

Enrolled Senate Bill 1559

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CHAPTER

AN ACT

Relating to 9-1-1 emergency communications; creating new provisions; amending ORS 403.240; and prescribing an effective date.

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

SECTION 1. ORS 403.240 is amended to read:

403.240. (1) The Office of Emergency Management shall distribute quarterly the entire amount of the moneys in the Emergency Communications Account. 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 403.200 to 403.230 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 calendar quarter by the Office of Emergency Management in carrying out its duties under ORS 305.823 and 403.105 to 403.250. The amount to be paid under this paragraph may not exceed four percent of the amount in the account on the date of distribution, 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 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 403.115. 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 403.115

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 403.140;
- (f) Collection of the tax imposed by ORS 403.200 to 403.230; 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 403.115 (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 403.115 (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 403.235 to repay loans from the Special Public Works Fund if the loans were used for purposes that are allowable under ORS 403.105 to 403.250.

(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 403.115 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 403.115 for the appropriateness of the costs claimed.

(9) After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid, the office shall [*distribute*] **allocate** 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 **directly** to 9-1-1 jurisdictions [*within*] **as directed by** the city or county. However, each county must [*receive*] **be credited** a minimum of one percent of the balance of the account after the amounts under subsections (1) and (2) of this section and ORS 403.235 (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 403.115.*]

[(11)] **(10)** 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 403.115;

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

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

SECTION 2. The amendments to ORS 403.240 by section 1 of this 2012 Act apply to distributions from the Emergency Communications Account on or after January 1, 2013.

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

Passed by Senate February 24, 2012

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 28, 2012

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M,....., 2012

Approved:

.....M,....., 2012

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2012

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Kate Brown, Secretary of State