

**PROPOSED AMENDMENTS TO
HOUSE BILL 3317**

1 In line 2 of the printed bill, delete “amending” and insert “creating new
2 provisions; amending ORS 403.240 and”.

3 In line 3, after the semicolon insert “prescribing an effective date;”.

4 After line 20, insert:

5 **“SECTION 2. Sections 3 and 4 of this 2013 Act are added to and
6 made a part of ORS 403.200 to 403.230.**

7 **“SECTION 3. (1) As used in this section, “fixed interconnected
8 Voice over Internet Protocol service” means a telecommunications
9 service that utilizes an Internet protocol to enable a customer to par-
10 ticipate in real-time two-way voice communication.**

11 **“(2) For taxes imposed under ORS 403.200 that are due on or after
12 the effective date of this 2013 Act, the Department of Revenue, in its
13 administration of the provisions of ORS 403.200 to 403.230, shall
14 undertake enhanced enforcement and collection activities intended to
15 achieve greater compliance with the tax imposed under ORS 403.200,
16 and shall emphasize collection of the tax by providers required to col-
17 lect tax imposed on prepaid services, and providers required to collect
18 tax imposed on fixed interconnected Voice over Internet Protocol ser-
19 vice.**

20 **“SECTION 4. (1) Beginning on or before February 15, 2014, the De-
21 partment of Revenue shall report on a quarterly basis to a committee
22 of the Legislative Assembly related to revenue regarding the imple-**

1 **mentation of the enhanced enforcement and collection efforts required**
2 **under section 3 of this 2013 Act.**

3 **“(2) Beginning on or before February 15, 2015, the department shall**
4 **include in the quarterly report required under subsection (1) of this**
5 **section information that details categories of providers that are defi-**
6 **cient in collecting the tax imposed under ORS 403.200.**

7 **“SECTION 5. Section 4 of this 2013 Act is repealed on the date of**
8 **the convening of the 2017 regular session of the Legislative Assembly**
9 **as specified in ORS 171.010.**

10 **“SECTION 6. ORS 403.240, as amended by section 1, chapter 60, Oregon**
11 **Laws 2012, is amended to read:**

12 **“403.240. (1) The Office of Emergency Management shall distribute quar-**
13 **terly the entire amount of the moneys in the Emergency Communications**
14 **Account. The office shall pay the following amounts from the account:**

15 **“(a) Administrative costs incurred during the preceding calendar quarter**
16 **by the Department of Revenue in carrying out ORS 403.200 to 403.230 in an**
17 **amount that does not exceed [*one-half*] **three-quarters** of one percent of the**
18 **amount in the account on the date of distribution, or actual expenses in-**
19 **curring by the department, whichever is less.**

20 **“(b) Administrative costs to be incurred during the calendar quarter by**
21 **the Office of Emergency Management in carrying out its duties under ORS**
22 **305.823 and 403.105 to 403.250. The amount to be paid under this paragraph**
23 **may not exceed four percent of the amount in the account on the date of**
24 **distribution, and, on or before the next date of distribution, the office shall**
25 **repay to the account any amount received under this paragraph that exceeds**
26 **the actual expenses incurred by the office in the quarter.**

27 **“(2) The office may:**

28 **“(a) Provide funding for the Oregon Emergency Response System in an**
29 **amount that does not exceed 15 percent of the legislatively approved budget**
30 **for the Oregon Emergency Response System subject to availability of funds**

1 within the limit for administrative costs in subsection (1)(b) of this section.

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

4 “(3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay
5 for costs incurred during the preceding calendar quarter for enhanced 9-1-1
6 telephone service established pursuant to ORS 403.115. The office may not
7 disburse funds in the Enhanced 9-1-1 Subaccount to a 9-1-1 jurisdiction that
8 does not have an approved final plan as required in section 7, chapter 743,
9 Oregon Laws 1991. The office shall make payments for reimbursement only
10 after a reimbursement request has been submitted to the office in the manner
11 prescribed by the office. Reimbursement requests for recurring and nonre-
12 curring charges necessary to enable the 9-1-1 jurisdiction to comply with
13 ORS 403.115 must be submitted directly to the office. The costs reimbursable
14 under this subsection are only those incurred for:

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

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

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

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

19 “(e) Conversion of pay station telephones required by ORS 403.140;

20 “(f) Collection of the tax imposed by ORS 403.200 to 403.230; and

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

23 “(4) Subject to availability of funds, the office shall provide funding to
24 9-1-1 jurisdictions that have enhanced 9-1-1 telephone service operational
25 prior to December 31, 1991, based on cost information provided in their final
26 plan required in section 7, chapter 743, Oregon Laws 1991. The office shall
27 approve final plans submitted that meet the minimum requirements set forth
28 in ORS 403.115 (2) and (4). The office shall limit funding for costs incurred
29 prior to the preceding calendar quarter to charges associated with database
30 development, network and on-premises equipment that satisfies the require-

1 ments of ORS 403.115 (2) and (4). The office shall prescribe the manner in
2 which funding is provided under this subsection.

3 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from
4 any account described in ORS 403.235 to repay loans from the Special Public
5 Works Fund if the loans were used for purposes that are allowable under
6 ORS 403.105 to 403.250.

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

10 “(7) The office shall review reimbursement requests for modification of
11 central office switching and trunking equipment, conversion of pay station
12 telephones, and network development, operation and maintenance costs nec-
13 essary to comply with ORS 403.115 for the appropriateness of the costs
14 claimed. The office shall approve or disapprove the reimbursement requests.

15 “(8) The office shall review reimbursement requests for database develop-
16 ment, operation and maintenance, and on-premises equipment procurement,
17 maintenance and replacement costs necessary to comply with ORS 403.115 for
18 the appropriateness of the costs claimed.

19 “(9) After all amounts under subsections (1) and (2) of this section and
20 ORS 403.235 (2) have been paid, the office shall allocate the balance of the
21 Emergency Communications Account to cities on a per capita basis and to
22 counties on a per capita basis of each county’s unincorporated area for dis-
23 tribution directly to 9-1-1 jurisdictions as directed by the city or county.
24 However, each county must be credited a minimum of one percent of the
25 balance of the account after the amounts under subsections (1) and (2) of this
26 section and ORS 403.235 (2) have been paid.

27 “(10) 9-1-1 jurisdictions shall submit an accounting report to the office
28 annually. The report must be provided in the manner prescribed by the office
29 and must include but not be limited to:

30 “(a) Funds received and expended under subsection (9) of this section for

1 the purposes of fulfilling the requirements of ORS 403.115;

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

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

6 **“SECTION 7. The amendments to ORS 403.240 by section 6 of this
7 2013 Act apply to calendar quarters ending on or after the effective
8 date of this 2013 Act.**

9 **“SECTION 8. This 2013 Act takes effect on the 91st day after the
10 date on which the 2013 regular session of the Seventy-seventh Legis-
11 lative Assembly adjourns sine die.”.**

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