

D R A F T

SUMMARY

Requires Office of Emergency Management to distribute 9-1-1 tax revenues directly to 9-1-1 jurisdictions. Applies to distributions from Emergency Communications Account after January 1, 2013.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to distribution of 9-1-1 tax revenues; creating new provisions;
3 amending ORS 403.240; and prescribing an effective date.

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

5 **SECTION 1.** ORS 403.240 is amended to read:

6 403.240. (1) The Office of Emergency Management shall distribute quar-
7 terly the entire amount of the moneys in the Emergency Communications
8 Account. The office shall pay the following amounts from the account:

9 (a) Administrative costs incurred during the preceding calendar quarter
10 by the Department of Revenue in carrying out ORS 403.200 to 403.230 in an
11 amount that does not exceed one-half of one percent of the amount in the
12 account on the date of distribution, or actual expenses incurred by the de-
13 partment, whichever is less.

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

1 (2) The office may:

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

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

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

- 19 (a) Modification of central office switching and trunking equipment;
- 20 (b) Network development, operation and maintenance;
- 21 (c) Database development, operation and maintenance;
- 22 (d) On-premises equipment procurement, maintenance and replacement;
- 23 (e) Conversion of pay station telephones required by ORS 403.140;
- 24 (f) Collection of the tax imposed by ORS 403.200 to 403.230; and
- 25 (g) Addressing if the reimbursement request is consistent with rules
26 adopted by the office.

27 (4) Subject to availability of funds, the office shall provide funding to
28 9-1-1 jurisdictions that have enhanced 9-1-1 telephone service operational
29 prior to December 31, 1991, based on cost information provided in their final
30 plan required in section 7, chapter 743, Oregon Laws 1991. The office shall
31 approve final plans submitted that meet the minimum requirements set forth

1 in ORS 403.115 (2) and (4). The office shall limit funding for costs incurred
2 prior to the preceding calendar quarter to charges associated with database
3 development, network and on-premises equipment that satisfies the require-
4 ments of ORS 403.115 (2) and (4). The office shall prescribe the manner in
5 which funding is provided under this subsection.

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

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

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

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

22 (9) After all amounts under subsections (1) and (2) of this section and ORS
23 403.235 (2) have been paid, the office shall distribute the balance of the
24 Emergency Communications Account to cities on a per capita basis and to
25 counties on a per capita basis of each county's unincorporated area for dis-
26 tribution **directly** to 9-1-1 jurisdictions [*within the city or county*]. However,
27 each county must receive a minimum of one percent of the balance of the
28 account after the amounts under subsections (1) and (2) of this section and
29 ORS 403.235 (2) have been paid. [*A city or county shall pay each 9-1-1 juris-*
30 *isdiction whose 9-1-1 service area includes all or part of the city or county.*]

31 [(10) *Notwithstanding subsection (9) of this section, a city or county may*

1 *have its quarterly distribution made payable and sent to the 9-1-1 jurisdiction*
2 *responsible for providing the services required in ORS 403.115.]*

3 [(11)] (10) 9-1-1 jurisdictions shall submit an accounting report to the of-
4 fice annually. The report must be provided in the manner prescribed by the
5 office and must include but not be limited to:

6 (a) Funds received and expended under subsection (9) [*or (10)*] of this
7 section for the purposes of fulfilling the requirements of ORS 403.115;

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

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

12 **SECTION 2. The amendments to ORS 403.240 by section 1 of this**
13 **2012 Act apply to distributions from the Emergency Communications**
14 **Account after January 1, 2013.**

15 **SECTION 3. This 2012 Act takes effect on the 91st day after the date**
16 **on which the 2012 regular session of the Seventy-sixth Legislative As-**
17 **sembly adjourns sine die.**

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D R A F T

SUMMARY

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;
3 amending ORS 403.235; 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 sepa-
7 rate and distinct from the General Fund in the State Treasury. All moneys
8 received by the Department of Revenue pursuant to ORS 403.200 to 403.230
9 and interest thereon must be paid to the State Treasurer to be held in a
10 suspense account established under ORS 293.445. After payment of refunds,
11 the balance of the moneys received must be paid into the State Treasury and
12 credited to the Emergency Communications Account. All moneys in the ac-
13 count are continuously appropriated to the Office of Emergency Management
14 and must be used for the purposes described in ORS 403.240.

15 (2) The Enhanced 9-1-1 Subaccount is established as a subaccount of the
16 Emergency Communications Account. Thirty-five percent of the amount in
17 the Emergency Communications Account on the date of distribution must be
18 credited to the Enhanced 9-1-1 Subaccount. All moneys in the [*account*]
19 **subaccount** are continuously appropriated to the Office of Emergency

1 Management and must be used for the purposes described in ORS 403.240 (3),
2 (4) and (5).

3 **(3) Moneys in the Emergency Communications Account, including**
4 **the Enhanced 9-1-1 Subaccount, may be used only for the purposes**
5 **described in ORS 403.240 unless this section and ORS 403.240 are mod-**
6 **ified or eliminated by amendment or repeal during a state of fiscal**
7 **emergency.**

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

15 **SECTION 2. The amendments to ORS 403.235 by section 1 of this**
16 **2012 Act apply to moneys deposited in the Emergency Communications**
17 **Account on or after the effective date of this 2012 Act.**

18 **SECTION 3. This 2012 Act being necessary for the immediate pres-**
19 **ervation of the public peace, health and safety, an emergency is de-**
20 **clared to exist, and this 2012 Act takes effect on its passage.**

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