for recurring
2 and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 403.115
3 must be submitted directly to the office. The costs reimbursable under this subsection are only those
4 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 403.140;
- 10 (f) Collection of the tax imposed by ORS 403.200 to 403.230; and
- 11 (g) Addressing if the reimbursement request is consistent with rules adopted by the office.

12 (4) Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions that
13 have enhanced 9-1-1 telephone service operational prior to December 31, 1991, based on cost infor-
14 mation provided in their final plan required in section 7, chapter 743, Oregon Laws 1991. The office
15 shall approve final plans submitted that meet the minimum requirements set forth in ORS 403.115
16 (2) and (4). The office shall limit funding for costs incurred prior to the preceding calendar quarter
17 to charges associated with database development, network and on-premises equipment that satisfies
18 the requirements of ORS 403.115 (2) and (4). The office shall prescribe the manner in which funding
19 is provided under this subsection.

20 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from any account described
21 in ORS 403.235 to repay loans from the Special Public Works Fund if the loans were used for pur-
22 poses that are allowable under ORS 403.105 to 403.250.

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

26 (7) 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 403.115 for the appropriateness of the costs
29 claimed. The office shall approve or disapprove the reimbursement requests.

30 (8) 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 403.115 for the appropriateness of the costs claimed.

33 (9) After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been
34 paid, the office shall distribute the balance of the Emergency Communications Account to cities on
35 a per capita basis and to counties on a per capita basis of each county's unincorporated area for
36 distribution **directly** to 9-1-1 jurisdictions [*within the city or county*]. However, each county must
37 receive a minimum of one percent of the balance of the account after the amounts under subsections
38 (1) and (2) of this section and ORS 403.235 (2) have been paid. [*A city or county shall pay each 9-1-1*
39 *jurisdiction whose 9-1-1 service area includes all or part of the city or county.*]

40 [*(10) Notwithstanding subsection (9) of this section, a city or county may have its quarterly dis-*
41 *tribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services required*
42 *in ORS 403.115.*]

43 [(11)] (10) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report
44 must be provided in the manner prescribed by the office and must include but not be limited to:

- 45 (a) Funds received and expended under subsection (9) [*or (10)*] of this section for the purposes

1 of fulfilling the requirements of ORS 403.115;

2 (b) Local funds received and expended for the purposes of fulfilling the requirements of ORS
3 403.115; and

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

6 **SECTION 2. The amendments to ORS 403.240 by section 1 of this 2012 Act apply to dis-**
7 **tributions from the Emergency Communications Account on or after January 1, 2013.**

8 **SECTION 3. This 2012 Act takes effect on the 91st day after the date on which the 2012**
9 **regular session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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