

# Senate Bill 134

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## 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 organizational structure and process for 9-1-1 emergency reporting system. Establishes nine regional 9-1-1 centers for 9-1-1 call-taking.  
Becomes operative on July 1, 2015.

## A BILL FOR AN ACT

Relating to 9-1-1 emergency communications; creating new provisions; amending ORS 305.823, 403.105, 403.200, 403.205, 403.220, 403.225, 403.230, 403.235, 403.240, 403.245, 403.300, 403.305, 403.310, 403.315, 403.320, 403.325, 403.330, 403.335, 403.340, 403.345, 403.350, 403.355, 403.360, 403.370, 403.375, 403.380, 404.325 and 451.010; and repealing ORS 403.110, 403.115, 403.120, 403.130, 403.135, 403.140, 403.145, 403.150, 403.155, 403.156, 403.160, 403.165, 403.210, 403.215, 403.250, 451.605 and 451.610.

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

## NEXT GENERATION 9-1-1 SERVICE

**SECTION 1.** ORS 403.105 is amended to read:

403.105. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

*[(1) "Account" means the Emergency Communications Account.]*

*[(2) "Central office" means a utility that houses the switching and trunking equipment serving telephones in a defined area.]*

*[(3) "Department" means the Department of Revenue.]*

*[(4) "Emergency call" means a telephone request that results from a situation in which prompt service is essential to preserve human life or property.]*

*[(5) "Enhanced 9-1-1 telephone service" means 9-1-1 telephone service consisting of a network, database and on-premises equipment that provides automatic display of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming 9-1-1 call.]*

*[(6) "Exchange access services" means:]*

*[(a) Telephone exchange access lines or channels that provide local access by a subscriber in this state to the local telecommunications network to effect the transfer of information; and]*

*[(b) Unless a separate tariff rate is charged therefor, any facility or service provided in connection with the services described in paragraph (a) of this subsection.]*

*[(7) "Governing body" means the board of county commissioners of a county, city council of a city, other governing body of a city or county, board of directors of a special district or a 9-1-1*

**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 *jurisdiction.]*

2 [(8) “Local government” has the meaning given that term in ORS 190.710.]

3 [(9) “Provider” means a utility or other vendor or supplier of telecommunications service or  
4 equipment that provides telecommunications with access to the 9-1-1 emergency reporting system  
5 through local exchange service, cellular service or other wired or wireless means.]

6 [(10) “Public or private safety agency” means any unit of state or local government, a special-  
7 purpose district or a private firm that provides or has authority to provide fire-fighting, police, ambu-  
8 lance or emergency medical services.]

9 [(11) “Public safety answering point” means a 24-hour communications facility established as an  
10 answering location for 9-1-1 calls originating within a given service area. A “primary public safety  
11 answering point” receives all calls directly from the public. A “secondary public safety answering  
12 point” only receives calls from a primary public safety answering point on a transfer or relay basis.]

13 [(12) “Subscriber” means a person who has telecommunication access to the 9-1-1 emergency re-  
14 porting system through local exchange service, cellular service or other wired or wireless means.]

15 [(13) “TTY” means a telephone-typewriter used by an individual with a hearing or speech impair-  
16 ment to communicate with another device or individual.]

17 [(14) “Utility” means a utility, as defined in ORS 759.005, a telecommunications carrier, as defined  
18 in ORS 133.721, a municipality or any provider of exchange access services.]

19 [(15) “Vendor” means a person providing telephone customer premises equipment or equipment  
20 specific to the operation of enhanced 9-1-1 telephone service.]

21 [(16) “9-1-1 emergency reporting system” means a telephone service that provides the users of a  
22 public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.]

23 [(17) “9-1-1 jurisdiction” means:]

24 [(a) An entity created under ORS chapter 190;]

25 [(b) A county service district established under ORS chapter 451 to provide an emergency commu-  
26 nications system;]

27 [(c) An emergency communications district created under ORS 403.300 to 403.380; or]

28 [(d) A group of public or private safety agencies who have agreed in writing to jointly plan the  
29 installation, maintenance, operation or improvement of a 9-1-1 emergency reporting system.]

30 [(18) “9-1-1 service area” means the geographical area that contains the entire central office serving  
31 area from which the primary public safety answering point will have the capability to answer calls  
32 placed to 9-1-1.]

33 **(1) “9-1-1 emergency call” means a request for emergency assistance made from a device  
34 capable of accessing the 9-1-1 emergency reporting system that results from a situation in  
35 which prompt service is essential to preserve human life or property.**

36 **(2) “9-1-1 emergency reporting system” means a 9-1-1 emergency reporting system that  
37 replicates the functions of enhanced 9-1-1 service and provides for additional functions as-  
38 sociated with next generation 9-1-1 service.**

39 **(3) “9-1-1 service area” means the geographic area assigned to a regional 9-1-1 authority.**

40 **(4) “Call-taker workstation” means a workstation in a regional 9-1-1 center that is  
41 equipped and utilized to receive 9-1-1 emergency calls.**

42 **(5) “Dispatch workstation” means a workstation in a regional 9-1-1 center that is  
43 equipped and utilized to dispatch emergency units from a public or private safety agency.**

44 **(6) “Emergency dispatch communication” means information transmission between a  
45 regional 9-1-1 center and a public or private safety agency for the purpose of responding to**

1 a 9-1-1 emergency call.

2 (7) "Emergency services IP network" means an internet protocol enabled broadband  
3 network that connects all regional 9-1-1 centers.

4 (8) "Enhanced 9-1-1 service" means 9-1-1 service consisting of a network, database and  
5 on-premises equipment that provides automatic display of the incoming telephone number  
6 and address at the time of receiving an incoming 9-1-1 emergency call.

7 (9) "Exchange access service" means:

8 (a) A telephone exchange access line or channel that provides local access by a subscriber  
9 in this state to the local telecommunications network to effect the transfer of information;  
10 and

11 (b) Unless a separate tariff rate is charged for the facility or service, any facility or  
12 service provided in connection with the service described in paragraph (a) of this subsection.

13 (10) "Internet protocol" or "IP" means the principal communications protocol in the  
14 internet protocol suite used to encapsulate, address and route data from a sending computer  
15 to a receiving computer by way of interconnected computers that all utilize the internet  
16 protocol suite.

17 (11) "Local government" has the meaning given that term in ORS 190.710.

18 (12) "Next generation 9-1-1 service" means 9-1-1 service consisting of a network, database  
19 and on-premises equipment that provides automatic display in a regional 9-1-1 center of the  
20 telephone number and address associated with a device that initiates a 9-1-1 emergency call  
21 and the X-Y coordinates of the location of the device when the 9-1-1 emergency call is initi-  
22 ated.

23 (13) "Provider" means a utility or other vendor or supplier of telecommunications service  
24 or equipment that provides telecommunications with access to the 9-1-1 emergency reporting  
25 system through local exchange access service, cellular service or other wired or wireless  
26 means.

27 (14) "Public or private safety agency" means a unit of state or local government, a  
28 special-purpose district or a private firm that provides fire-fighting, police, ambulance or  
29 emergency medical services.

30 (15) "Regional 9-1-1 authority" means one of the following types of entities created solely  
31 for the purpose of managing the operation of a regional 9-1-1 center:

32 (a) An entity created by an intergovernmental agreement entered into under ORS chap-  
33 ter 190; or

34 (b) A 9-1-1 communications district created under ORS 403.300 to 403.380.

35 (16) "Regional 9-1-1 center" means a 24-hour communications facility established to an-  
36 swer a 9-1-1 emergency call that originates within a 9-1-1 service area and to provide dispatch  
37 communications, including emergency dispatch communications.

38 (17) "Subscriber" means a person who has telecommunication access to the 9-1-1 emer-  
39 gency reporting system through local exchange access service, cellular service or other wired  
40 or wireless means.

41 (18) "TTY" means a telephone-typewriter used by an individual with a hearing or speech  
42 impairment to communicate with another device or individual.

43 (19) "Utility" means a telecommunications utility as defined in ORS 759.005, a telecom-  
44 munications carrier as defined in ORS 133.721, a municipality or any provider of exchange  
45 access service.

1 (20) “Vendor” means a person providing telephone customer premises equipment or  
 2 equipment specific to the operation of next generation 9-1-1 service.

3 (21) “X-Y coordinates” means the latitudinal and longitudinal coordinates used to identify  
 4 a geographic location.

5 **SECTION 2.** Sections 3 to 13 of this 2013 Act are added to and made a part of ORS 403.105  
 6 to 403.250.

7 **SECTION 3.** (1) The primary emergency telephone number within this state is 9-1-1.

8 (2) The 9-1-1 emergency reporting system is established and must be available throughout  
 9 this state for the purpose of receiving 9-1-1 emergency calls.

10 (3) The 9-1-1 emergency reporting system must include:

11 (a) Nine regional 9-1-1 centers, each of which is automatically accessible throughout the  
 12 appropriate 9-1-1 service area by contacting 9-1-1;

13 (b) Automatic display in a regional 9-1-1 center of the telephone number and address as-  
 14 sociated with the device and the X-Y coordinates of the location of the device when the 9-1-1  
 15 emergency call is initiated;

16 (c) Capability to receive 9-1-1 emergency calls from individuals with hearing or speech  
 17 impairments through a TTY; and

18 (d) An emergency services IP network that connects all regional 9-1-1 centers and is de-  
 19 signed to ensure that one or fewer 9-1-1 emergency calls in 100 attempts receive a busy sig-  
 20 nal on the first attempt during the average busiest hour.

21 (4) In addition to the requirements set forth in subsection (3) of this section, next gen-  
 22 eration 9-1-1 service must provide the number of call-taker workstations described in this  
 23 section for each regional 9-1-1 center and staffing at all times for at least 50 percent of the  
 24 call-taker workstations.

25 (5) Nine 9-1-1 service areas are established in this state. The 9-1-1 service areas and the  
 26 9-1-1 call-taker capacity for each region are:

27 (a) The central region 9-1-1 service area consists of Deschutes, Klamath and Lake  
 28 Counties and shall provide seven call-taker workstations for the region.

29 (b) The eastern region 9-1-1 service area consists of Baker, Grant, Harney, Malheur,  
 30 Umatilla, Union and Wallowa Counties and shall provide five call-taker workstations for the  
 31 region.

32 (c) The Eugene metro 9-1-1 service area consists of Benton, Lane and Linn Counties and  
 33 shall provide nine call-taker workstations for the region.

34 (d) The Columbia Gorge 9-1-1 service area consists of Crook, Gilliam, Hood River,  
 35 Jefferson, Morrow, Sherman, Wasco and Wheeler Counties and shall provide five call-taker  
 36 workstations for the region.

37 (e) The Multnomah 9-1-1 service area consists of Multnomah County and shall provide  
 38 12 call-taker workstations for the region.

39 (f) The North Coast 9-1-1 service area consists of Clatsop, Columbia, Lincoln and  
 40 Tillamook Counties and shall provide five call-taker workstations for the region.

41 (g) The Portland metro 9-1-1 service area consists of Clackamas and Washington Coun-  
 42 ties and shall provide nine call-taker workstations for the region.

43 (h) The Salem metro 9-1-1 service area consists of Marion, Polk and Yamhill Counties  
 44 and shall provide nine call-taker workstations for the region.

45 (i) The South Coast 9-1-1 service area consists of Coos, Curry, Douglas, Jackson and

1 **Josephine Counties and shall provide nine call-taker workstations for the region.**

2 **(6) A regional 9-1-1 center must be operated under the direction of a regional 9-1-1 au-**  
 3 **thority.**

4 **(7) A regional 9-1-1 authority shall have a disaster recovery plan for its regional 9-1-1**  
 5 **center. At a minimum, the disaster recovery plan must include:**

6 **(a) Recovery procedures for loss of connection to the emergency services IP network,**  
 7 **including but not limited to a plan on file with the provider of the emergency services IP**  
 8 **network that designates alternative routes or directs the provider temporarily to route 9-1-1**  
 9 **emergency calls through another regional 9-1-1 center.**

10 **(b) A plan temporarily to transfer regional 9-1-1 center operations to another location,**  
 11 **including another regional 9-1-1 center, if the regional 9-1-1 center becomes inoperable or**  
 12 **inaccessible.**

13 **(c) 24-hour emergency numbers for the providers of the emergency services IP network**  
 14 **that serves the regional 9-1-1 center.**

15 **SECTION 4. (1) The Office of Emergency Management shall:**

16 **(a) Approve a plan for the establishment and operation of a regional 9-1-1 center in each**  
 17 **9-1-1 service area and to create a regional 9-1-1 authority to operate each center.**

18 **(b) Oversee implementation of the plan.**

19 **(2) A regional 9-1-1 authority shall operate a regional 9-1-1 center pursuant to the plan**  
 20 **approved by the office.**

21 **(3) At a minimum, the plan must include:**

22 **(a) The address of the regional 9-1-1 center;**

23 **(b) Telephone numbers used to satisfy requirements set forth in sections 3 and 8 of this**  
 24 **2013 Act;**

25 **(c) The name and contact information for members of the governing body or, if applica-**  
 26 **ble, the director of the regional 9-1-1 authority; and**

27 **(d) The name and contact information for public or private safety agencies dispatched**  
 28 **through the regional 9-1-1 center.**

29 **(4) A regional 9-1-1 authority shall submit to the office new or additional information to**  
 30 **update the plan within 30 days after any change that materially alters the operation of the**  
 31 **regional 9-1-1 center as described in the approved plan on file with the office.**

32 **(5)(a) If a regional 9-1-1 authority proposes to move the location of a regional 9-1-1 center**  
 33 **or if a proposal to reorganize a regional 9-1-1 authority is considered, either under a different**  
 34 **principal act or under the same principal act with materially altered governance structure**  
 35 **or authority, the regional 9-1-1 authority shall submit proposed changes to the approved plan**  
 36 **to:**

37 **(A) The office;**

38 **(B) Public or private safety agencies that operate in the 9-1-1 service area;**

39 **(C) Utilities that provide telephone service in the 9-1-1 service area; and**

40 **(D) The provider of the emergency services IP network.**

41 **(b) For purposes of this subsection, a proposal to reorganize a regional 9-1-1 authority is**  
 42 **considered:**

43 **(A) In the case of a regional 9-1-1 authority created pursuant to an intergovernmental**  
 44 **agreement entered into under ORS 190.003 to 190.130, when the units of local government**  
 45 **that are parties to the intergovernmental agreement reach agreement to end the intergov-**

1 **ernmental agreement or to reorganize the entity pursuant to a new intergovernmental**  
 2 **agreement.**

3 **(B) In the case of a 9-1-1 communications district created under ORS 403.300 to 403.380,**  
 4 **when dissolution procedures are initiated as described in ORS 198.920.**

5 **(6) If the office determines that the changes to the plan are in compliance with ORS**  
 6 **403.105 to 403.250 and that all public or private safety agencies have approved the changes in**  
 7 **writing, the office shall approve the changes to the plan.**

8 **SECTION 5. (1) The Office of Emergency Management shall establish a process for the**  
 9 **creation of a regional 9-1-1 authority of each 9-1-1 service area established by section 3 of**  
 10 **this 2013 Act.**

11 **(2) To satisfy the requirements of subsection (1) of this section, the office may:**

12 **(a) Convene one or more meetings with representatives of local governments in a 9-1-1**  
 13 **service area and provide one or more opportunities for public input, for the purpose of**  
 14 **reaching a consensus solution for the creation of the regional 9-1-1 authority;**

15 **(b) Approve a proposal, after accepting and reviewing proposals from local governments**  
 16 **in a 9-1-1 service area and providing one or more opportunities for public input, for the cre-**  
 17 **ation of the regional 9-1-1 authority for the 9-1-1 service area; or**

18 **(c) Utilize a combination of the processes described in paragraphs (a) and (b) of this**  
 19 **subsection.**

20 **(3) The office shall endeavor to implement a solution that best serves the needs of each**  
 21 **9-1-1 service area, and the office is not required to utilize the same process in each 9-1-1**  
 22 **service area.**

23 **(4) The office shall purchase and maintain the emergency services IP network, equipment**  
 24 **and services required for operation of the 9-1-1 emergency reporting system;**

25 **(5) After creation of a regional 9-1-1 authority and before the operative date of section 3**  
 26 **of this 2013 Act, the regional 9-1-1 authority shall submit to the office for approval a plan for**  
 27 **operating the regional 9-1-1 center that meets the requirements of section 4 of this 2013 Act.**

28 **(6) At the request of a regional 9-1-1 authority, the office shall assist in planning for a**  
 29 **regional 9-1-1 center.**

30 **SECTION 6. (1) The Office of Emergency Management shall adopt rules in accordance**  
 31 **with ORS chapter 183 for planning, funding and operating the 9-1-1 emergency reporting**  
 32 **system, including minimum standards for a regional 9-1-1 center.**

33 **(2) A regional 9-1-1 center must meet the minimum standards within 45 days after receipt**  
 34 **of written notice from the office of changes in the minimum standards.**

35 **(3) If a regional 9-1-1 center does not meet the minimum standards established under this**  
 36 **section within 45 days after receipt of written notice from the office, the office shall cause**  
 37 **9-1-1 emergency calls and emergency dispatch communications to be routed through a dif-**  
 38 **ferent regional 9-1-1 center that does meet the minimum standards.**

39 **SECTION 7. (1) A public or private safety agency shall participate in the 9-1-1 emergency**  
 40 **reporting system.**

41 **(2) A public or private safety agency may enter into an agreement requiring that an**  
 42 **emergency unit dispatched by a regional 9-1-1 center must render emergency services with-**  
 43 **out regard to jurisdictional boundaries of the public or private safety agency from which the**  
 44 **emergency unit was dispatched.**

45 **(3) A regional 9-1-1 authority may not enforce contractual provisions that have the effect**

1 of punishing or penalizing a public or private safety agency for failure to meet mandatory  
 2 response times during a declared state of emergency in which the public or private safety  
 3 agency has allowed agency resources to respond and provide emergency services outside the  
 4 normal service area of the agency.

5 **SECTION 8.** (1) Notwithstanding section 3 (1) of this 2013 Act, a public or private safety  
 6 agency shall maintain a secondary 10-digit emergency number for use by the telephone  
 7 company operator and a separate 10-digit nonemergency number.

8 (2) A publisher of a telephone book:

9 (a) May not publish an emergency telephone number other than 9-1-1 on the top three-  
 10 quarters of the emergency listing page of the telephone book.

11 (b) May publish an alternative nonemergency telephone number for a regional 9-1-1 au-  
 12 thority on the top three-quarters of the emergency listing page of the telephone book.

13 (c) May use the remainder of the page to list the Oregon Poison Center, the Federal  
 14 Bureau of Investigation, a designated mental health crises service and the United States  
 15 Coast Guard, where appropriate. If there is more than one mental health crises service in a  
 16 9-1-1 service area, the county health department shall decide which mental health crises  
 17 service the publisher may list by using the criteria of a 24-hour staffed service, nonprofit  
 18 organization and non-9-1-1 participating agency.

19 (3) For the numbers of community services not listed on the emergency listing page, the  
 20 publisher shall refer users to the community services section of the telephone directory.

21 **SECTION 9.** (1) A utility that provides exchange access service or radio communications  
 22 service and that provides automatic telephone number identification to a regional 9-1-1 cen-  
 23 ter may not block the number of the calling party from being displayed in a regional 9-1-1  
 24 center during a 9-1-1 emergency call.

25 (2) A utility is not subject to an action for civil damages for providing in good faith con-  
 26 fidential or nonpublic information, including nonpublished and nonlisted subscriber informa-  
 27 tion, to emergency services providers who are responding to a 9-1-1 emergency call or  
 28 notifying the public of an emergency. This subsection does not compel a utility to provide,  
 29 without process of law, nonpublished and nonlisted subscriber information directly to emer-  
 30 gency services providers or law enforcement agencies before initiation of a 9-1-1 emergency  
 31 call.

32 (3) A telephone number received by a regional 9-1-1 center through automatic telephone  
 33 number identification is confidential and is not subject to public disclosure by the regional  
 34 9-1-1 center unless a public or private safety agency has included the telephone number in  
 35 an official report because the public or private safety agency did not withhold the telephone  
 36 number under ORS 192.410 to 192.505 or other state and federal laws.

37 (4) A nonpublished or nonlisted telephone number is not subject to public disclosure  
 38 without the permission of the subscriber.

39 (5) A nonpublished or nonlisted telephone number may not be included in:

40 (a) The official report of a regional 9-1-1 center; or

41 (b) The official report of a public or private safety agency.

42 (6) Subscriber information acquired by a regional 9-1-1 center for the purpose of en-  
 43 hancing the 9-1-1 emergency reporting system is not subject to public disclosure and may  
 44 not be used by other public agencies except:

45 (a) To respond to a 9-1-1 emergency call; or

1 (b) To notify the public of an emergency by utilizing an automated telephone notification  
2 system if a utility has provided subscriber information to the regional 9-1-1 center or emer-  
3 gency services provider.

4 **SECTION 10.** A person that provides telephone service through a coin-operated or card-  
5 operated pay telephone in this state shall convert the pay telephone to allow 9-1-1 emergency  
6 calls and operator-assisted calls to be made without depositing money or charging for the  
7 call.

8 **SECTION 11.** (1) A dispute about the 9-1-1 emergency reporting system between a re-  
9 gional 9-1-1 center and either a public or private safety agency or a unit of local government  
10 that was party to the intergovernmental agreement by which the regional 9-1-1 authority  
11 was created must be submitted to alternative dispute resolution as provided in this section  
12 if the dispute cannot be resolved in accordance with a written agreement.

13 (2) When a regional 9-1-1 authority becomes aware that a dispute described in subsection  
14 (1) of this section exists and cannot be resolved by the entities, the regional 9-1-1 authority  
15 shall notify the Office of Emergency Management of the dispute in writing. Within 30 days  
16 after actual receipt by the office of the notification, the disputing entities shall mutually  
17 select a mediator and notify the office in writing of the selection. If a mediator is not mu-  
18 tually selected by the entities within the 30-day period, the Director of the Office of Emer-  
19 gency Management shall select a mediator from the roster of mediators established under  
20 subsection (7) of this section. Once selected, the mediator shall establish a schedule for the  
21 mediation process. The disputing entities shall resolve the dispute within 60 days after the  
22 date the mediator is agreed upon or selected unless the entities mutually agree in writing  
23 to an extension of the deadline. A copy of all extensions must be submitted to the office.

24 (3) When the mediation process ends, the mediator shall notify the office in writing of  
25 the outcome of the mediation.

26 (4) If the entities are not able to resolve their dispute through mediation, the entities  
27 shall submit the dispute to arbitration. The entities shall select an arbitrator within 30 days  
28 after the end of the mediation. If the disputing entities are unable to mutually select an  
29 arbitrator within the 30-day period, the director shall request the presiding judge for the ju-  
30 dicial district in which the regional 9-1-1 center is located to select an arbitrator. Once se-  
31 lected, the arbitrator shall hear and decide the dispute within 30 days after selection unless  
32 the agencies mutually agree in writing to an extension of the deadline. A copy of all exten-  
33 sions must be submitted to the office.

34 (5) When the arbitration process ends, the arbitrator shall notify the office in writing of  
35 the outcome of the arbitration.

36 (6) A party to an arbitration under this section may seek confirmation, vacation, mod-  
37 ification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and  
38 36.710. A court may vacate a decision only if there is a basis to vacate the decision as de-  
39 scribed in ORS 36.705 (1)(a) to (d). The court may modify or correct a decision only for the  
40 grounds given in ORS 36.710.

41 (7) The office shall establish a roster of mediators qualified to mediate disputes under  
42 this section. The roster may be used by the disputing entities when selecting a mediator.

43 (8) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the  
44 mediator's or arbitrator's fees, must be divided equally among the disputing entities.

45 **SECTION 12.** (1) The Office of Emergency Management may institute legal proceedings



1 against a public or private safety agency, a regional 9-1-1 authority or another person to  
 2 compel compliance with or to restrain further violation of ORS 403.105 to 403.250 or rules  
 3 adopted pursuant to section 6 of this 2013 Act. Proceedings authorized by this section:

4 (a) May be instituted without official notice, hearing or order provided in ORS chapter  
 5 183.

6 (b) If brought against a utility, must be brought before the Public Utility Commission as  
 7 provided by ORS chapter 756.

8 (2) The office may withhold funding from a regional 9-1-1 authority when the regional  
 9 9-1-1 authority is out of compliance with a requirement imposed under ORS 403.105 to 403.250  
 10 or rules adopted by the office.

11 **SECTION 13.** (1) The Office of Emergency Management shall report biennially to the  
 12 Legislative Assembly the progress made in implementing ORS 403.105 to 403.250, including in  
 13 the report:

14 (a) Financial information concerning the moneys collected, distributed and expended by  
 15 state agencies and regional 9-1-1 authorities for the purposes of planning, funding and oper-  
 16 ating the 9-1-1 emergency reporting system; and

17 (b) Account and subaccount balances.

18 (2) The office may establish advisory committees and study groups to study and advise  
 19 on:

20 (a) The planning, funding and operation of the 9-1-1 emergency reporting system; and

21 (b) Issues impacting the 9-1-1 emergency reporting system.

22  
 23 **TAX FOR EMERGENCY COMMUNICATIONS**  
 24

25 **SECTION 14.** ORS 403.200 is amended to read:

26 403.200. (1) There is imposed on each paying retail subscriber who has telecommunication ser-  
 27 vices with access to the 9-1-1 emergency reporting system a tax equal to 75 cents per month. The  
 28 tax must be applied on a telecommunications circuit designated for a particular subscriber. One  
 29 subscriber line must be counted for each circuit that is capable of generating usage on the line side  
 30 of the switched network regardless of the quantity or ownership of customer premises equipment  
 31 connected to each circuit. For providers of central office based services, the tax must be applied to  
 32 each line that has unrestricted connection to the switched network. Those central office based ser-  
 33 vice lines that have restricted connection to the switched network must be charged based on soft-  
 34 ware design in the central office that restricts the number of station calls to and from the network.

35 (2) For cellular, wireless or other radio common carriers, the tax applies on a per instrument  
 36 basis [*and only if*] **when** the subscriber's place of primary use, as defined [*and determined under 4*  
 37 *U.S.C. 116 to 126*] **under 4 U.S.C. 124**, is within this state.

38 (3) **A cellular, wireless or other radio common carrier that meets the definition of a home**  
 39 **service provider under 4 U.S.C. 124 shall determine, in the manner provided under 4 U.S.C.**  
 40 **116 to 126, the place of primary use of a subscriber. A failure to determine the place of pri-**  
 41 **mary use under this subsection, in the manner provided under 4 U.S.C. 116 to 126 or other-**  
 42 **wise, does not void the obligation of the subscriber to pay the tax or the obligation of the**  
 43 **cellular, wireless or other radio common carrier to collect and remit the tax.**

44 [(2)] (4) The subscriber is liable for the tax imposed by this section.

45 [(3)] (5) The amounts of tax collected by the provider **under this section** are considered as

1 payment by the subscriber for that amount of tax.

2 [(4)] (6) Any return made by the provider collecting the tax **under this section** must be ac-  
3 cepted by the Department of Revenue as evidence of payments by the subscriber of amounts of tax  
4 so indicated upon the return.

5 **SECTION 15.** Section 16 of this 2013 Act is added to and made a part of ORS 403.200 to  
6 403.230.

7 **SECTION 16.** (1) A provider required to collect the tax imposed by ORS 403.200 shall:

8 (a) Collect the tax and file a return with the Department of Revenue on or before the last  
9 day of the month following the end of each calendar quarter, reporting the amount of tax  
10 due for access to the 9-1-1 emergency reporting system during the quarter.

11 (b) Keep records, render statements, make returns and comply with rules adopted by the  
12 department with respect to the tax.

13 (2) When a return of the tax is required under this section, the provider described in  
14 subsection (1) of this section that is required to make the return:

15 (a) Shall make the return subject to penalties for false swearing.

16 (b) Shall remit the tax due to the department at the time fixed for filing the return.

17 (c) May elect to pay the tax based on:

18 (A) The amount of tax actually collected during the quarter; or

19 (B) The net amount of tax billed during the quarter. The net amount billed equals the  
20 gross amount of tax billed less adjustments for uncollectible accounts, refunds, incorrect  
21 billings and other appropriate adjustments.

22 (3) When a provider has made an election under subsection (2) of this section, the pro-  
23 vider may not change the method of payment and reporting unless the provider obtains  
24 permission from the department.

25 (4) The department shall prescribe by rule the form of the return required by this section  
26 and the penalties for false swearing.

27 **SECTION 17.** ORS 403.205 is amended to read:

28 403.205. The tax imposed by ORS 403.200 does not apply to:

29 (1) Services that the state is prohibited from taxing under the Constitution or laws of the United  
30 States or the Constitution or laws of the State of Oregon.

31 (2) Interconnection between [*telecommunications*] utilities and competitive [*access*] **telecommu-**  
32 **nications** providers certified pursuant to ORS 759.020, radio common carriers and interexchange  
33 carriers.

34 **SECTION 18.** ORS 403.220 is amended to read:

35 403.220. (1) If the amount paid by [*the provider*] **a provider required to collect the tax imposed**  
36 **by ORS 403.200** to the Department of Revenue under [*ORS 403.215*] **section 16 of this 2013 Act**  
37 exceeds the amount of tax payable, the department shall refund the amount of the excess with in-  
38 terest thereon at the rate established under ORS 305.220 for each month or fraction of a month from  
39 the date of payment of the excess until the date of the refund.

40 (2) The department may not make a refund to a provider who fails to claim the refund within  
41 two years after the due date for filing of the return with respect to which the claim for refund re-  
42 lates.

43 [(2)] (3) A subscriber's exclusive remedy in a dispute involving tax liability is to file a claim with  
44 the department.

45 **SECTION 19.** ORS 403.225 is amended to read:

1       403.225. (1) *[Every]* **A** provider required to collect the tax imposed by ORS 403.200 *[to 403.230]*  
 2 is deemed to hold the *[same]* **tax revenue** in trust for the State of Oregon and for the payment  
 3 thereof to the Department of Revenue in the manner and at the time provided by *[ORS 403.215]*  
 4 **section 16 of this 2013 Act.**

5       (2) If the provider *[required to collect the tax]* fails to remit any amount deemed to be held in  
 6 trust for the State of Oregon or if the subscriber fails to pay the tax, the department may enforce  
 7 collection by the issuance of a distraint warrant for the collection of the delinquent amount and all  
 8 penalties, interest and collection charges accrued thereon.

9       (3) The warrant is issued and proceeded upon in the same manner and has the same force and  
 10 effect as is prescribed with respect to warrants for the collection of delinquent income taxes.

11       **SECTION 20.** ORS 403.230 is amended to read:

12       403.230. (1) Unless the context requires otherwise, the provisions of ORS chapters 305, 314 and  
 13 316 as to the audit and examination of reports and returns, determination of deficiencies, assess-  
 14 ments, claims for refunds, penalties, interest, jeopardy assessments, warrants, conferences and ap-  
 15 peals to the Oregon Tax Court, and procedures relating thereto, apply to ORS 403.200 to 403.230 the  
 16 same as if the tax were a tax imposed upon or measured by net income. The provisions apply to the  
 17 subscriber liable for the tax and to the provider required to collect the tax. As to any amount col-  
 18 lected and required to be remitted to the Department of Revenue, the tax is considered a tax upon  
 19 the provider required to collect the tax and that provider is considered a taxpayer.

20       (2) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose infor-  
 21 mation received under ORS 403.200 to 403.230 to the Public Utility Commission to carry out the  
 22 provisions of chapter 290, Oregon Laws 1987.

23       (3) The Public Utility Commission may disclose information obtained pursuant to chapter 290,  
 24 Oregon Laws 1987, to the Department of Revenue to administer the tax imposed under ORS 403.200  
 25 *[to 403.230]*.

26       **SECTION 21.** ORS 403.235 is amended to read:

27       403.235. (1) The Emergency Communications Account is established separate and distinct from  
 28 the General Fund in the State Treasury. All moneys received by the Department of Revenue pursu-  
 29 ant to ORS 403.200 to 403.230 and interest thereon must be paid to the State Treasurer to be held  
 30 in a suspense account established under ORS 293.445. After payment of refunds, the balance of the  
 31 moneys received must be paid into the State Treasury and credited to the Emergency Communi-  
 32 cations Account. All moneys in the account are continuously appropriated to the Office of Emer-  
 33 gency Management and must be used for the purposes described in ORS 403.240.

34       (2) The *[Enhanced]* **Next Generation 9-1-1** Subaccount is established as a subaccount of the  
 35 Emergency Communications Account. Thirty-five percent of the amount in the Emergency Commu-  
 36 nications Account on the date of distribution must be credited to the *[Enhanced]* **Next Generation**  
 37 **9-1-1** Subaccount. All moneys in the *[account]* **subaccount** are continuously appropriated to the Of-  
 38 fice of Emergency Management and must be used for the purposes described in ORS 403.240 (3)*[ (4)*  
 39 *and (5)]* **or (4).**

40       **SECTION 22.** ORS 403.240, as amended by section 1, chapter 60, Oregon Laws 2012, is amended  
 41 to read:

42       403.240. (1) The Office of Emergency Management shall distribute quarterly the entire amount  
 43 of the moneys in the Emergency Communications Account. The office shall pay the following  
 44 amounts from the account:

45       (a) Administrative costs incurred during the preceding calendar quarter by the Department of

1 Revenue in carrying out ORS 403.200 to 403.230 in an amount that does not exceed one-half of one  
 2 percent of the amount in the account on the date of distribution, or actual expenses incurred by the  
 3 department, whichever is less.

4 (b) Administrative costs to be incurred during the calendar quarter by the office [*of Emergency*  
 5 *Management*] in carrying out its duties under ORS [*305.823 and*] 403.105 to 403.250. The amount to  
 6 be paid under this paragraph may not exceed four percent of the amount in the account on the date  
 7 of distribution, and, on or before the next date of distribution, the office shall repay to the account  
 8 any amount received under this paragraph that exceeds the actual expenses incurred by the office  
 9 in the quarter.

10 (2) The office may:

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

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

17 (3) The office shall use funds in the [*Enhanced*] **Next Generation 9-1-1 Subaccount** to pay for  
 18 costs incurred **by a regional 9-1-1 authority** during the preceding calendar quarter [*for enhanced*  
 19 *9-1-1 telephone service established pursuant to ORS 403.115*] **to comply with ORS 403.105 to**  
 20 **403.250**. The office may not disburse funds in the [*Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction*  
 21 *that does not have an approved final plan as required in section 7, chapter 743, Oregon Laws 1991*]  
 22 **Next Generation 9-1-1 Subaccount to a regional 9-1-1 center that does not have an approved**  
 23 **plan for next generation 9-1-1 service under sections 3 and 4 of this 2013 Act**. The office shall  
 24 make payments for reimbursement only after a reimbursement request has been submitted to the  
 25 office in the manner prescribed by the office. Reimbursement requests for recurring and nonrecur-  
 26 ring charges necessary to enable the [*9-1-1 jurisdiction to comply with ORS 403.115*] **regional 9-1-1**  
 27 **authority to comply with ORS 403.105 to 403.250** must be submitted directly to the office. The  
 28 costs reimbursable under this subsection are only those incurred for:

29 [*(a) Modification of central office switching and trunking equipment;*]

30 [(b)] (a) Network development, operation and maintenance;

31 [(c)] (b) Database development, operation and maintenance;

32 [(d)] (c) On-premises equipment procurement, maintenance and replacement;

33 [(e)] (d) Conversion of pay [*station*] telephones required by [*ORS 403.140*] **section 10 of this 2013**

34 **Act;**

35 [(f)] (e) Collection of the tax imposed by ORS 403.200 [*to 403.230*]; and

36 [(g)] (f) Addressing if the reimbursement request is consistent with rules adopted by the office.

37 [(4) *Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions that have*  
 38 *enhanced 9-1-1 telephone service operational prior to December 31, 1991, based on cost information*  
 39 *provided in their final plan required in section 7, chapter 743, Oregon Laws 1991. The office shall*  
 40 *approve final plans submitted that meet the minimum requirements set forth in ORS 403.115 (2) and*  
 41 *(4). The office shall limit funding for costs incurred prior to the preceding calendar quarter to charges*  
 42 *associated with database development, network and on-premises equipment that satisfies the require-*  
 43 *ments of ORS 403.115 (2) and (4). The office shall prescribe the manner in which funding is provided*  
 44 *under this subsection.*]

45 [(5)] (4) [*9-1-1 jurisdictions*] **A regional 9-1-1 authority** may use funds distributed [*to the juris-*

1 *diction from any account*] **from an account or subaccount** described in ORS 403.235 to repay loans  
 2 from the Special Public Works Fund if the loans were used for purposes that are allowable under  
 3 ORS 403.105 to 403.250.

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

7 [(7) *The office shall review reimbursement requests for modification of central office switching and*  
 8 *trunking equipment, conversion of pay station telephones, and network development, operation and*  
 9 *maintenance costs necessary to comply with ORS 403.115 for the appropriateness of the costs claimed.*  
 10 *The office shall approve or disapprove the reimbursement requests.*]

11 [(8)] **(6)** The office shall review reimbursement requests for database development, operation and  
 12 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary  
 13 to comply with [*ORS 403.115*] **ORS 403.105 to 403.250** for the appropriateness of the costs claimed.

14 [(9)] **(7)** After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have  
 15 been paid, the office shall allocate the balance of the Emergency Communications Account [*to cities*  
 16 *on a per capita basis and to counties on a per capita basis of each county's unincorporated area for*  
 17 *distribution directly to 9-1-1 jurisdictions as directed by the city or county. However, each county must*  
 18 *be credited a minimum of one percent of the balance of the account after the amounts under subsections*  
 19 *(1) and (2) of this section and ORS 403.235 (2) have been paid.*] **in an equal amount to each call-**  
 20 **taker workstation and distribute the balance to the regional 9-1-1 authorities based on the**  
 21 **number of call-taker workstations in each regional 9-1-1 center.**

22 [(10)] **(8)** [*9-1-1 jurisdictions*] **A regional 9-1-1 authority** shall submit an accounting report to  
 23 the office annually. The report must be provided in the manner prescribed by the office and must  
 24 include but **need** not be limited to:

25 (a) Funds received and expended under subsection [(9)] **(7)** of this section [*for the purposes of*  
 26 *fulfilling the requirements of ORS 403.115*] **to comply with ORS 403.105 to 403.250;**

27 (b) Local funds received and expended [*for the purposes of fulfilling the requirements of ORS*  
 28 *403.115*] **to comply with ORS 403.105 to 403.250;** and

29 (c) Local funds received and expended for the purposes of providing emergency communications  
 30 services **other than the 9-1-1 emergency reporting system.**

31 **SECTION 23.** ORS 403.245 is amended to read:

32 403.245. (1) Except as provided in subsection (2) of this section and rules adopted under [*ORS*  
 33 *403.120 (1)(a),*] **section 6 of this 2013 Act, a regional 9-1-1 authority may use** moneys received  
 34 under [*ORS 403.240 (9) may be used only to pay for planning, installation, maintenance, operation and*  
 35 *improvement of a 9-1-1 emergency reporting system as it relates to getting the call from the member of*  
 36 *the public to the primary public safety answering point and in transmitting the information from the*  
 37 *primary public safety answering point to the secondary public safety answering point or responding*  
 38 *police, fire, medical or other emergency unit by telephone, radio or computerized means.*] **ORS 403.240**  
 39 **(7) only to pay costs associated with the 9-1-1 emergency reporting system.**

40 (2) **The regional 9-1-1 authority may invest** moneys not then being used [*may be invested by*  
 41 *a city or county. The income from the investments must be used*] **and may use income from the in-**  
 42 **vestments** for the purposes described in subsection (1) of this section.

43  
 44 **9-1-1 COMMUNICATIONS DISTRICTS**  
 45

**SECTION 24.** ORS 403.300 is amended to read:

403.300. As used in ORS 403.300 to 403.380, unless the context requires otherwise, **“9-1-1 service area,” “public or private safety agency,” “regional 9-1-1 authority” and “regional 9-1-1 center” have the meanings given those terms in ORS 403.105.**[.]

[(1) “District” means a 9-1-1 communications district formed under ORS 403.300 to 403.380.]

[(2) “District board” or “board” means the governing body of a district.]

[(3) “9-1-1 emergency reporting system” means a system established under ORS 403.115.]

[(4) “9-1-1 jurisdiction” has the meaning given that term by ORS 403.105.]

[(5) “Public or private safety agency” has the meaning given that term by ORS 403.105.]

**SECTION 25.** ORS 403.305 is amended to read:

403.305. (1) A 9-1-1 communications district may be created as provided in ORS 198.705 to 198.955 and 403.300 to 403.380 **to serve as a regional 9-1-1 authority under ORS 403.105 to 403.250.**

[(2) A 9-1-1 communications district consists of the telephone exchange service areas located wholly or partly within a designated 9-1-1 jurisdiction’s service area that is served by a public safety answering point. A district may include more than one city and county.]

[(3) Before a petition for formation of a district is filed with the county board of the principal county under ORS 198.800, the petition must be approved by indorsement thereon by two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district. A county governing body may not adopt an order under ORS 198.835 for the formation of a district unless the governing body first obtains written approval for the formation of the district from two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.]

[(4)] (2) In addition to other required matters, [the] a petition for formation must state the number of [district] board members for the proposed **9-1-1 communications** district and the method of election of the board of the proposed district from among the methods described in ORS 403.340.

**(3) The governing body of a county may not consider a petition filed under ORS 198.800 unless the Office of Emergency Management provides written certification to the governing body of the county that formation of the 9-1-1 communications district is consistent with a plan approved under sections 3 and 4 of this 2013 Act for operation of a regional 9-1-1 center.**

**SECTION 26.** ORS 403.310 is amended to read:

403.310. (1) [The officers of the district shall be] A board of five or seven members elected by the electors of [the] **a 9-1-1 communications** district **shall serve as officers of the district.**

(2) Any elector residing within the district is qualified to serve as a [district] board member.

**SECTION 27.** ORS 403.315 is amended to read:

403.315. (1) ORS chapter 255 governs the following:

(a) The nomination and election of [district] board members **of a 9-1-1 communications district.**

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

**SECTION 28.** ORS 403.320 is amended to read:

403.320. (1) The [district] board **of a 9-1-1 communications district** is the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one

1 of its members as president.

2 **SECTION 29.** ORS 403.325 is amended to read:

3 403.325. (1) Five or seven [*district*] board members **of a 9-1-1 communications district**, deter-  
4 mined by the number of board members set forth in the petition for formation **of the district**, must  
5 be elected at the election for district formation. Nominating petitions must be filed with the county  
6 governing body.

7 (2) When the petition for formation provides for a five-member [*district*] board, if the effective  
8 date of the formation of the district occurs in an odd-numbered year, two [*district*] board members  
9 must be elected for four-year terms and the other three [*district*] board members must be elected for  
10 two-year terms. If the effective date of the formation occurs in an even-numbered year, two  
11 [*district*] board members must be elected for three-year terms and the other three [*district*] board  
12 members must be elected for one-year terms.

13 (3) When the petition for formation provides for a seven-member [*district*] board, if the effective  
14 date of the formation of the district occurs in an odd-numbered year, three [*district*] board members  
15 must be elected for four-year terms and the other four [*district*] board members must be elected for  
16 two-year terms. If the effective date of the formation occurs in an even-numbered year, three  
17 [*district*] board members must be elected for three-year terms and the other four [*district*] board  
18 members must be elected for one-year terms.

19 (4) Each [*district*] board member shall hold office until election and qualification of a successor.

20 (5) Each [*district*] board member elected shall take an oath of office and shall hold office from  
21 July 1, next following election.

22 (6) The [*district*] board shall fill any vacancy on the board as provided in ORS 198.320.

23 (7) Except as otherwise provided in this section or in ORS 403.330, the term of a [*district*] board  
24 member is four years.

25 (8) The terms of the members first elected to a [*district*] board must be determined by lot.

26 **SECTION 30.** ORS 403.330 is amended to read:

27 403.330. (1) The question of increasing or decreasing the membership of the [*district*] board **of**  
28 **a 9-1-1 communications district** must be determined at a regular district election. The [*district*]  
29 board, by resolution, may order the question to be submitted to the electors of the district. If a pe-  
30 tition is filed with the secretary of the board requesting that the electors of the district be permitted  
31 to vote on the question, the [*district*] board shall order the question to be submitted to the electors.  
32 The requirements for preparing, circulating and filing the petition are as provided for an initiative  
33 petition in ORS 255.135 to 255.205. The board is increased to seven members or decreased to five  
34 members if a majority of the votes cast on the question favors the increase or decrease. At an  
35 election to increase the membership, electors shall vote for candidates to fill the additional posi-  
36 tions.

37 (2) When a district is situated entirely within one county, if the electors approve the increase  
38 or decrease in board membership, not later than the 30th day after the election, the [*district*] board  
39 shall adjust and stagger the terms of the board members as necessary in order to continue biennial  
40 elections of board members in accordance with ORS 403.335. The [*district*] board shall take into  
41 consideration and, as much as possible, provide for the continued method of representation adopted  
42 by the district under ORS 403.340.

43 (3) When a district includes territory in more than one county, not later than the 40th day be-  
44 fore the regular district election at which a question under this section will be submitted, the dis-  
45 trict elections authority shall notify the Secretary of State. If the electors favor the increase or

1 decrease in board membership, not later than the 30th day after the election, the Secretary of State  
 2 by rule shall adjust and stagger the terms of the board members as necessary in order to continue  
 3 biennial elections of board members in accordance with ORS 403.335. The Secretary of State shall  
 4 take into consideration and, as much as possible, provide for the continued method of representation  
 5 adopted by the district under ORS 403.340.

6 **SECTION 31.** ORS 403.335 is amended to read:

7 403.335. When a **9-1-1 communications** district expands the membership of its [*district*] board  
 8 from five to seven members or reduces the membership of its board from seven to five members:

9 (1) If the board is reduced to five members, at least two members must be elected at each reg-  
 10 ular district election.

11 (2) If the board is expanded to seven members, at least three members must be elected at each  
 12 regular district election.

13 **SECTION 32.** ORS 403.340 is amended to read:

14 403.340. (1) The [*district*] board members of a **9-1-1 communications district** may be elected in  
 15 one of the following methods:

16 (a) Elected by the electors of the district from zones as nearly equal in population as possible  
 17 according to the latest federal census. Each elector of the district is entitled to vote for candidates  
 18 for election from all the zones in the district.

19 (b) Elected by the electors of the district from zones as nearly equal in population as possible  
 20 according to the latest federal census. Each elector of the district is entitled to vote only for can-  
 21 didates for election from the zone in which the elector resides.

22 (c) Except for one [*district*] board member-at-large, elected by the electors of the district from  
 23 zones as nearly equal in population as possible according to the latest federal census. The [*district*]  
 24 board member-at-large must be elected from the entire district. Each elector of the district is enti-  
 25 tled to vote for the [*district*] board member-at-large and for candidates for election from the zone in  
 26 which the elector resides.

27 (d) Elected at large by position number by the electors of the district.

28 (2) Candidates for election from zones must be nominated by electors of the zones. Candidates  
 29 for election at large must be nominated by electors of the district.

30 (3) Each candidate for election from a zone must be a resident of that zone.

31 **SECTION 33.** ORS 403.345 is amended to read:

32 403.345. At [*the regular district election*] a **regular election of a 9-1-1 communications**  
 33 **district**, successors to the board members whose terms expire must be elected as follows:

34 (1) In an unzoned district, if two board members are to be elected, the candidates receiving the  
 35 first and second highest vote are elected. If three or four board members are to be elected, the  
 36 candidates receiving the first, second or third or first, second, third and fourth highest vote are  
 37 elected.

38 (2) In a district that is zoned under ORS 403.340:

39 (a) If a board member is to be elected by the electors of a zone, the candidate who receives the  
 40 highest vote from the zone is elected.

41 (b) If a board member is to be elected by the electors of the entire district, the candidate re-  
 42 ceiving the highest vote among the candidates nominated from the same zone is elected.

43 **SECTION 34.** ORS 403.350 is amended to read:

44 403.350. (1) The question of whether to change the method adopted by [*the*] a **9-1-1 communi-**  
 45 **cations** district for nominating and electing board members must be decided by election. The [*dis-*



1 *trict*] board:

2 (a) May order the election on its own resolution; or

3 (b) Shall order the election if a petition is filed as provided in this section.

4 (2) Except as otherwise provided in this section, the requirements for preparing, circulating and  
5 filing a petition under this section are as provided for an initiative petition in ORS 255.135 to  
6 255.205.

7 (3) If the question proposes creation of zones or a change in the boundaries of existing zones,  
8 the following requirements apply:

9 (a) The petition must contain a map indicating the proposed zone boundaries. The map must be  
10 attached to the cover sheet of the petition and may not exceed 14 inches by 17 inches in size.

11 (b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect  
12 in the ballot title may not exceed 150 words. The statement:

13 (A) Must specify the method of nomination and election of board members from among the  
14 methods described in ORS 403.340.

15 (B) Must include a general description of the proposed boundaries of the zones, using streets  
16 and other generally recognized features.

17 (c) [*The*] **An** order calling the election must contain a map of the proposed zone boundaries and  
18 a metes and bounds or legal description of the proposed zone boundaries. The map and description  
19 must be prepared by the county surveyor or county assessor and must reflect any adjustments made  
20 in the boundaries under subsection (6) of this section.

21 (4) The map to be contained in the petition under subsection (3) of this section must be prepared  
22 by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost  
23 of preparing the map, as determined by the county surveyor or county assessor. The county clerk  
24 may not accept the prospective petition for filing until the chief petitioners have paid the amount  
25 due.

26 (5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

27 (6) Before submitting to election a question to which subsection (3) of this section applies, the  
28 [*district*] board shall adjust the proposed boundaries of the zones to make them as nearly equal in  
29 population as feasible according to the latest federal census. The [*district*] board shall amend the  
30 ballot title as necessary to reflect its adjustment of the boundaries.

31 (7) If the electors of the district approve the establishment of zones or a change in the bounda-  
32 ries of existing zones, board members shall continue to serve until their terms of office expire. As  
33 vacancies occur, positions to be filled by nomination or election by zone must be filled by persons  
34 who reside within zones which are not represented on the board. If more than one zone is not re-  
35 presented on the board when a vacancy occurs, the zone entitled to elect a board member must be  
36 decided by lot.

37 **SECTION 35.** ORS 403.355 is amended to read:

38 403.355. A question of changing the method of nominating and electing [*district*] board members  
39 **of a 9-1-1 communications district** under ORS 403.350 and a question of increasing or decreasing  
40 the number of [*district*] board members under ORS 403.330 may be submitted to the electors of [*a*]  
41 **the** district at the same regular district election. However, the questions must be submitted to the  
42 electors as separate questions.

43 **SECTION 36.** ORS 403.360 is amended to read:

44 403.360. A 9-1-1 communications district has the power:

45 (1) To have and use a common seal.

1 (2) To sue and be sued in its name.

2 (3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind  
 3 which, in the judgment of the board, are necessary or proper to the exercise of any power of the  
 4 district, and to direct the payment of all lawful claims or demands.

5 (4) To assess, levy and collect taxes to pay:

6 (a) The cost of acquiring sites for and constructing, reconstructing, altering, operating and  
 7 maintaining a [9-1-1 emergency reporting system] **regional 9-1-1 center**;

8 (b) A lawful claim against the district; and

9 (c) The operating expenses of the district.

10 (5) To employ all necessary agents and assistants.

11 (6) To call elections after the formation of the district.

12 (7) To enlarge the boundaries of the district, as provided by ORS 198.705 to 198.955, **consistent**  
 13 **with a plan approved under section 4 of this 2013 Act for expansion of the 9-1-1 service area**  
 14 **operated by the district.**

15 (8) To do and perform any and all acts necessary and proper to the complete exercise and effect  
 16 of any of its powers or the purposes for which it was formed.

17 **SECTION 37.** ORS 403.370 is amended to read:

18 403.370. (1) Each year the [district] board of a **9-1-1 communications district** shall determine  
 19 and fix the amount of money to be levied and raised by taxation, for the purposes of the district.  
 20 The total amount of taxes levied in each year under this section may not exceed one-tenth of one  
 21 percent (0.001) of the real market value of all taxable property within the district computed in ac-  
 22 cordance with ORS 308.207.

23 (2) Each year a district shall also assess, levy and collect a special tax upon all property, real  
 24 and personal, in an amount sufficient to pay the yearly interest and principal due on any outstand-  
 25 ing general obligation bonds for the year.

26 **SECTION 38.** ORS 403.375 is amended to read:

27 403.375. (1) The board of a **9-1-1 communications district** shall adjust zones established within  
 28 [a] **the** district as necessary to make them as nearly equal in population as is feasible according to  
 29 the latest federal census. The board also shall adjust boundaries of zones as necessary to reflect  
 30 boundary changes of the district.

31 (2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form  
 32 with the county assessor and the Department of Revenue as provided in ORS 308.225.

33 **SECTION 39.** ORS 403.380 is amended to read:

34 403.380. (1) A [district] board of a **9-1-1 communications district** shall appoint an advisory  
 35 committee to advise and assist the board in carrying out the purposes of ORS 403.300 to 403.380.  
 36 An advisory committee consists of one representative from each public or private safety agency in-  
 37 cluded within the district. Members of the advisory committee must reside within the district.

38 (2) A member of an advisory committee shall serve for a term of two years. Of the members first  
 39 appointed, however, one-half of the members shall serve for a term of one year. The respective terms  
 40 of the members must be determined by lot at the first meeting of the advisory committee.

41 (3) The advisory committee shall meet not less than four times a year to review the policies and  
 42 practices of the [district] board. The advisory committee shall also meet on the call of the [district]  
 43 board. The advisory committee may adopt rules for the conduct of its proceedings.

44 (4) The advisory committee may propose changes to any of the board's rules, policies or prac-  
 45 tices as it deems necessary or desirable. In addition to its other functions and duties, the advisory

1 committee shall review the annual budget of the district. The advisory committee shall meet with  
 2 the [district] board and may make recommendations relating to the budget that the committee con-  
 3 siders necessary or prudent.

#### 4 5 **CONFORMING AMENDMENTS**

6  
7 **SECTION 40.** ORS 305.823 is amended to read:

8 305.823. A county, city, district or other political subdivision in this state may not levy or im-  
 9 pose a tax on amounts paid for exchange access **service** or other telephone services.

10 **SECTION 41.** ORS 404.325 is amended to read:

11 404.325. (1) As used in this section:

12 **(a) "9-1-1 service area" has the meaning given that term in ORS 403.105.**

13 [(a)] **(b)** "Electronic signaling device" includes, but is not limited to:

14 (A) Electronic signaling devices, as defined in ORS 404.300;

15 (B) Emergency locator transmitters;

16 (C) Emergency Position Indicator Radio Beacon devices; and

17 (D) Wilderness personal locator beacons.

18 [(b)(A)] **(c)(A)** "Facility" includes:

19 (i) Commercial and industrial facilities;

20 (ii) Aircraft hangars, whether used for private, commercial or industrial purposes; and

21 (iii) Other facilities in which electronic signaling devices or equipment containing electronic  
 22 signaling devices are sold, rented, serviced or repaired.

23 (B) "Facility" does not include a dwelling used only as a private residence.

24 [(c) "*Public safety answering point*" has the meaning given that term in ORS 403.105.]

25 [(d) "*9-1-1 service area*" has the meaning given that term in ORS 403.105.]

26 **(d) "Regional 9-1-1 authority" has the meaning given that term in ORS 403.105.**

27 (2) The owner or operator of a facility in which an electronic signaling device is located shall  
 28 conspicuously post an emergency contact telephone number of an individual who is able to assist  
 29 emergency response personnel with locating and silencing the device.

30 (3) Subsection (2) of this section does not apply to the owner or operator of a facility for which  
 31 the owner or operator has provided a contact number to the [*public safety answering point*] **regional**  
 32 **9-1-1 authority** that is responsible for the 9-1-1 service area in which the facility is located.

33 **SECTION 42.** ORS 451.010 is amended to read:

34 451.010. (1) Master plans and service districts may be established as provided by this chapter  
 35 regarding:

36 (a) Sewage works, including all facilities necessary for collecting, pumping, treating and dispos-  
 37 ing of sanitary or storm sewage.

38 (b) Drainage works, including all facilities necessary for collecting, pumping and disposing of  
 39 storm and surface water.

40 (c) Street lighting works, including all facilities necessary for the lighting of streets and high-  
 41 ways.

42 (d) Public parks and recreation facilities, including land, structures, equipment, supplies and  
 43 personnel necessary to acquire, develop and maintain such public park and recreation facilities and  
 44 to administer a program of supervised recreation services.

45 (e) Diking and flood control works, including all facilities necessary for diking and control of

1 watercourses.

2 (f) Water supply works and service, including all facilities necessary for tapping natural sources  
3 of domestic and industrial water, treating and protecting the quality of the water and transmitting  
4 it to the point of sale to any person, city, domestic water supply corporation or other public or  
5 private agency for domestic, municipal and industrial water supply service.

6 (g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and  
7 Washington Counties.

8 (h) Public transportation, including public depots, public parking and the motor vehicles and  
9 other equipment necessary for the transportation of persons together with their personal property.

10 (i) Agricultural educational extension services.

11 (j) Emergency medical services, including ambulance services.

12 (k) Library services.

13 (L) Roads.

14 *[(m) Emergency communications services, including a 9-1-1 emergency reporting system established*  
15 *under ORS 403.115.]*

16 *[(n) (m) Law enforcement services.*

17 *[(o) (n) Human services.*

18 *[(p) (o) Cemetery maintenance.*

19 *[(q) (p) Animal control.*

20 (2) Within the geographical jurisdiction of any local government boundary commission estab-  
21 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection  
22 (1) of this section, master plans and service districts may be established as provided by this chapter  
23 regarding:

24 (a) Fire prevention and protection.

25 (b) Hospital and ambulance services.

26 (c) Vector control.

27 (d) Weather modification.

28 (3) Within the boundaries of any subdivision, service districts may be established as provided  
29 by this chapter regarding:

30 (a) Fire prevention and protection.

31 (b) Security services provided by contract with an association of homeowners whose property  
32 is located entirely within the boundaries of the service district, which services may include the  
33 enforcement of the rules or regulations of the association dealing with public access to or the use  
34 of the property of the association, routine patrolling and inspection of private areas located within  
35 the jurisdiction of the association and matters of traffic and safety within such areas.

36 (c) Law enforcement services.

37 (d) Hospital and ambulance services.

38 (e) Vector control.

39 (f) Activities set forth in subsection (1)(a), (f), (g)[,] **and** (j) [*and (m)*] of this section.

40 (4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS  
41 92.010 or any contiguous group of such subdivisions that:

42 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such  
43 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

44 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance  
45 of five miles or more from an urban growth boundary described in an acknowledged comprehensive

1 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS  
 2 268.390 (3); and

3 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-  
 4 nated a subdivision for purposes of this subsection by the governing body of the county in which the  
 5 subdivision or group of subdivisions is located.

6 (5) Within the boundaries of Washington County, master plans and service districts may be es-  
 7 tablished as provided by this chapter regarding water resource management services that affect the  
 8 quality and quantity of water within a single watershed, basin or planning area. As used in this  
 9 subsection, “water resource management services” means:

10 (a) Planning for and provision of two or more services or facilities such as sewage works,  
 11 drainage works, surface water management, endangered species recovery management, water quality  
 12 management, diking and flood control works, river flow management, water supply works,  
 13 wastewater reuse and irrigation facilities.

14 (b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection,  
 15 including facilities for the production, sale or purchase of energy when such facilities are integrated  
 16 in a master plan adopted under ORS 451.120.

17  
 18 **ABOLISH AND TRANSFER**

19  
 20 **SECTION 43. On the operative date of section 3 of this 2013 Act:**

21 **(1) The authority of an entity to serve as a 9-1-1 jurisdiction pursuant to ORS 403.105 to**  
 22 **403.250 is terminated.**

23 **(2) The duties, functions and powers of a 9-1-1 jurisdiction described in subsection (1) of**  
 24 **this section that relate to the 9-1-1 emergency reporting system, as defined in ORS 403.105**  
 25 **before the operative date of section 3 of this 2013 Act, are imposed upon, transferred to and**  
 26 **vested in regional 9-1-1 authorities in a manner that is consistent, as determined by the Of-**  
 27 **ice of Emergency Management, with the plan approved by the office under section 5 of this**  
 28 **2013 Act.**

29  
 30 **RECORDS, PROPERTY, EMPLOYEES**

31  
 32 **SECTION 44. (1) On a schedule adopted by the Office of Emergency Management, the**  
 33 **governing body or director of a 9-1-1 jurisdiction subject to section 43 of this 2013 Act shall:**

34 **(a) Deliver to the office or, under the direction of the office, deliver to a regional 9-1-1**  
 35 **authority all records and property within the jurisdiction of the 9-1-1 jurisdiction that relate**  
 36 **to the duties, functions and powers transferred by section 43 of this 2013 Act; and**

37 **(b) Transfer, under the direction of the office, to a regional 9-1-1 authority at the direc-**  
 38 **tion of the office, those employees engaged primarily in the exercise of the duties, functions**  
 39 **and powers transferred by section 43 of this 2013 Act.**

40 **(2) On a schedule adopted by the office, the office or, under the direction of the office,**  
 41 **a regional 9-1-1 authority shall:**

42 **(a) Take possession of the records and property; and**

43 **(b) Take charge of the employees and employ them in the exercise of the duties, func-**  
 44 **tions and powers transferred by section 43 of this 2013 Act, without reduction of compen-**  
 45 **sation but subject to change or termination of employment or compensation as provided by**

1 law.

2 (3) The office shall ensure that records or property delivered to the office under this  
 3 section are used to further duties and functions related to the 9-1-1 emergency reporting  
 4 system.

5 (4) The Governor shall resolve any dispute between the office and a 9-1-1 jurisdiction or  
 6 a regional 9-1-1 authority relating to transfers of records, property and employees under this  
 7 section, and the Governor's decision is final.

8  
 9 **UNEXPENDED REVENUES**

10  
 11 **SECTION 45.** The unexpended balances of amounts received by a city, county or other  
 12 9-1-1 jurisdiction from the Emergency Communications Account established in ORS 403.235,  
 13 for the biennium beginning July 1, 2013, for the purpose of administering and enforcing the  
 14 duties, functions and powers transferred by section 43 of this 2013 Act are to be returned to  
 15 the Office of Emergency Management for deposit in the account.

16  
 17 **ACTION, PROCEEDING, PROSECUTION**

18  
 19 **SECTION 46.** The transfer of duties, functions and powers related to the 9-1-1 emergency  
 20 reporting system by section 43 of this 2013 Act does not affect any action, proceeding or  
 21 prosecution involving or with respect to the duties, functions and powers begun before and  
 22 pending at the time of the transfer, except that the appropriate regional 9-1-1 authority, as  
 23 determined by the Office of Emergency Management consistent with the plan approved under  
 24 section 5 of this 2013 Act, is substituted for the 9-1-1 jurisdiction in the action, proceeding  
 25 or prosecution.

26  
 27 **LIABILITY, DUTY, OBLIGATION**

28  
 29 **SECTION 47.** (1) Sections 2 to 13, 15 and 16 of this 2013 Act, the amendments to ORS  
 30 305.823, 403.105, 403.200, 403.205, 403.220, 403.225, 403.230, 403.235, 403.240, 403.245, 403.300,  
 31 403.305, 403.310, 403.315, 403.320, 403.325, 403.330, 403.335, 403.340, 403.345, 403.350, 403.355,  
 32 403.360, 403.370, 403.375, 403.380, 404.325 and 451.010 by sections 1, 14 and 17 to 42 of this 2013  
 33 Act and the repeal of ORS 403.110, 403.115, 403.120, 403.130, 403.135, 403.140, 403.145, 403.150,  
 34 403.155, 403.156, 403.160, 403.165, 403.210, 403.215, 403.250, 451.605 and 451.610 by section 52 of  
 35 this 2013 Act do not relieve a person of a liability, duty or obligation accruing under or with  
 36 respect to the duties, functions and powers transferred by section 43 of this 2013 Act.

37 (2) On or after the operative date of section 3 of this 2013 Act, the Office of Emergency  
 38 Management may undertake the collection or enforcement of the liability, duty or obligation  
 39 for the benefit of the 9-1-1 emergency reporting system or may cause the appropriate re-  
 40 gional 9-1-1 authority to undertake the collection or enforcement of the liability, duty or  
 41 obligation.

42 (3) The rights and obligations of the 9-1-1 jurisdictions related to the 9-1-1 emergency  
 43 reporting system legally incurred under contracts, leases and business transactions exe-  
 44 cuted, entered into or begun before the operative date of section 3 of this 2013 Act are  
 45 transferred to the appropriate regional 9-1-1 authority as determined by the office consistent

1 with the plan approved under section 5 of this 2013 Act. For the purpose of succession to  
 2 these rights and obligations, the appropriate regional 9-1-1 authority is a continuation of the  
 3 9-1-1 jurisdiction and not a new authority.

#### 4 5 REGIONAL IMPLEMENTATION

6  
7 **SECTION 48.** (1) The Office of Emergency Management shall take action under sections  
 8 43 to 47 of this 2013 Act that is necessary or appropriate to establish and implement the 9-1-1  
 9 emergency reporting system by the operative date of section 3 of this 2013 Act.

10 (2) The governing body or director of a regional 9-1-1 authority established pursuant to  
 11 a plan approved under section 5 of this 2013 Act may be elected, appointed or selected, as  
 12 appropriate, before the operative date of section 3 of this 2013 Act and may take any action  
 13 before that date that is necessary to enable the regional 9-1-1 authority to exercise, on and  
 14 after the operative date of section 3 of this 2013 Act, the duties, functions and powers of the  
 15 regional 9-1-1 authority transferred by section 43 of this 2013 Act.

#### 16 17 AGENCY NAME CHANGE

18  
19 **SECTION 49.** For the purpose of harmonizing and clarifying statutory law, the Legislative  
 20 Counsel may substitute for words designating a 9-1-1 jurisdiction or its officers, wherever  
 21 they occur in statutory law, words designating a regional 9-1-1 authority or its officers.

#### 22 23 OPERATIVE DATE

24  
25 **SECTION 50.** Except as otherwise specifically provided in section 48 of this 2013 Act,  
 26 sections 2 to 4, 7 to 13, 15 and 16 of this 2013 Act, the amendments to ORS 305.823, 403.105,  
 27 403.200, 403.205, 403.220, 403.225, 403.230, 403.235, 403.240, 403.245, 403.300, 403.305, 403.310,  
 28 403.315, 403.320, 403.325, 403.330, 403.335, 403.340, 403.345, 403.350, 403.355, 403.360, 403.370,  
 29 403.375, 403.380, 404.325 and 451.010 by sections 1, 14 and 17 to 42 of this 2013 Act and the  
 30 repeal of ORS 403.110, 403.115, 403.120, 403.130, 403.135, 403.140, 403.145, 403.150, 403.155,  
 31 403.156, 403.160, 403.165, 403.210, 403.215, 403.250, 451.605 and 451.610 by section 52 of this 2013  
 32 Act become operative July 1, 2015.

#### 33 34 UNIT CAPTIONS

35  
36 **SECTION 51.** The unit captions used in this 2013 Act are provided only for the conven-  
 37 ience of the reader and do not become part of the statutory law of this state or express any  
 38 legislative intent in the enactment of this 2013 Act.

#### 39 40 REPEALS

41  
42 **SECTION 52.** ORS 403.110, 403.115, 403.120, 403.130, 403.135, 403.140, 403.145, 403.150,  
 43 403.155, 403.156, 403.160, 403.165, 403.210, 403.215, 403.250, 451.605 and 451.610 are repealed.