

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2036**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and lines 3 and 4 and insert “403.240; and prescribing an effective  
3 date.”.

4 Delete lines 6 through 30 and delete pages 2 through 5 and insert:

5 **“SECTION 1. Sections 2 and 3 of this 2013 Act are added to and  
6 made a part of ORS 403.200 to 403.230.**

7 **“SECTION 2. (1) As used in this section, ‘fixed interconnected Voice  
8 over Internet Protocol service’ means a telecommunications service  
9 that utilizes an Internet protocol to enable a customer to participate  
10 in real-time two-way voice communication.**

11 **“(2) The Department of Revenue shall establish by rule policies and  
12 procedures for the administration of the provisions of ORS 403.200 to  
13 403.230, including policies and procedures for the collection of the tax  
14 imposed under ORS 403.200 by providers required to collect tax imposed  
15 on prepaid services, and by providers required to collect tax imposed  
16 on fixed interconnected Voice over Internet Protocol service.**

17 **“SECTION 3. (1) Beginning on or before February 15, 2014, the De-  
18 partment of Revenue shall report on a quarterly basis to a committee  
19 of the Legislative Assembly related to revenue regarding the adminis-  
20 tration of the provisions of ORS 403.200 to 403.230.**

21 **“(2) Beginning on or before February 15, 2015, the department shall  
22 include in the quarterly report required under subsection (1) of this**

1 **section information that details categories of providers that are defi-**  
2 **cient in collecting the tax imposed under ORS 403.200.**

3 **“SECTION 4. Section 3 of this 2013 Act is repealed on the date of**  
4 **the convening of the 2017 regular session of the Legislative Assembly**  
5 **as specified in ORS 171.010.**

6 **“SECTION 5.** ORS 403.240, as amended by section 1, chapter 60, Oregon  
7 Laws 2012, is amended to read:

8 “403.240. (1) The Office of Emergency Management shall distribute quar-  
9 terly the entire amount of the moneys in the Emergency Communications  
10 Account. The office shall pay the following amounts from the account:

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

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

23 “(2) The office may:

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

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

30 “(3) The office shall use funds in the Enhanced 9-1-1 Subaccount to pay

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

- 11 “(a) Modification of central office switching and trunking equipment;
- 12 “(b) Network development, operation and maintenance;
- 13 “(c) Database development, operation and maintenance;
- 14 “(d) On-premises equipment procurement, maintenance and replacement;
- 15 “(e) Conversion of pay station telephones required by ORS 403.140;
- 16 “(f) Collection of the tax imposed by ORS 403.200 to 403.230; and
- 17 “(g) Addressing if the reimbursement request is consistent with rules  
18 adopted by the office.

19 “(4) Subject to availability of funds, the office shall provide funding to  
20 9-1-1 jurisdictions that have enhanced 9-1-1 telephone service operational  
21 prior to December 31, 1991, based on cost information provided in their final  
22 plan required in section 7, chapter 743, Oregon Laws 1991. The office shall  
23 approve final plans submitted that meet the minimum requirements set forth  
24 in ORS 403.115 (2) and (4). The office shall limit funding for costs incurred  
25 prior to the preceding calendar quarter to charges associated with database  
26 development, network and on-premises equipment that satisfies the require-  
27 ments of ORS 403.115 (2) and (4). The office shall prescribe the manner in  
28 which funding is provided under this subsection.

29 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from  
30 any account described in ORS 403.235 to repay loans from the Special Public

1 Works Fund if the loans were used for purposes that are allowable under  
2 ORS 403.105 to 403.250.

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

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

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

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

23 “(10) 9-1-1 jurisdictions shall submit an accounting report to the office  
24 annually. The report must be provided in the manner prescribed by the office  
25 and must include but not be limited to:

26 “(a) Funds received and expended under subsection (9) of this section for  
27 the purposes of fulfilling the requirements of ORS 403.115;

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

30 “(c) Local funds received and expended for the purposes of providing

1 emergency communications services.

2 **“SECTION 6. The amendments to ORS 403.240 by section 5 of this**  
3 **2013 Act apply to calendar quarters ending on or after the effective**  
4 **date of this 2013 Act.**

5 **“SECTION 7. This 2013 Act takes effect on the 91st day after the**  
6 **date on which the 2013 regular session of the Seventy-seventh Legis-**  
7 **lative Assembly adjourns sine die.”.**

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