

Enrolled
Senate Bill 84

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Public Utility Commission)

CHAPTER

AN ACT

Relating to a surcharge collected for the purpose of funding telecommunications programs; amending section 7, chapter 290, Oregon Laws 1987.

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

SECTION 1. Section 7, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 622, Oregon Laws 1991, section 8, chapter 872, Oregon Laws 1991, section 1, chapter 231, Oregon Laws 1993, section 387, chapter 79, Oregon Laws 1995, section 1, chapter 451, Oregon Laws 1995, section 2, chapter 408, Oregon Laws 2001, and section 1, chapter 78, Oregon Laws 2011, is amended to read:

Sec. 7. (1)(a) In order to fund the programs provided in sections 2 to 6 and 9 to 14, chapter 290, Oregon Laws 1987, the Public Utility Commission shall develop and implement a system for assessing a surcharge in an amount not to exceed 35 cents per month against each paying retail subscriber who has telecommunications service, **or who has interconnected voice over internet protocol service**, with access to *[the]* a telecommunications relay service. The *[surcharge shall be applied]* **commission shall apply the surcharge** on a telecommunications circuit designated for a particular subscriber. One subscriber line *[shall]* **must** be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge *[shall]* **must** be applied to each line that has unrestricted connection to the telecommunications relay service. *[These central office based service]* **or, for** lines that have restricted access to the telecommunications relay service *[shall be charged based on]*, **on the basis of** software design. For cellular, wireless or other radio common carriers, the surcharge *[shall]* **must** be applied on a per instrument basis, *[but applies]* **and** only to subscribers whose place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

(b) For purposes of this subsection, the commission shall adopt by rule the definition for “interconnected voice over internet protocol service.” The rule defining “interconnected voice over internet protocol service” must be consistent with the definition for “interconnected VoIP service” in 47 C.F.R. 9.3.

(2) The surcharge imposed by subsection (1) of this section does not apply to:

(a) Services upon which the state is prohibited from imposing the surcharge by the Constitution or laws of the United States or the Constitution or laws of the State of Oregon.

(b) Interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications services providers certified *[pursuant to]* **under** ORS 759.020, radio common carriers and interexchange carriers.

(3) The commission annually shall review the surcharge and the balance in the Residential Service Protection Fund **established under section 8, chapter 290, Oregon Laws 1987**, and may make adjustments to the amount of the surcharge to ensure that the fund has adequate resources [but], **provided** that the fund balance does not exceed six months of projected expenses.

(4) Moneys collected pursuant to the surcharge [shall] **may** not be considered in any proceeding to establish rates for telecommunication service.

(5) The commission shall direct telecommunications public utilities to identify separately in bills to customers for service the surcharge imposed [pursuant to] **under** this section.

(6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose information received under ORS 403.200 to 403.230 to the [Public Utility] commission to carry out the provisions of chapter 290, Oregon Laws 1987.

(7) The [Public Utility] commission may disclose information obtained pursuant to chapter 290, Oregon Laws 1987, to the department [of Revenue] to administer the tax imposed under ORS 403.200 to 403.230.

Passed by Senate April 26, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 24, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State