

Senate Bill 432

Sponsored by Senator OLSEN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires moneys in Emergency Communications Account, including Enhanced 9-1-1 Subaccount, to be used for purposes of 9-1-1 emergency communications unless statutory exception is made during state of fiscal emergency. Defines "fiscal emergency."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to 9-1-1 emergency communications; creating new provisions; amending ORS 403.235 and
3 403.240; and declaring an emergency.

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

5 **SECTION 1.** ORS 403.235 is amended to read:

6 403.235. (1) The Emergency Communications Account is established separate and distinct from
7 the General Fund in the State Treasury. All moneys received by the Department of Revenue pursu-
8 ant to ORS 403.200 to 403.230 and interest thereon must be paid to the State Treasurer to be held
9 in a suspense account established under ORS 293.445. After payment of refunds, the balance of the
10 moneys received must be paid into the State Treasury and credited to the Emergency Communi-
11 cations Account. All moneys in the account are continuously appropriated to the Office of Emer-
12 gency Management and must be used for the purposes described in ORS 403.240.

13 (2) The Enhanced 9-1-1 Subaccount is established as a subaccount of the Emergency Communi-
14 cations Account. Thirty-five percent of the amount in the Emergency Communications Account on
15 the date of distribution must be credited to the Enhanced 9-1-1 Subaccount. All moneys in the [*ac-*
16 *count*] **subaccount** are continuously appropriated to the Office of Emergency Management and must
17 be used for the purposes described in ORS 403.240 (3), (4) and (5).

18 (3) **Moneys in the Emergency Communications Account, including the Enhanced 9-1-1**
19 **Subaccount, may be used only as described in subsections (1) and (2) of this section unless**
20 **this section and ORS 403.240 are modified to allow a different use or eliminated by amend-**
21 **ment or repeal during a state of fiscal emergency.**

22 (4) **As used in this section, "fiscal emergency" means a projected deficit for the biennium,**
23 **as most recently projected by the Oregon Department of Administrative Services under ORS**
24 **291.261 (1), of at least 12 percent below the amounts estimated to be received for the**
25 **biennium, as estimated after adjournment sine die of the odd-numbered year regular session**
26 **of the Legislative Assembly pursuant to ORS 291.349 (1).**

27 **SECTION 2.** ORS 403.240, as amended by section 14, chapter 59, Oregon Laws 2014, is amended
28 to read:

29 403.240. (1) The Office of Emergency Management shall distribute quarterly the entire amount
30 of the moneys in the Emergency Communications Account. The office shall pay the following

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 amounts from the account:

2 (a) Administrative costs incurred during the preceding calendar quarter by the Department of
3 Revenue in carrying out ORS 403.200 to 403.230 in an amount that does not exceed one percent of
4 the amount in the account on the date of distribution, or actual expenses incurred by the depart-
5 ment, whichever is less.

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

12 (2) The office may:

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

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

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

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

29 (b) Network development, operation and maintenance;

30 (c) Database development, operation and maintenance;

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

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

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

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

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

43 (5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from *[any account]* **the ac-**
44 **count or subaccount** described in ORS 403.235 to repay loans from the Special Public Works Fund
45 if the loans were used for purposes that are allowable under ORS 403.105 to 403.250.

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

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

8 (8) The office shall review reimbursement requests for database development, operation and
 9 maintenance, and on-premises equipment procurement, maintenance and replacement costs necessary
 10 to comply with ORS 403.115 for the appropriateness of the costs claimed.

11 (9) After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been
 12 paid, the office shall allocate the balance of the Emergency Communications Account to cities on
 13 a per capita basis and to counties on a per capita basis of each county's unincorporated area for
 14 distribution directly to 9-1-1 jurisdictions as directed by the city or county. However, each county
 15 must be credited a minimum of one percent of the balance of the account after the amounts under
 16 subsections (1) and (2) of this section and ORS 403.235 (2) have been paid.

17 (10) 9-1-1 jurisdictions shall submit an accounting report to the office annually. The report must
 18 be provided in the manner prescribed by the office and must include but not be limited to:

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

21 (b) Local funds received and expended for the purposes of fulfilling the requirements of ORS
 22 403.115; and

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

25 **SECTION 3. The amendments to ORS 403.235 and 403.240 by sections 1 and 2 of this 2015**
 26 **Act apply to moneys deposited in the Emergency Communications Account on or after the**
 27 **effective date of this 2015 Act.**

28 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
 29 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 30 **on its passage.**