

Requested by Representative FINDLEY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2449**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-  
2 sert “creating new provisions;”.

3 In line 9, delete the boldfaced material and insert “\$1.00”.

4 In line 10, delete the boldfaced material and insert “\$1.00”.

5 On page 2, after line 14, insert:

6 **“SECTION 2.** ORS 403.200, as amended by section 1 of this 2019 Act, is  
7 amended to read:

8 “403.200. (1) There is imposed on each consumer or paying retail sub-  
9 scriber who has telecommunications service or interconnected Voice over  
10 Internet Protocol service, with access to the emergency communications  
11 system a tax equal to [~~\$1.00~~] **\$1.25** per month or, for prepaid wireless tele-  
12 communications service, [~~\$1.00~~] **\$1.25** per retail transaction. The tax must be  
13 applied on a telecommunications circuit designated for a particular consumer  
14 or subscriber. One consumer or subscriber line must be counted for each  
15 circuit that is capable of generating usage on the line side of the switched  
16 network regardless of the quantity or ownership of customer premises  
17 equipment connected to each circuit. For providers of central office based  
18 services, the tax must be applied to each line that has unrestricted con-  
19 nection to the switched network. Those central office based service lines that  
20 have restricted connection to the switched network must be charged based  
21 on software design in the central office that restricts the number of station

1 calls to and from the network. For cellular, wireless or other common car-  
2 riers, the tax applies to a subscriber on a per instrument basis and only if  
3 the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within  
4 this state.

5 “(2) The consumer or subscriber is liable for the tax imposed by this  
6 section.

7 “(3) The amounts of tax collected by the provider or seller are considered  
8 as payment by the consumer or subscriber for that amount of tax.

9 “(4) The tax imposed under this section, as it applies to prepaid wireless  
10 telecommunications service, shall be collected by the seller from the con-  
11 sumer with respect to each retail transaction occurring in this state. The  
12 amount of the tax shall be separately stated on an invoice, receipt or other  
13 similar document that the seller provides to the consumer, or shall be oth-  
14 erwise disclosed to the consumer.

15 “(5) For purposes of this section, a retail transaction:

16 “(a) Occurs in this state if it is made in person by a consumer at a busi-  
17 ness location of the seller;

18 “(b) If not made in person by a consumer at a business location of the  
19 seller, occurs in this state if the consumer's shipping address, payment in-  
20 strument billing address, or other address provided by the consumer for  
21 purposes of the transaction, is in this state; or

22 “(c) If insufficient information exists to determine whether paragraph (a)  
23 or (b) of this subsection is accurate, occurs in this state if the consumer's  
24 prepaid wireless telephone number is associated with an Oregon location.

25 “(6) Any return made by the provider or seller collecting the tax must be  
26 accepted by the Department of Revenue as evidence of payments by the  
27 consumer or subscriber of amounts of tax so indicated upon the return.”.

28 In line 15, delete “2” and insert “3”.

29 In line 20, delete the boldfaced material and insert “six-tenths of”.

30 In line 25, restore the bracketed material and delete the boldfaced mate-

1 rial.

2 On page 3, delete lines 43 through 45.

3 On page 4, delete lines 1 through 4 and insert:

4 **“SECTION 4.** ORS 403.240, as amended by section 3 of this 2019 Act, is  
5 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 six-tenths 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  
15 the 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*] **2.4** percent of the amount in the account on the date  
18 of distribution, and, on or before the next date of distribution, the office  
19 shall repay to the account any amount received under this paragraph that  
20 exceeds the actual expenses incurred by the office in the quarter.

21 “(2) The office may:

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

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

28 “(3) The office shall use funds in the 9-1-1 Subaccount to pay for costs  
29 incurred during the preceding calendar quarter for emergency communi-  
30 cations services provided by a 9-1-1 jurisdiction under ORS 403.105 to 403.250.

1 The office may not disburse funds in the 9-1-1 Subaccount to a 9-1-1 juris-  
2 diction that does not have an approved 9-1-1 jurisdiction plan under ORS  
3 403.130. The office shall make payments for costs of the emergency commu-  
4 nications system on behalf of a 9-1-1 jurisdiction, or make reimbursement to  
5 the 9-1-1 jurisdiction for such costs, only after a reimbursement or payment  
6 request has been submitted to the office in the manner prescribed by the of-  
7 fice. Reimbursement or payment requests for recurring and nonrecurring  
8 charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 403.105  
9 to 403.250 must be submitted directly to the office. The costs reimbursable  
10 or payable under this subsection are only those costs incurred for:

11 “(a) Modification of network routers or servers, central office switching  
12 and trunking equipment or other transport equipment;

13 “(b) Network development, hosting services, operation and maintenance;

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

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

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

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

18 “(g) Addressing if the reimbursement or payment request is consistent  
19 with rules adopted by the office; and

20 “(h) An employee of a 9-1-1 jurisdiction obtaining certification as a tele-  
21 communicator or emergency medical dispatcher from the Department of  
22 Public Safety Standards and Training under ORS 181A.560.

23 “(4) Subject to availability of funds, the office shall provide funding to  
24 9-1-1 jurisdictions based on cost information provided in their final plan un-  
25 der ORS 403.130. The office shall approve 9-1-1 jurisdiction plans that meet  
26 the requirements set forth in ORS 403.115 (2) and (4). The office shall limit  
27 funding for costs incurred prior to the preceding calendar quarter to charges  
28 associated with database development, network and on-premises equipment  
29 that satisfies the requirements of ORS 403.115 (2) and (4). The office shall  
30 prescribe the manner in which funding is provided under this subsection.

1 “(5) 9-1-1 jurisdictions may use funds distributed to the jurisdiction from  
2 an account or subaccount established in ORS 403.235 to repay loans from the  
3 Special Public Works Fund if the loans were used for purposes that are al-  
4 lowable under ORS 403.105 to 403.250.

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

8 “(7) The office shall review reimbursement or payment requests for costs  
9 identified in subsection (3) of this section, necessary to comply with ORS  
10 403.105 to 403.250, for the appropriateness of the costs claimed. The office  
11 shall approve or reject the reimbursement or payment requests.

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

20 “(9) 9-1-1 jurisdictions shall submit an accounting report to the office  
21 annually. The report must be provided in the manner prescribed by the office  
22 and must include but not be limited to:

23 “(a) Funds received and expended under subsection (8) of this section for  
24 the purposes of fulfilling the requirements of ORS 403.115;

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

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

29 **“SECTION 5.** Section 4, chapter 5, Oregon Laws 2002 (first special ses-  
30 sion), as amended by section 1, chapter 4, Oregon Laws 2002 (third special

1 session), section 1, chapter 629, Oregon Laws 2007, section 1, chapter 749,  
2 Oregon Laws 2013, and section 9, chapter 59, Oregon Laws 2014, is amended  
3 to read:

4 **“Sec. 4. (1) Taxes imposed under ORS 403.200 apply to subscriber bills**  
5 **issued on or after January 1, 2002, and before January 1, [2022] 2030, and to**  
6 **retail transactions made on or after October 1, 2015, and before January 1,**  
7 **[2022] 2030.**

8 **“(2) The amendments to ORS 403.200 by section 1 of this 2019 Act**  
9 **apply to subscriber bills issued and retail transactions made on or af-**  
10 **ter January 1, 2020, and before January 1, 2021.**

11 **“(3) The amendments to ORS 403.200 by section 2 of this 2019 Act**  
12 **apply to subscriber bills issued and retail transactions made on or af-**  
13 **ter January 1, 2021.**

14 **“SECTION 6. The amendments to ORS 403.240 by section 4 of this**  
15 **2019 Act become operative on January 1, 2021.”.**

16 In line 5, delete “4” and insert “7”.  
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