

Chapter 403

2017 EDITION

Emergency Communications System; 2-1-1 System; Public Safety Communications Systems

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EMERGENCY TELECOMMUNICATIONS SYSTEM

403.100 Policy; development of public safety networks and emergency communications system. It is the policy of the State of Oregon to:

(1) Encourage and support the development of public safety networks and an emergency communications system and the rapid deployment of broadband or other communications services in areas of the state in which the services do not exist;

(2) Support redundancy of critical communications assets in order to ensure homeland security protections in the state; and

(3) Ensure that a secure conduit is available for the emergency communications system and public safety networks in all Oregon communities. [Formerly 401.706; 2015 c.247 §1]

403.105 Definitions for ORS 305.823 and 403.105 to 403.250. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

(1) "Account" means the Emergency Communications Account.

(2) "Automatic location identification" means a component or capability of the emergency communications system that provides automatic display in the designated public safety answering point of geographic information about the location of the instrument used to originate an incoming emergency call.

(3) "Automatic number identification" means a component or capability of the emergency communications system that provides automatic display in the designated public safety answering point of a telephone number associated with the access line from which an incoming emergency call originates.

(4) "Call-back number" means a telephone number, or other unique number or code assigned to an instrument, used by a primary public safety answering point to contact the instrument from which an incoming emergency call originates.

(5) "Central office" means a utility that houses the switching and trunking equipment serving telephones in a defined area.

(6) "Consumer" means a person that purchases prepaid wireless telecommunications service in a retail transaction.

(7) "Emergency call" means a request for assistance using any device capable of direct communication to the emergency communications system in which prompt service is essential to preserve human life or property.

(8) "Emergency communications system" means the network, database, servers, other

equipment and services that provide the means to communicate with a primary public safety answering point to request and provide assistance to preserve human life or property.

(9) "Emergency response location identifier" means a component or capability of the emergency communications system that identifies a specific emergency response location.

(10) "Enhanced 9-1-1 telephone service" means 9-1-1 telephone service consisting of a network, database and on-premises equipment that provides automatic display in the designated public safety answering point of a telephone number and geographic information about the location of the instrument used to originate an incoming 9-1-1 call when the call is received.

(11) "Exchange access services" means:

(a) Telephone exchange access lines or channels that provide access by a consumer or subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) Unless a separate tariff rate is charged therefor, any facility or service provided in connection with the services described in paragraph (a) of this subsection.

(12) "Governing body" means the governing body of a city, county, special district or 9-1-1 jurisdiction.

(13) "Interconnected Voice over Internet Protocol service" has the meaning given that term in 47 C.F.R. 9.3, as amended and in effect on June 4, 2015.

(14) "Key telephone system" means a type of multiline telephone system designed to provide exchange access services through shared exchange access lines or channels that typically appears to offer direct line termination on a particular instrument.

(15) "Local government" has the meaning given that term in ORS 190.710.

(16) "Multiline telephone system" means a communications system, including network, premises-based, PBX, hybrid and key telephone systems, that offers two or more telephone exchange access lines and consists of a common control unit, instruments, control hardware and software and adjunct systems installed at a subscriber's premises to support the emergency communications system.

(17) "Prepaid wireless telecommunications service" means a telecommunications service that is sold in predetermined units or dollar amounts, must be paid for in advance and provides the purchaser with the ability to use mobile wireless service as well as other nontelecommunications services including content, ancillary services and the

download of digital products delivered electronically.

(18) "Primary public safety answering point" means a 24-hour public safety answering point that receives emergency calls directly from members of the public.

(19) "Provider" means a utility, or other vendor or supplier, that offers communications service or equipment that provides access to the emergency communications system.

(20) "Public or private safety agency" means any unit of state or local government, a special-purpose district or a private firm that provides, or has authority to provide, fire-fighting, police, ambulance or emergency medical services.

(21) "Public safety answering point" means a communications facility established as an answering location for emergency calls originating within a 9-1-1 service area.

(22) "Retail transaction" means each individual purchase, associated with an individual access number or capable of being associated with an individual access number, of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(23) "Secondary public safety answering point" means a public safety answering point that receives emergency calls from a primary public safety answering point on a transfer or relay basis.

(24) "Seller" means a person that sells prepaid wireless telecommunications service or access to prepaid wireless telecommunications service to a consumer.

(25) "Subscriber" means a person, other than a consumer, that has telecommunications access to the emergency communications system through local exchange service, cellular service or other wired or wireless means.

(26) "TTY" means a telephone-typewriter used by an individual with a hearing or speech impairment to communicate with another device or individual.

(27) "Utility" means a telecommunications utility, as defined in ORS 759.005, a telecommunications carrier, as defined in ORS 133.721, a municipality or any provider of exchange access services.

(28) "Wireless telecommunications service" means commercial mobile radio service, as defined in 47 C.F.R. 20.3.

(29) "9-1-1 emergency reporting system" means a telephone service that provides the users of a public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.

(30) "9-1-1 jurisdiction" means:

(a) An entity created under ORS chapter 190 to form a 9-1-1 jurisdiction;

(b) A county service district established under ORS chapter 451 to provide emergency communications services within the emergency communications system;

(c) A 9-1-1 communications district created under ORS 403.300 to 403.380;

(d) A public or private safety agency; or

(e) A group of public or private safety agencies that have agreed in writing to jointly plan the installation, maintenance, operation or improvement of components of the emergency communications system that are within a 9-1-1 service area.

(31) "9-1-1 service area" means the geographical area described in an approved 9-1-1 jurisdiction plan within which a 9-1-1 jurisdiction has the responsibility to answer emergency calls. [Formerly 401.710; 2013 c.305 §1; 2014 c.59 §§1,1a; 2015 c.247 §§2,3]

403.107 Authority to adjust definition; rules. The Department of Revenue may by rule adjust the definition of "interconnected Voice over Internet Protocol service" given in ORS 403.105 to conform to subsequent amendments to 47 C.F.R. 9.3. [2015 c.247 §5]

403.110 Liability. (1) A provider or a 9-1-1 jurisdiction or the employees or agents of a provider or a 9-1-1 jurisdiction may be held civilly liable for the installation, performance, provision or maintenance of a 9-1-1 emergency reporting system or enhanced 9-1-1 telephone service if the provider or the 9-1-1 jurisdiction or the employees or agents of the provider or the 9-1-1 jurisdiction act with willful or wanton conduct.

(2) A provider or seller is not liable for damages that result from providing or failing to provide access to the emergency communications system or from identifying or failing to identify the telephone number, address, location or name associated with any person or device accessing or attempting to access the emergency communications system.

(3) This section does not affect any liability a 9-1-1 jurisdiction may have for employee negligence in receiving emergency calls from the public and dispatching emergency services to the public. [Formerly 401.715; 2014 c.59 §2; 2015 c.247 §§6,7]

403.115 9-1-1 as primary emergency number; participation in emergency communications system; telephone book emergency listings; requirements. (1) The primary emergency telephone number within this state is 9-1-1, but a public or private safety agency shall maintain both a separate 10-digit secondary emergency number for use

by a telephone operator or provider and a separate 10-digit nonemergency number.

(2) Every public and private safety agency in this state shall participate in the emergency communications system.

(3) An emergency telephone number other than 9-1-1 may not be published on the top three-quarters of the emergency listing page of a telephone book. However, an alternative nonemergency telephone number for a 9-1-1 jurisdiction may be printed on the top three-quarters of the emergency listing page of a telephone book. The publisher may use the remainder of the page to list the Oregon Poison Center, Federal Bureau of Investigation, a designated mental health crises service and United States Coast Guard, where applicable. If there is more than one mental health crises service in a jurisdiction, the local health department shall decide which mental health crises service the publisher may list by using the criteria of a 24-hour staffed service, nonprofit organization and non-9-1-1 participating agency. The publisher shall refer to the community services section for other numbers.

(4) The emergency communications system must provide:

(a) Interconnectivity between public safety answering points and interconnectivity with providers of the same or similar emergency response services nationally;

(b) The capability, within each primary public safety answering point, to receive all emergency calls placed locally within each 9-1-1 service area; and

(c) The automatic location identification accurately portraying the location from which each emergency call originates. [Formerly 401.720; 2015 c.247 §8; 2015 c.736 §56]

403.120 Office of Emergency Management duties and powers; rules. (1) The Office of Emergency Management shall:

(a) Except as otherwise provided by law, adopt rules relating to the emergency communications system, as deemed necessary by the office.

(b) Plan, implement, administer, operate and maintain the emergency communications system required to fulfill the requirements of ORS 403.115.

(c) At the request of a 9-1-1 jurisdiction, act as an agent of the 9-1-1 jurisdiction for the purposes of purchasing and maintaining equipment and services required to conform to applicable laws and rules adopted by the office.

(d) Report biennially to the Legislative Assembly the progress made in implementing ORS 305.823 and 403.105 to 403.250. The report must include:

(A) Financial information concerning the revenues collected, distributed and expended by state agencies and 9-1-1 jurisdictions for the purposes of complying with ORS 403.105 to 403.250; and

(B) Account and subaccount balances.

(2) The office may enter into and administer contracts for goods and services related to the emergency communications system.

(3) The office may establish advisory committees and study groups to study and advise on:

(a) The planning and administration of public safety answering points; and

(b) Issues impacting the emergency communications system or individual public safety answering points. [Formerly 401.730; 2015 c.247 §9]

403.130 9-1-1 jurisdiction plan; requirements; review; revised plans. (1) A 9-1-1 jurisdiction shall create and maintain a 9-1-1 jurisdiction plan for emergency communications services provided within a 9-1-1 service area pursuant to ORS 403.105 to 403.250 and rules adopted by the Office of Emergency Management. The 9-1-1 jurisdiction shall submit the 9-1-1 jurisdiction plan to:

(a) The office;

(b) Public and private safety agencies within the 9-1-1 service area; and

(c) Any other public or private entity within the 9-1-1 service area that may be affected.

(2) The 9-1-1 jurisdiction plan must describe the capital and recurring costs to provide the components of the emergency communications system within the 9-1-1 service area.

(3) The office shall review the 9-1-1 jurisdiction plan for compliance with the requirements imposed under ORS 403.105 to 403.250 and rules adopted by the office, and if the plan is:

(a) In compliance, the office shall approve the plan.

(b) Not in compliance, the office shall reject the plan.

(4) If the office rejects the 9-1-1 jurisdiction plan under subsection (3) of this section:

(a) The 9-1-1 jurisdiction shall revise and resubmit the plan within 90 days after the date the office rejects the plan; and

(b) The office shall review the revised plan and either approve or reject the revised plan within 90 days after the date the office receives the revised plan.

(5) Each 9-1-1 jurisdiction shall submit to the Office of Emergency Management in

writing within 30 days any change to a public safety answering point that alters the approved 9-1-1 jurisdiction plan on file with the office. The changes may include, but are not limited to:

- (a) The address of the public safety answering point;
- (b) Telephone numbers used to satisfy requirements set forth in ORS 403.115;
- (c) Director changes;
- (d) Agencies served by the 9-1-1 jurisdiction; and
- (e) The method used to direct an emergency call once received by the primary public safety answering point.

(6) If an established 9-1-1 jurisdiction proposes to move a public safety answering point to another location or a governing body proposes to establish a new 9-1-1 jurisdiction with a new primary public safety answering point, and if either of these proposals will result in control of the 9-1-1 service area by an agency or agencies other than the agency or agencies identified in the approved 9-1-1 jurisdiction plan filed with the office, the 9-1-1 jurisdiction or governing body shall submit a revised 9-1-1 jurisdiction plan setting forth the changes to:

- (a) The Office of Emergency Management;
- (b) Public and private safety agencies in the 9-1-1 service area; and
- (c) Any other public or private entity in the 9-1-1 service area that may be affected.

(7) In addition to meeting the requirements imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120, the revised 9-1-1 jurisdiction plan must describe the capital and recurring costs for the proposed components of the emergency communications system within the 9-1-1 service area.

(8) The office shall review the revised 9-1-1 jurisdiction plan for compliance with the requirements imposed under ORS 403.105 to 403.250 and rules adopted pursuant to ORS 403.120 and, if the office determines that the plan is in compliance, approve the plan.

(9) The office may not approve a revised 9-1-1 jurisdiction plan submitted under subsection (6) of this section unless the revised plan is accompanied by written approval of the governing bodies of all public and private safety agencies affected by or providing service in the 9-1-1 service area. [Formerly 401.755; 2015 c.247 §10]

403.132 Provision of location of cellular device to law enforcement agency; rules. (1) At the request of a law enforcement agency, a provider of communications

service for cellular devices shall provide the call location information, or the best available location information, of a cellular device that is:

- (a) Used to place an emergency call requesting emergency assistance from the law enforcement agency; or
- (b) Reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(2) To facilitate requests for call location information, or the best available location information, from a law enforcement agency under this section:

(a) The Office of Emergency Management shall:

(A) Maintain a database containing emergency contact information for providers of communications service for cellular devices that are registered to do business in this state or that submit to the jurisdiction of this state; and

(B) Make the information immediately available upon request to a public safety answering point in this state.

(b) A provider that is registered to do business in this state, or that submits to the jurisdiction of this state, shall submit emergency contact information for the provider to the office.

(3) Emergency contact information submitted by a provider of communications service for cellular devices under this section must be submitted by June 15 of each year or immediately after a change in contact information.

(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action does not arise against a provider of communications service for cellular devices or the officers, employees or agents of the provider for providing call location information, or the best available location information, in good faith as required by this section.

(5) The office may adopt rules to implement this section.

(6) This section shall be known, and may be cited, as the Kelsey Smith Act. [2014 c.29 §2; 2015 c.247 §28; 2015 c.255 §1]

403.135 When blocking of information prohibited; confidential information; exemption from liability for supplying information to emergency service providers; when supplying information not required. (1) A provider may not block delivery or forwarding to a public safety answering point of location information, a call-

back number or other identifying information related to an emergency call.

(2) Automatic number identifications received by public safety answering points are confidential and are not subject to public disclosure unless and until an official report is written by the public or private safety agency and that agency does not withhold the telephone number under ORS 192.311 to 192.478 or other state and federal laws. The official report of a public safety answering point may not include nonpublished or nonlisted telephone numbers. The official report of a public or private safety agency may not include nonpublished or nonlisted telephone numbers. Nonpublished or nonlisted telephone numbers are not otherwise subject to public disclosure without the permission of the subscriber.

(3) A provider is not subject to an action for civil damages for providing in good faith confidential or nonpublic information, including nonpublished and nonlisted subscriber information, to emergency services providers who are:

- (a) Responding to an emergency call;
- (b) Responding to emergency situations that involve the risk of death or serious physical harm to an individual, as provided in ORS 403.132; or
- (c) Notifying the public of an emergency.

(4) Subsection (3) of this section does not compel a provider to provide nonpublished and nonlisted subscriber information directly to emergency services providers or law enforcement agencies prior to placement of an emergency call without process of law.

(5) Subscriber information acquired by a 9-1-1 jurisdiction for the purpose of providing emergency communications services under ORS 403.105 to 403.250 is not subject to public disclosure and may not be used by other public agencies except:

- (a) To respond to an emergency call;
- (b) To respond to an emergency situation that involves the risk of death or serious physical harm to an individual, as provided in ORS 403.132; or
- (c) To notify the public of an emergency by utilizing an automated notification system if a provider has provided subscriber information to the 9-1-1 jurisdiction or emergency services provider. [Formerly 401.765; 2013 c.305 §2; 2014 c.29 §3; 2015 c.247 §11]

(c) To notify the public of an emergency by utilizing an automated notification system if a provider has provided subscriber information to the 9-1-1 jurisdiction or emergency services provider. [Formerly 401.765; 2013 c.305 §2; 2014 c.29 §3; 2015 c.247 §11]

403.137 Operation of multiline telephone system. (1) As used in this section, "workplace":

(a) Includes hallways, lobbies, conference rooms, rest rooms, break rooms, elevators, laboratories, warehouse space and other areas of a building in which employees or

volunteers perform work or that are accessible on a regular basis by employees, volunteers or members of the public; and

(b) Does not include wall thickness, shafts, heating or ventilation spaces, mechanical or electrical spaces or other areas not accessible on a regular basis by employees, volunteers or members of the public.

(2) Except as provided in subsection (3) of this section, the operator of a multiline telephone system installed at least 12 months after January 1, 2014, shall provide information so that the appropriate primary public safety answering point is able to query the automatic location identification database and obtain an emergency response location identifier that includes at least the street address and building name for the location from which an emergency call originates.

(3) Subsection (2) of this section does not apply to the operator of:

- (a) A key telephone system;
- (b) Any other multiline telephone system serving a workplace that comprises less than 10,000 square feet on a single level and is located on one tract, as defined in ORS 215.010, of land; and
- (c) Wireless telecommunications services.

(4) If a multiline telephone system requires a caller to dial a prefix before dialing an outgoing call, the manager of the multiline telephone system installed at least 12 months after January 1, 2014, shall make a diligent effort to ensure that users of the system are aware of the procedures for making an emergency call to 9-1-1.

(5) When applicable, the operator of a multiline telephone system installed at least 12 months after January 1, 2014, shall arrange, as soon as practicable after installation of a new system or record completion of actual changes, to update the automatic location identification database with valid address information and a call-back number for the multiline telephone system from the appropriate master street address guide so that the emergency response location identifier specifies the emergency response location of the caller.

(6) An update to the automatic location identification database must match the direct inward dialing number automatic location identification database record indicator, to the extent that the operator of a multiline telephone system assigns the direct inward dialing number of the station or the emergency response location as the automatic location identification database record indicator.

(7) Without regard to the date of installation, the following persons are not liable

for civil damages or penalties as a result of an act or omission, except willful or wanton misconduct, in connection with the development, adoption, operation or implementation of a database or the multiline telephone system:

- (a) A provider.
- (b) A manufacturer of the multiline telephone system.
- (c) A manager of the multiline telephone system.
- (d) An operator of the multiline telephone system.
- (e) A 9-1-1 jurisdiction. [2013 c.305 §4; 2015 c.27 §40; 2015 c.247 §12]

403.140 Pay phones to be converted to allow emergency calls without charge. A person that provides telephone service through a coin or credit card operated pay station telephone in an area served by the emergency communications system shall convert every coin or credit pay station telephone to permit calling 9-1-1 and "O"-operator without depositing a coin or charging the caller. [Formerly 401.770; 2015 c.247 §13]

403.145 Use of emergency communications system by users with hearing or speech impairments. All public safety answering points must be capable of receiving emergency calls through a TTY or other device capable of receiving an emergency call from individuals with hearing or speech impairments. [Formerly 401.773; 2015 c.247 §14]

403.150 Disaster recovery plan. A 9-1-1 jurisdiction must have a disaster recovery plan for the components of the emergency communications system within the 9-1-1 service area. The disaster recovery plan must include at a minimum:

(1) Recovery procedures for service that is interrupted, preventing transmission of an emergency call to the primary public safety answering point and corresponding secondary public safety answering points. This may include, but is not limited to, a hard-wired alternative route or a plan on file with the provider designating alternative routes or answering points.

(2) A plan to switch public safety answering point operations to an alternate site in the event the primary public safety answering point becomes inoperable.

(3) 24-hour emergency numbers for the providers serving the 9-1-1 jurisdiction. [Formerly 401.775; 2015 c.247 §15]

403.155 Agreements among certain safety agencies for rendering emergency services. Public or private safety agencies may enter into agreements requiring that an emergency unit dispatched by a public safety answering point must render emergency ser-

vices without regard to jurisdictional boundaries. [Formerly 401.780; 2015 c.247 §16]

403.156 Response times during emergency. A governing body may not enforce contractual provisions that have the effect of punishing or penalizing a public or private safety agency for failure to meet mandatory response times during a declared state of emergency in which the public or private safety agency has allowed agency resources to respond and provide emergency services outside the normal service area of the agency. [2009 c.332 §2]

403.160 Mediation of disputes; arbitration; costs and fees. (1) All disputes between a governing body, 9-1-1 jurisdiction and public or private safety agency regarding the emergency communications system must be mediated if the dispute cannot be resolved in accordance with a written agreement. When a governing body or 9-1-1 jurisdiction obtains knowledge that a dispute exists and cannot be resolved by the agencies, the governing body or the 9-1-1 jurisdiction shall notify the Office of Emergency Management of the dispute in writing. Within 30 days after this notification, the disputing agencies shall mutually select a mediator and notify the office in writing of this selection. If a mediator is not mutually selected by the agencies within this period, the Director of the Office of Emergency Management shall select a mediator from the list of mediators established under subsection (3) of this section. Once selected, the mediator shall establish a schedule for the mediation process. The disputing agencies shall resolve the dispute within 60 days after the date the mediator is agreed upon or selected unless the agencies mutually agree in writing to an extension of this deadline. A copy of all extensions must be submitted to the office.

(2) When the mediation process in subsection (1) of this section ends, the mediator shall notify the office in writing of the outcome of the mediation. If the agencies are not able to resolve their dispute through mediation, the 9-1-1 jurisdiction or governing body and public or private safety agency or agencies shall submit the dispute to arbitration. The agencies shall select an arbitrator within 30 days after the end of the mediation. If the disputing agencies are unable to mutually select an arbitrator within this period, the director shall request the presiding judge for the judicial district in which the 9-1-1 service area is located to select an arbitrator. The arbitrator shall hear and decide the dispute within 30 days after selection unless the agencies mutually agree in writing to an extension of this deadline. A party to an arbitration under this subsection may seek confirmation, vacation, mod-

ification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The court may modify or correct a decision only for the grounds given in ORS 36.710.

(3) The office shall establish a roster of mediators qualified to mediate disputes under subsection (1) of this section. This list may be used by the disputing agencies when selecting a mediator.

(4) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the mediator's or arbitrator's fees, must be divided equally among the disputing agencies. [Formerly 401.785; 2015 c.247 §17]

403.165 Office to ensure compliance; proceedings authorized. (1) The Office of Emergency Management may institute proceedings against a public or private safety agency, a 9-1-1 jurisdiction or other person to compel compliance with or to restrain further violation of ORS 305.823 and 403.105 to 403.250 or rules adopted pursuant to ORS 403.120.

(2) Proceedings authorized by subsection (1) of this section may be instituted without official notice, hearing or order provided in ORS chapter 183. However, proceedings brought against a telecommunications utility must be brought before the Public Utility Commission as provided by ORS chapter 756. [Formerly 401.790]

403.170 Agreement with Confederated Tribes of Warm Springs Reservation of Oregon. (1) The Office of Emergency Management may enter into an agreement with the Confederated Tribes of the Warm Springs Reservation of Oregon for the purpose of forming an entity to participate in the emergency communications system.

(2) An entity formed under subsection (1) of this section:

(a) Is a 9-1-1 jurisdiction for purposes of ORS 305.823 and 403.105 to 403.250.

(b) Shall comply with all state and federal law applicable to 9-1-1 jurisdictions.

(c) Shall operate within a 9-1-1 service area that includes the Warm Springs Indian Reservation.

(d) May operate a primary public safety answering point to provide emergency communications services within its 9-1-1 service area.

(3) As used in this section, "emergency communications system," "primary public safety answering point," "9-1-1 jurisdiction" and "9-1-1 service area" have the meanings given those terms in ORS 403.105. [2016 c.122 §1]

Note: 403.170 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 403 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

TAX FOR EMERGENCY COMMUNICATIONS

403.200 Imposition of tax; rate. (1) There is imposed on each consumer or paying retail subscriber who has telecommunications service or interconnected Voice over Internet Protocol service, with access to the emergency communications system a tax equal to 75 cents per month or, for prepaid wireless telecommunications service, 75 cents per retail transaction. The tax must be applied on a telecommunications circuit designated for a particular consumer or subscriber. One consumer or subscriber line must be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity or ownership of customer premises equipment connected to each circuit. For providers of central office based services, the tax must be applied to each line that has unrestricted connection to the switched network. Those central office based service lines that have restricted connection to the switched network must be charged based on software design in the central office that restricts the number of station calls to and from the network. For cellular, wireless or other common carriers, the tax applies to a subscriber on a per instrument basis and only if the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within this state.

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

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

(4) The tax imposed under this section, as it applies to prepaid wireless telecommunications service, shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the tax shall be separately stated on an invoice, receipt or other similar document that the seller provides to the consumer, or shall be otherwise disclosed to the consumer.

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

(a) Occurs in this state if it is made in person by a consumer at a business location of the seller;

(b) If not made in person by a consumer at a business location of the seller, occurs in this state if the consumer's shipping address,

payment instrument billing address, or other address provided by the consumer for purposes of the transaction, is in this state; or

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

(6) Any return made by the provider or seller collecting the tax must be accepted by the Department of Revenue as evidence of payments by the consumer or subscriber of amounts of tax so indicated upon the return. [Formerly 401.792; 2014 c.59 §§3,3a; 2015 c.247 §§18,19]

403.202 Compensation of sellers of prepaid wireless telecommunications service. (1) For the purpose of compensating sellers for expenses incurred in collecting the tax imposed under ORS 403.200, each seller is permitted to deduct and retain two percent of the amount of taxes that are collected by the seller from all retail transactions conducted by the seller in this state.

(2) Subsection (1) of this section applies to retail transactions made on or after October 1, 2015, and before January 1, 2022. [2014 c.59 §5a]

Note: Section 4, chapter 5, Oregon Laws 2002 (first special session), provides:

Sec. 4. Taxes imposed under ORS 403.200 apply to subscriber bills issued on or after January 1, 2002, and before January 1, 2022, and to retail transactions made on or after October 1, 2015, and before January 1, 2022. [2002 s.s.1 c.5 §4; 2002 s.s.3 c.4 §1; 2007 c.629 §1; 2013 c.749 §1; 2014 c.59 §9]

403.205 Exemptions. The tax imposed by ORS 403.200 does not apply to:

(1) Services that the state is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon.

(2) Interconnection between telecommunications utilities and competitive access providers certified pursuant to ORS 759.020, common carriers and interexchange carriers. [Formerly 401.794; 2015 c.247 §20]

403.210 Duties of providers and sellers. Every provider or seller responsible for the collection of the tax imposed by ORS 403.200 to 403.230 shall keep records, render statements, make returns and comply with rules adopted by the Department of Revenue with respect to the tax. Whenever in the judgment of the department it is necessary, the department may require the provider, seller, consumer or subscriber, by notice served upon that person by first-class mail, to make returns, render statements or keep records sufficient to show whether there is tax liability under ORS 403.200 to 403.230. [Formerly 401.796; 2014 c.59 §4]

403.215 Returns; payment of tax; election; rules. (1) The provider or seller is responsible for collecting the tax under ORS 403.200 and shall file a return with the Department of Revenue on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due for access to the emergency communications system during the quarter. The department shall prescribe the form of the return required by this section and ORS 403.210. The rules of the department must require that returns be made under penalties for false swearing.

(2) When a return of the tax is required under ORS 403.210 or subsection (1) of this section, the provider or seller required to make the return shall remit the tax due to the department at the time fixed for filing the return.

(3) A provider or seller described in subsection (1) of this section may elect to pay the tax based on either of the following:

(a) The amount of tax actually collected during the quarter; or

(b) The net amount of tax billed during the quarter. The net amount billed equals the gross amount of tax billed less adjustments for uncollectible accounts, refunds, incorrect billings and other appropriate adjustments.

(4) Once a provider or seller has made an election under subsection (3) of this section, the provider or seller may not change the method of payment and reporting unless the provider or seller first obtains the permission of the department. [Formerly 401.798; 2014 c.59 §5; 2015 c.247 §§21,22]

403.217 Duties of consumers. Any consumer subject to the tax imposed under ORS 403.200 and from whom the tax has not been collected shall, on or before the 20th day of the month following the close of the calendar year in which the tax is due, file with the Department of Revenue a report of the amount of tax due from the consumer in the preceding tax year in the detail and form as prescribed by the department, submitting with the report the amount of tax due. [2014 c.59 §12]

403.220 Refunds. (1) If the amount paid by the provider or seller to the Department of Revenue under ORS 403.215 exceeds the amount of tax payable, the department shall refund the amount of the excess with interest thereon at the rate established under ORS 305.220 during a period beginning 45 days after the later of the due date of the return to which the excess relates or the date the excess was paid, and ending on the date the refund is paid. The department may not make a refund to a provider or seller who fails to claim the refund within two

years after the due date for filing of the return with respect to which the claim for refund relates.

(2) A consumer or subscriber's exclusive remedy in a dispute involving tax liability is to file a claim with the department. [Formerly 401.800; 2014 c.59 §6; 2017 c.278 §21]

403.225 Amounts collected held in trust; enforcement. (1) Every provider or seller required to collect the tax imposed by ORS 403.200 to 403.230 is deemed to hold the same in trust for the State of Oregon and for the payment thereof to the Department of Revenue in the manner and at the time provided by ORS 403.215.

(2) If the provider or seller required to collect the tax fails to remit any amount deemed to be held in trust for the State of Oregon or if the consumer or subscriber fails to pay the tax, the department may enforce collection by the issuance of a distraint warrant for the collection of the delinquent amount and all penalties, interest and collection charges accrued thereon. The warrant is issued and proceeded upon in the same manner and has the same force and effect as is prescribed with respect to warrants for the collection of delinquent income taxes. [Formerly 401.802; 2014 c.59 §7]

403.228 Rules. The Department of Revenue shall establish by rule policies and procedures for the administration of the provisions of ORS 403.200 to 403.230, including policies and procedures for the collection of the tax imposed under ORS 403.200 by providers required to collect the tax imposed on interconnected Voice over Internet Protocol service. [2014 c.59 §13]

403.230 Application of other laws. (1) Unless the context requires otherwise, the provisions of ORS chapters 305, 314 and 316 as to the audit and examination of reports and returns, determination of deficiencies, assessments, claims for refunds, penalties, interest, jeopardy assessments, warrants, conferences and appeals to the Oregon Tax Court, and procedures relating thereto, apply to ORS 403.200 to 403.230 the same as if the tax were a tax imposed upon or measured by net income. The provisions apply to the consumer or subscriber liable for the tax and to the provider or seller required to collect the tax. As to any amount collected and required to be remitted to the Department of Revenue, the tax is considered a tax upon the provider or seller required to collect the tax and that provider or seller is considered a taxpayer.

(2) 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.

(3) 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. [Formerly 401.804; 2014 c.59 §8]

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

(2) The 9-1-1 Subaccount is established as a subaccount of the Emergency Communications Account. Thirty-five percent of the amount in the Emergency Communications Account on the date of distribution must be credited to the 9-1-1 Subaccount. All moneys in the account are continuously appropriated to the Office of Emergency Management and must be used for the purposes described in ORS 403.240 (3), (4) and (5). [Formerly 401.806; 2015 c.247 §23]

403.240 Distribution of account proceeds; uses; reimbursement request review; reports. (1) The Office of Emergency Management shall distribute quarterly the entire amount of the moneys in the Emergency Communications Account. The office shall pay the following amounts from the account:

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

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

(2) The office may:

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

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

(3) The office shall use funds in the 9-1-1 Subaccount to pay for costs incurred during the preceding calendar quarter for emergency communications services provided by a 9-1-1 jurisdiction under ORS 403.105 to 403.250. The office may not disburse funds in the 9-1-1 Subaccount to a 9-1-1 jurisdiction that does not have an approved 9-1-1 jurisdiction plan under ORS 403.130. The office shall make payments for costs of the emergency communications system on behalf of a 9-1-1 jurisdiction, or make reimbursement to the 9-1-1 jurisdiction for such costs, only after a reimbursement or payment request has been submitted to the office in the manner prescribed by the office. Reimbursement or payment requests for recurring and nonrecurring charges necessary to enable the 9-1-1 jurisdiction to comply with ORS 403.105 to 403.250 must be submitted directly to the office. The costs reimbursable or payable under this subsection are only those costs incurred for:

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

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

(c) Database development, operation and maintenance;

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

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

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

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

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

(4) Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions based on cost information provided in their final plan under ORS 403.130. The office shall approve 9-1-1 jurisdiction plans that

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

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

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

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

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

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

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

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

(c) Local funds received and expended for the purposes of providing emergency communications services. [Formerly 401.808; 2012 c.60 §1; 2014 c.59 §14; 2015 c.247 §24]

403.245 Limitation on use of moneys; investment of moneys. (1) Except as provided in subsection (2) of this section, moneys received under ORS 403.240 (8) may be used only to pay for planning, installation, maintenance, operation and improvement of the emergency communications system as it

relates to getting an emergency call from a member of the public to the primary public safety answering point and in transmitting the information from the primary public safety answering point to the secondary public safety answering point or responding police, fire, medical or other emergency unit by telephone, radio or computerized means.

(2) Moneys not then being used may be invested by a city or county. The income from the investments must be used for the purposes described in subsection (1) of this section. [Formerly 401.814; 2015 c.247 §25]

403.250 Primary public safety answering points; rules. (1) The Director of the Office of Emergency Management shall establish by administrative rule the minimum standards for a primary public safety answering point.

(2) If a primary public safety answering point does not meet the minimum standards established under subsection (1) of this section within 45 days after receipt of written notice from the Office of Emergency Management, the office shall designate an alternate primary public safety answering point that meets the minimum standards and cause calls to be rerouted to the designated primary public safety answering point. [Formerly 401.816]

EMERGENCY COMMUNICATIONS DISTRICTS

403.300 Definitions for ORS 403.300 to 403.380. As used in ORS 403.300 to 403.380, unless the context requires otherwise:

(1) "District" means a 9-1-1 communications district formed under ORS 403.300 to 403.380.

(2) "District board" or "board" means the governing body of a district.

(3) "9-1-1 jurisdiction" has the meaning given that term in ORS 403.105.

(4) "Public or private safety agency" has the meaning given that term in ORS 403.105. [Formerly 401.818; 2015 c.247 §26]

403.305 Formation of emergency communications district; boundaries; approval of formation by safety agencies.

(1) A 9-1-1 communications district may be created as provided in ORS 198.705 to 198.955 and 403.300 to 403.380.

(2) A 9-1-1 communications district consists of the telephone exchange service areas located wholly or partly within a designated 9-1-1 jurisdiction's service area that is served by a public safety answering point. A district may include more than one city and county.

(3) Before a petition for formation of a district is filed with the county board of the principal county under ORS 198.800, the pe-

tion must be approved by indorsement thereon by two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district. A county governing body may not adopt an order under ORS 198.835 for the formation of a district unless the governing body first obtains written approval for the formation of the district from two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.

(4) In addition to other required matters, the petition for formation must state the number of district board members for the proposed district and the method of election of the board of the proposed district from among the methods described in ORS 403.340. [Formerly 401.821]

403.310 Officers of district; qualifications. (1) The officers of the district shall be a board of five or seven members elected by the electors of the district.

(2) Any elector residing within the district is qualified to serve as a district board member. [Formerly 401.822]

403.315 Application of ORS chapter 255 to district. (1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [Formerly 401.823]

403.320 Board as governing body of district; president of board. (1) The district board is the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president. [Formerly 401.827]

403.325 Election of board members at formation election; terms of office. (1) Five or seven district board members, determined by the number of board members set forth in the petition for formation, must be elected at the election for district formation. Nominating petitions must be filed with the county governing body.

(2) When the petition for formation provides for a five-member district board, if the effective date of the formation of the district occurs in an odd-numbered year, two district board members must be elected for four-year terms and the other three district board members must be elected for two-year terms. If the effective date of the formation occurs

in an even-numbered year, two district board members must be elected for three-year terms and the other three district board members must be elected for one-year terms.

(3) When the petition for formation provides for a seven-member district board, if the effective date of the formation of the district occurs in an odd-numbered year, three district board members must be elected for four-year terms and the other four district board members must be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, three district board members must be elected for three-year terms and the other four district board members must be elected for one-year terms.

(4) Each district board member shall hold office until election and qualification of a successor.

(5) Each district board member elected shall take an oath of office and shall hold office from July 1, next following election.

(6) The district board shall fill any vacancy on the board as provided in ORS 198.320.

(7) Except as otherwise provided in this section or in ORS 403.330, the term of a district board member is four years.

(8) The terms of the members first elected to a district board must be determined by lot. [Formerly 401.832]

403.330 Changing number of board members; election; notice to Secretary of State.

(1) The question of increasing or decreasing the membership of the district board must be determined at a regular district election. The district board, by resolution, may order the question to be submitted to the electors of the district. If a petition is filed with the secretary of the board requesting that the electors of the district be permitted to vote on the question, the district board shall order the question to be submitted to the electors. The requirements for preparing, circulating and filing the petition are as provided for an initiative petition in ORS 255.135 to 255.205. The board is increased to seven members or decreased to five members if a majority of the votes cast on the question favors the increase or decrease. At an election to increase the membership, electors shall vote for candidates to fill the additional positions.

(2) When a district is situated entirely within one county, if the electors approve the increase or decrease in board membership, not later than the 30th day after the election, the district board shall adjust and stagger the terms of the board members as necessary in order to continue biennial elections of board members in accordance with

ORS 403.335. The district board shall take into consideration and, as much as possible, provide for the continued method of representation adopted by the district under ORS 403.340.

(3) When a district includes territory in more than one county, not later than the 40th day before the regular district election at which a question under this section will be submitted, the district elections authority shall notify the Secretary of State. If the electors favor the increase or decrease in board membership, not later than the 30th day after the election, the Secretary of State by rule shall adjust and stagger the terms of the board members as necessary in order to continue biennial elections of board members in accordance with ORS 403.335. The Secretary of State shall take into consideration and, as much as possible, provide for the continued method of representation adopted by the district under ORS 403.340. [Formerly 401.833]

403.335 Continuing schedule of biennial elections after change in number of board members. When a district expands the membership of its district board from five to seven members or reduces the membership of its board from seven to five members:

(1) If the board is reduced to five members, at least two members must be elected at each regular district election.

(2) If the board is expanded to seven members, at least three members must be elected at each regular district election. [Formerly 401.834]

403.340 Manner of electing board members. (1) The district board members may be elected in one of the following methods:

(a) Elected by the electors of the district from zones as nearly equal in population as possible according to the latest federal census. Each elector of the district is entitled to vote for candidates for election from all the zones in the district.

(b) Elected by the electors of the district from zones as nearly equal in population as possible according to the latest federal census. Each elector of the district is entitled to vote only for candidates for election from the zone in which the elector resides.

(c) Except for one district board member-at-large, elected by the electors of the district from zones as nearly equal in population as possible according to the latest federal census. The district board member-at-large must be elected from the entire district. Each elector of the district is entitled to vote for the district board member-at-large and for candidates for election from the zone in which the elector resides.

(d) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones must be nominated by electors of the zones. Candidates for election at large must be nominated by electors of the district.

(3) Each candidate for election from a zone must be a resident of that zone. [Formerly 401.836]

403.345 Election of board members. At the regular district election, successors to the board members whose terms expire must be elected as follows:

(1) In an unzoned district, if two board members are to be elected, the candidates receiving the first and second highest vote are elected. If three or four board members are to be elected, the candidates receiving the first, second or third or first, second, third and fourth highest vote are elected.

(2) In a district that is zoned under ORS 403.340:

(a) If a board member is to be elected by the electors of a zone, the candidate who receives the highest vote from the zone is elected.

(b) If a board member is to be elected by the electors of the entire district, the candidate receiving the highest vote among the candidates nominated from the same zone is elected. [Formerly 401.838]

403.350 Changing manner of electing board members; requirements; election.

(1) The question of whether to change the method adopted by the district for nominating and electing board members must be decided by election. The district board:

(a) May order the election on its own resolution; or

(b) Shall order the election if a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section are as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the boundaries of existing zones, the following requirements apply:

(a) The petition must contain a map indicating the proposed zone boundaries. The map must be attached to the cover sheet of the petition and may not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title may not exceed 150 words. The statement:

(A) Must specify the method of nomination and election of board members from among the methods described in ORS 403.340.

(B) Must include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election must contain a map of the proposed zone boundaries and a metes and bounds or legal description of the proposed zone boundaries. The map and description must be prepared by the county surveyor or county assessor and must reflect any adjustments made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section must be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk may not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the boundaries of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone must be filled by persons who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member must be decided by lot. [Formerly 401.839]

403.355 Changing number and manner of electing board members at same election; separate questions. A question of changing the method of nominating and electing district board members under ORS 403.350 and a question of increasing or decreasing the number of district board members under ORS 403.330 may be submitted to the electors of a district at the same regular district election. However, the questions must be submitted to the electors as separate questions. [Formerly 401.841]

403.360 General district powers. A 9-1-1 communications district has the power:

- (1) To have and use a common seal.
- (2) To sue and be sued in its name.

(3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(4) To assess, levy and collect taxes to pay:

(a) The cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining the components of the emergency communications system within the 9-1-1 service area;

(b) A lawful claim against the district; and

(c) The operating expenses of the district.

(5) To employ all necessary agents and assistants.

(6) To call elections after the formation of the district.

(7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(8) To do and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed. [Formerly 401.842; 2015 c.247 §27]

403.365 Authority to issue general obligation bonds; elector approval required; bond debt limit. (1) For the purpose of carrying into effect the powers granted by ORS 403.300 to 403.380, as well as refunding outstanding obligations, a 9-1-1 communications district, when authorized by a majority of the votes cast at an election by electors of the district, may borrow money and sell and dispose of general obligation bonds.

(2) The general obligations outstanding at any one time may not exceed in aggregate principal amount one percent of the real market value of all taxable property within the district computed in accordance with ORS 308.207.

(3) The bonds must mature serially not more than 30 years from the issue date and must be issued as prescribed in ORS chapter 287A. [Formerly 401.844]

403.370 Levy of taxes. (1) Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount of taxes levied in each year under this section may not exceed one-tenth of one percent (0.001) of the real market

value of all taxable property within the district computed in accordance with ORS 308.207.

(2) Each year a district shall also assess, levy and collect a special tax upon all property, real and personal, in an amount sufficient to pay the yearly interest and principal due on any outstanding general obligation bonds for the year. [Formerly 401.847]

Note: Sections 12 to 14, chapter 671, Oregon Laws 1987, provide:

Sec. 12. Section 9 of this Act [403.370] is repealed and section 13 of this Act is enacted in lieu thereof. [1987 c.671 §12]

Sec. 13. (1) Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district.

(2) Each year a district shall also assess, levy and collect a special tax upon all taxable property within the district in an amount sufficient to pay the yearly interest and principal due on any outstanding general obligation bonds for the year. [1987 c.671 §13; 1995 c.333 §34; 2009 c.203 §35]

Sec. 14. Sections 12 and 13 of this Act first become operative on the first day of the first tax year to which section 10, chapter 533, Oregon Laws 1981 [403.200], does not apply. [1987 c.671 §14]

403.375 Boundaries of zones. (1) The board shall adjust zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [Formerly 401.852]

403.380 Advisory committee; duties and powers; appointment by district board; terms and qualifications of members. (1) A district board shall appoint an advisory committee to advise and assist the board in carrying out the purposes of ORS 403.300 to 403.380. An advisory committee consists of one representative from each public or private safety agency included within the district. Members of the advisory committee must reside within the district.

(2) A member of an advisory committee shall serve for a term of two years. Of the members first appointed, however, one-half of the members shall serve for a term of one year. The respective terms of the members must be determined by lot at the first meeting of the advisory committee.

(3) The advisory committee shall meet not less than four times a year to review the policies and practices of the district board. The advisory committee shall also meet on the call of the district board. The advisory committee may adopt rules for the conduct of its proceedings.

(4) The advisory committee may propose changes to any of the board's rules, policies or practices as it deems necessary or desirable. In addition to its other functions and duties, the advisory committee shall review the annual budget of the district. The advisory committee shall meet with the district board and may make recommendations relating to the budget that the committee considers necessary or prudent. [Formerly 401.857]

2-1-1 SYSTEM

403.400 Legislative findings. The Legislative Assembly finds that:

(1) The implementation of a single, easy-to-use telephone number, 2-1-1, will benefit the residents of this state by providing easier access to available services after an emergency and health and human services, by reducing inefficiencies in connecting people with desired service providers and by reducing duplication of efforts.

(2) In a time of reduced resources for the provision of health and human services, establishing a cost-effective means to continue to inform the public about available services is a priority.

(3) An integrated statewide system of local information consists of a single call center, utilizing a shared statewide resources database that contains information regarding services after an emergency and health and human services input by designated regional information centers. [Formerly 401.282; 2011 c.205 §1]

403.405 Definitions for ORS 403.400 to 403.435. As used in ORS 403.400 to 403.435:

(1) "2-1-1" means the abbreviated dialing code assigned by the Federal Communications Commission for consumer access to community information and referral services.

(2) "2-1-1 service" means a telephone service that provides information about and referral to services after an emergency and health and human services.

(3) "2-1-1 system facilitator" means an Oregon nonprofit organization that is devoted to creating a statewide 2-1-1 system. [Formerly 401.284; 2011 c.205 §2]

403.410 Public referral and information telephone number. 2-1-1 is created as the official state dialing code for public referral to and information about health and human services and services after an emergency. [Formerly 401.286]

403.415 Contract for 2-1-1 system facilitator. (1) Subject to subsection (3) of this section, the Office of Emergency Management shall enter into a contract with a 2-1-1 system facilitator to design, implement and support a statewide 2-1-1 system.

(2) The contract shall ensure that the 2-1-1 system facilitator develops and maintains a statewide resources database that contains information regarding services after an emergency and health and human services input by designated regional information centers.

(3) In awarding the contract under subsection (1) of this section, the office shall ensure that the 2-1-1 system facilitator has the funds and the financial capacity to carry out the terms of the contract and that the contract is cost-neutral to the office. [Formerly 401.288; 2011 c.205 §3]

403.420 Designated regional information centers. (1) The 2-1-1 system facilitator shall establish standards for, and solicit, review and evaluate applicants to be, designated regional information centers.

(2) A designated regional information center shall collect, input and maintain regional resource information regarding services after an emergency and health and human services for inclusion in the statewide resources database maintained by the 2-1-1 system facilitator. [Formerly 401.290; 2011 c.205 §4]

403.422 Access of telecommunications customers to 2-1-1 system. Upon written request of the 2-1-1 system facilitator, telecommunications service providers shall enable 2-1-1 for customers accessing telecommunications services through local exchange service, cellular service or other wired or wireless means. [2011 c.205 §7]

403.425 Use of 2-1-1 system by state agencies providing health and human services. Before a state agency that provides health and human services establishes a new public information hotline, the state agency shall consult with the Office of Emergency Management about using the 2-1-1 system to provide public access to the information. [Formerly 401.292]

403.430 Contributions to support establishment of 2-1-1 system; use of contributions. (1) The Office of Emergency Management may accept contributions of moneys and assistance from the federal government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the purpose of establishing a statewide 2-1-1 system.

(2) The office may, from contributions of moneys received under subsection (1) of this section, provide grants to the 2-1-1 system facilitator to enable the provision of 2-1-1 service 24 hours per day, seven days per week. [Formerly 401.294; 2011 c.205 §5]

403.435 2-1-1 Account. The 2-1-1 Account is established in the State Treasury, separate and distinct from the General Fund.

All moneys received by the Office of Emergency Management for the 2-1-1 system under ORS 403.430 shall be deposited into the account and are continuously appropriated to the Office of Emergency Management to be used only for the implementation and support of the 2-1-1 system. [Formerly 401.296]

**OREGON STATEWIDE
COMMUNICATION
INTEROPERABILITY PLAN**

403.445 Definitions. As used in ORS 403.450, 403.455, 403.460 and 403.465 and section 1, chapter 825, Oregon Laws 2005:

(1) "FirstNet network" means a public safety broadband network designed to facilitate public safety data communications:

(a) As provided for in Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96); and

(b) For which planning, construction and operation are overseen by the United States Department of Commerce.

(2) "Interoperability plan" means the Oregon Statewide Communication Interoperability Plan described in ORS 403.455 that:

(a) Is required by Title XVIII of the Homeland Security Act of 2002, as amended;

(b) Is approved by the United States Department of Homeland Security, Office of Emergency Communications; and

(c) Is designed to ensure that emergency responders at all levels of government and across disciplines can communicate as needed, on demand and as authorized. [2014 c.87 §1]

403.450 State Interoperability Executive Council. (1) The State Interoperability Executive Council is created under the State Chief Information Officer to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide Communication Interoperability Plan. The membership of the council consists of:

(a) Two members from the Legislative Assembly, as follows:

(A) The President of the Senate shall appoint one member from the Senate with an interest in public safety communications infrastructure; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives with an interest in public safety and emergency communications infrastructure.

(b) The following members appointed by the Governor:

(A) One member from the Department of State Police;

(B) One member from the Office of Emergency Management;

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

(F) One member from the office of the State Chief Information Officer;

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

(I) One member from the Department of Public Safety Standards and Training;

(J) One member from the Oregon Broadband Advisory Council;

(K) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe; and

(L) One member of the public.

(c) The following members appointed by the Governor with the concurrence of the President of the Senate and the Speaker of the House of Representatives:

(A) One member from the Oregon Fire Chiefs Association;

(B) One member from the Oregon Association Chiefs of Police;

(C) One member from the Oregon State Sheriffs' Association;

(D) One member from the Association of Oregon Counties;

(E) One member from the League of Oregon Cities;

(F) One member from the Special Districts Association of Oregon;

(G) One member who is an information technology officer of an Oregon city;

(H) One member who is an information technology officer of an Oregon county;

(I) One member who represents a non-profit professional organization interested in the enhancement of public safety communications systems; and

(J) One member of the public who works or resides in Federal Communications Commission Region 35.

(2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c)(A) to (H) of this section shall recommend an individual from the agency or organization for membership on the council.

(3) Members of the council are not entitled to compensation, but in the discretion of the State Chief Information Officer may

be reimbursed from funds available to the office of the State Chief Information Officer for actual and necessary travel and other expenses the members incur in performing the members' official duties in the manner and amount provided in ORS 292.495.

(4) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only. [Formerly 401.871; 2010 c.107 §59; 2011 c.9 §51; 2014 c.87 §3; 2015 c.807 §47]

Note: The amendments to 403.450 by section 4, chapter 87, Oregon Laws 2014, become operative January 2, 2020. See section 5, chapter 782, Oregon Laws 2009, as amended by section 5, chapter 87, Oregon Laws 2014, section 1, chapter 483, Oregon Laws 2015, and section 36, chapter 807, Oregon Laws 2015. The text that is operative on and after January 2, 2020, including amendments by section 48, chapter 807, Oregon Laws 2015, is set forth for the user's convenience.

403.450. (1) The State Interoperability Executive Council is created under the State Chief Information Officer to be the statewide interoperability governing body serving as the primary steering group for the Oregon Statewide Communication Interoperability Plan. The membership of the council consists of:

(a) Two members from the Legislative Assembly, as follows:

(A) The President of the Senate shall appoint one member from the Senate with an interest in public safety communications infrastructure; and

(B) The Speaker of the House of Representatives shall appoint one member from the House of Representatives with an interest in public safety and emergency communications infrastructure.

(b) The following members appointed by the Governor:

(A) One member from the Department of State Police;

(B) One member from the Office of Emergency Management;

(C) One member from the State Forestry Department;

(D) One member from the Department of Corrections;

(E) One member from the Department of Transportation;

(F) One member from the office of the State Chief Information Officer;

(G) One member from the Oregon Health Authority;

(H) One member from the Oregon Military Department;

(I) One member from the Department of Public Safety Standards and Training;

(J) One member of an Indian tribe as defined in ORS 97.740 or a designee of an Indian tribe; and

(K) One member of the public.

(c) The following members appointed by the Governor with the concurrence of the President of the Senate and the Speaker of the House of Representatives:

(A) One member from the Oregon Fire Chiefs Association;

(B) One member from the Oregon Association Chiefs of Police;

(C) One member from the Oregon State Sheriffs' Association;

(D) One member from the Association of Oregon Counties;

(E) One member from the League of Oregon Cities;

(F) One member from the Special Districts Association of Oregon;

(G) One member who is an information technology officer of an Oregon city;

(H) One member who is an information technology officer of an Oregon county;

(I) One member who represents a nonprofit professional organization interested in the enhancement of public safety communications systems; and

(J) One member of the public who works or resides in Federal Communications Commission Region 35.

(2) Each agency or organization identified in subsection (1)(b)(A) to (I) and (1)(c)(A) to (H) of this section shall recommend an individual from the agency or organization for membership on the council.

(3) Members of the council are not entitled to compensation, but in the discretion of the State Chief Information Officer may be reimbursed from funds available to the office of the State Chief Information Officer for actual and necessary travel and other expenses the members incur in performing the members' official duties in the manner and amount provided in ORS 292.495.

(4) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only.

403.455 Duties of council; rules. The State Interoperability Executive Council created under ORS 403.450 shall:

(1) Develop, annually update and monitor implementation of the Oregon Statewide Communication Interoperability Plan, the goal of which is to achieve statewide interoperability of public safety communications systems. To the maximum extent possible, the Oregon Statewide Communication Interoperability Plan shall align with and support the Enterprise Information Resources Management Strategy described in ORS 276A.203. As part of the executive council's duties under this subsection, the executive council shall:

(a) Recommend strategies to improve public safety communications interoperability among state, local, tribal and federal public safety agencies;

(b) Develop standards to promote consistent design and development of public safety communications infrastructures and recommend changes in existing public safety infrastructures that are necessary or appropriate for implementation of the interoperability plan;

(c) Identify immediate short-term technological and policy solutions to tie existing public safety communications infrastructures together into an interoperable communications system;

(d) Develop long-term technological and policy recommendations to establish a statewide public safety communications system to improve emergency response and day-to-day public safety operations; and

(e) Develop recommendations for legislation and for the development of state and local policies that promote public safety communications interoperability in this state.

(2) Recommend to the Governor, for inclusion in the Governor's budget, investments by the State of Oregon in public safety communications systems.

(3) Coordinate state, local and, as appropriate, tribal and federal activities related to obtaining federal grants for support of interoperability and request technical assistance related to interoperability.

(4) Conduct and submit an annual update of the interoperability plan to the United States Department of Homeland Security, Office of Emergency Communications, aligning the update with standards established in the National Emergency Communications Plan and by the federal office.

(5) Coordinate statewide interoperability activities among state, local and, as appropriate, tribal and federal agencies.

(6) Advise the State Chief Information Officer, the Governor and the Legislative Assembly on implementation of the interoperability plan.

(7) Serve as the Governor's Public Safety Broadband Advisory Group.

(8) Report to the Joint Committee on Ways and Means or to the Joint Interim Committee on Ways and Means, and to the Joint Legislative Committee on Information Management and Technology, on or before February 1 of each odd-numbered year, on the development of the interoperability plan and the executive council's other activities.

(9) Adopt rules necessary to carry out the executive council's duties and powers. [Formerly 401.872; 2010 c.107 §60; 2014 c.87 §6; 2015 c.807 §49; 2016 c.117 §61]

403.460 Statewide interoperability coordinator. (1) The State Chief Information Officer shall establish and fill a full-time equivalent position for a statewide interoperability coordinator to serve as the central coordination point for the Oregon Statewide Communication Interoperability Plan and, through coordination and collaboration with agencies and entities in the emergency response community, to implement the interoperability plan.

(2) The statewide interoperability coordinator:

(a) Is the primary staff support provided by the State Chief Information Officer for the State Interoperability Executive Council created under ORS 403.450;

(b) Shall assist the executive council in conducting and submitting annual updates to

the interoperability plan, in coordination and collaboration with the emergency responders in this state;

(c) Shall ensure that the interoperability plan aligns with and supports the Enterprise Information Resources Management Strategy;

(d) Shall identify funding opportunities for planned interoperability improvements and coordinate efforts to acquire funding;

(e) Shall engage stakeholders to coordinate strategic interoperability plans;

(f) Shall serve as a member of the National Council of Statewide Interoperability Coordinators; and

(g) Shall represent the State of Oregon in local, regional and national efforts to plan and implement changes required to ensure communications operability, interoperability and continuity of communications for emergency responders in this state.

(3) Public bodies, as defined in ORS 174.109, that own or operate public safety communications infrastructure may collaborate and coordinate the public bodies' efforts and investments to achieve the statewide interoperability goal the executive council sets and implement the interoperability plan the executive council approves.

(4) Under the direction of the executive council and the State Chief Information Officer, the statewide interoperability coordinator may mediate disputes between public bodies collaborating to implement interoperable public safety communications systems. [Formerly 401.874; 2010 c.107 §61; 2014 c.87 §7; 2015 c.807 §50]

Note: Section 1, chapter 825, Oregon Laws 2005, provides:

Sec. 1. (1) The Oregon Legislative Assembly finds and declares that:

(a) The public safety communications infrastructure of the State of Oregon requires ongoing operations and maintenance to support continuing functionality and to accommodate evolving technology;

(b) The adopted policies and standards and specific deadlines mandated by the Federal Communications Commission required replacement of statewide public safety communications infrastructure in the State of Oregon;

(c) The reliability of public safety communications infrastructure during day-to-day public safety operations and during man-made and natural disasters is crucial to saving lives and property and to protecting the public;

(d) The condition of our public safety communications systems is of continuing concern because it is critical to the safety and well-being of the residents of the State of Oregon who depend upon lifesaving communications systems used by first responders;

(e) It is in the public interest of Oregonians to plan for improvement of the public safety communications infrastructure to ensure long-term stability and functionality as communications systems technology evolves; and

(f) Federal funding for homeland security may be available to facilitate all or part of the development and implementation of a plan for improvement of the public safety communications infrastructure in the State of Oregon.

(2) The Legislative Assembly further finds and declares that:

(a) Title XVIII of the Homeland Security Act of 2002, as amended, requires the United States Department of Homeland Security, Office of Emergency Communications, to develop and update a National Emergency Communications Plan to ensure that emergency responders at all levels of government and across disciplines can communicate as needed, on demand and as authorized.

(b) The national plan:

(A) Identifies the capabilities and initiatives needed for communications operability, interoperability and continuity of communications for emergency responders nationwide.

(B) Sets strategic goals and identifies national objectives to enhance governance, planning, technology, training and exercises and disaster communications capabilities.

(C) Provides recommendations and milestones to guide emergency responders and government officials.

(c) As a condition of eligibility for future homeland security grants for communication interoperability initiatives, each state is required to establish a statewide communication interoperability plan and annually update the interoperability plan.

(d) The Oregon Statewide Communication Interoperability Plan is the statewide communication interoperability plan for the State of Oregon that has received the approval of the United States Department of Homeland Security, Office of Emergency Communications.

(e) The employment of a full-time equivalent statewide interoperability coordinator is necessary and appropriate for facilitating implementation of the interoperability plan.

(3) Subject to subsection (4) of this section, the Legislative Assembly finds and declares that it is the policy of the State of Oregon:

(a) To ensure interoperable communications among all state, local, tribal and federal public safety agencies.

(b) To meet Federal Communications Commission mandates.

(4) The Legislative Assembly further finds and declares that:

(a) The communications infrastructure of the State Forestry Department:

(A) Meets the policies and standards mandated by the Federal Communications Commission;

(B) Is compatible with the communications infrastructure utilized by other federal and state agencies and private partners that are primarily responsible for responding to wildland fire emergencies; and

(C) Does not require conversion to meet interoperability requirements of the interoperability plan.

(b) The State Forestry Department shall continue to partner with, advise and seek shared efficiencies with other public safety agencies regarding implementation of the interoperability plan. [2005 c.825 §1; 2011 c.402 §1; 2014 c.87 §2]

403.465 Duties of State Chief Information Officer. In consultation with the State Interoperability Executive Council created in ORS 403.450, the State Chief Information Officer shall:

(1) Facilitate decision making and planning for potential implementation of the FirstNet network; and

(2) Make recommendations to the state agency responsible for administering federal funds from the United States Department of Commerce, National Telecommunications and Information Administration. [2014 c.87 §8; 2015 c.807 §52]

Note: Section 9, chapter 87, Oregon Laws 2014, provides:

Sec. 9. (1) The duties, functions and powers of the Department of Transportation relating to the Oregon Statewide Communication Interoperability Plan, the State Interoperability Executive Council and ORS 403.450, 403.455 and 403.460 are imposed upon, transferred to and vested in the State Chief Information Officer.

(2) This section does not apply to duties, functions or powers related to the completion, operation or maintenance of the State Radio Project, which is the land-mobile radio system of the State of Oregon, for voice communications, formerly known as the Oregon Wireless Interoperability Network. [2014 c.87 §9; 2015 c.807 §53]

Note: Sections 52 and 58, chapter 107, Oregon Laws 2010, provide:

Sec. 52. The duties, functions and powers of the Department of State Police relating to the Oregon Statewide Communication Interoperability Plan, the State Interoperability Executive Council and ORS 403.450, 403.455 and 403.460 are imposed upon, transferred to and vested in the Department of Transportation. [2010 c.107 §52]

Sec. 58. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the duties, functions and powers transferred by section 52 of this 2010 Act, reference is made to the Department of State Police, or an officer or employee of the Department of State Police, whose duties, functions or powers are transferred by section 52 of this 2010 Act, the reference is considered to be a reference to the Department of Transportation or an officer or employee of the Department of Transportation who by sections 52 to 58 of this 2010 Act is charged with carrying out the duties, functions and powers. [2010 c.107 §58]

RADIO AND DATA DISTRICTS

403.500 Definitions for ORS 403.500 to 403.542. As used in ORS 403.500 to 403.542:

(1) "County" means the county in which all or a portion of the district is located.

(2) "County board" means county court or board of county commissioners of the county.

(3) "District" means a radio and data district formed under ORS 403.500 to 403.542.

(4) "District board" means the governing body of a district. [2009 c.584 §1]

403.502 Application of election laws.

(1) ORS chapter 255 governs the following:

(a) The nomination and election of the members of the district board of a radio and data district.

(b) The conduct of all elections in the district.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [2009 c.584 §2]

403.505 Formation. (1) Ten or more residents of a county may petition the county board, or a county board by its own resolution may resolve, for the formation of a radio and data district within all or a portion of the county.

(2) In the case of two or more contiguous counties, 10 or more residents of the contiguous area may petition the county boards of all counties within the contiguous area for the formation of a district or the county boards of all counties within the contiguous area may adopt the same resolution for the formation of a district within the contiguous area.

(3) In addition to other required matters, a petition or resolution for formation shall state the number of members to be on the district board and the method of election of the board of the proposed district from among the methods described in ORS 403.510.

(4) The petition or resolution shall include a description of the proposed district, including district boundaries. If all or a portion of the members of a district board are to be elected by zone, the petition or resolution shall include a description of zone boundaries. If zones are proposed to be established within the district, the zones proposed to be established shall comply with ORS 403.520. [2009 c.584 §3]

403.507 Size of district board; qualifications. (1) The governing body of a radio and data district shall be a board of three or five members, to be elected by the electors of the district, and an administrator, to be appointed by the district board.

(2) Every elector of a district is qualified to be a member of the district board. [2009 c.584 §4]

403.510 Size of district board at formation; terms of office. (1) The number of district board members to be elected in a radio and data district shall be three or five, according to the number set forth in the petition or resolution for formation. The terms of the first district board members shall be determined as provided in subsections (2) and (3) of this section.

(2) If a three-member district board is to be elected:

(a) The candidates receiving the highest and the second highest vote shall be elected to a term expiring June 30 next following the second regular district election.

(b) The candidate receiving the third highest vote shall be elected to a term expiring June 30 next following the first regular district election.

(3) If a five-member district board is to be elected:

(a) The candidates receiving the first, second and third highest vote shall be elected to a term expiring June 30 next following the second regular district election.

(b) The candidates receiving the fourth and fifth highest vote shall be elected to a term expiring June 30 next following the first regular district election. [2009 c.584 §5]

403.512 Election of district board after formation; terms. (1) At the regular district election of a radio and data district, successors to the district board members whose terms expire shall be elected as follows:

(a) In an unzoned district, if one board member is to be elected, the candidate receiving the highest vote shall be elected. If two or three board members are to be elected, the candidates receiving the first and second or first, second and third highest vote shall be elected.

(b) In a district that is zoned under ORS 403.520:

(A) If a board member is to be elected by the electors of a zone, the candidate who receives the highest vote from the zone shall be elected.

(B) If a board member is to be elected by the electors of the entire district, the candidate receiving the highest vote among the candidates nominated from the same zone shall be elected.

(2) Except as provided in ORS 403.510, the term of a district board member is four years. [2009 c.584 §6]

403.515 Oath of office. A district board member of a radio and data district shall take the oath of office within 10 days after receiving the certificate of election. [2009 c.584 §7]

403.517 District board as governing body; president and administrator; meetings; vacancies. (1) The district board of a radio and data district is the governing body of the district and shall exercise all powers of the district.

(2) At its first meeting or as soon thereafter as may be practicable, the district board shall choose one of its members as president and shall appoint an administrator who need not be a member of the board. In case of the absence, or inability to act, of the president or administrator, the district board shall, by order entered upon the minutes, choose a president pro tempore, or adminis-

trator pro tempore, or both, as the case may be.

(3) The district board shall hold meetings, either in the day or evening, as may be necessary.

(4) The district board shall fill any vacancy on the board as provided in ORS 198.320. [2009 c.584 §8; 2011 c.292 §2]

403.520 Methods of election. (1) The district board members of a radio and data district may be elected by one of the following methods or a combination thereof:

(a) Elected by the electors of zones that are as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by the electors of the zones. Candidates for election at large may be nominated by the electors of zones or by the electors of the district, as determined under subsection (3) of this section.

(3) Where the method selected under subsection (2) of this section includes a combination of nomination of candidates from zones and nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the petition or resolution for formation of the district described in ORS 403.505. [2009 c.584 §9]

403.522 Boundaries of zones for district board members; adjustment for population and district boundary changes. (1) The district board of a radio and data district shall adjust zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The district board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district.

(2) For purposes of ad valorem property taxation, a district change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2009 c.584 §10]

403.525 General district powers. Every radio and data district shall have power:

(1) To have and use a common seal.

(2) To sue and be sued in the name of the district.

(3) To construct, reconstruct, acquire, maintain, upgrade and operate radio and data communication facilities and equipment, including land, buildings, improvements and other property needed to maintain two-way radio and data emergency communications within the district and to connect with other

emergency communications facilities and networks within and outside of the district.

(4) To acquire by lease, purchase, gift, devise, condemnation proceedings or otherwise such real and personal property and rights of way, either within or without the limits of the district as, in the judgment of the district board, are necessary or proper to fulfill the purposes of the district, and to pay for and hold the same.

(5) To make and accept any and all contracts, deeds, leases, releases and documents of any kind that, in the judgment of the district board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(6) To assess, levy and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining any property, equipment or facilities that may be acquired, or any lawful claims or demands against the district, and the operating expenses of the district.

(7) To employ all necessary agents and employees.

(8) To make and enforce rules and regulations for the proper operations of the district.

(9) To prohibit any person that violates any rule or regulation from thereafter using the facilities of the district for such period as the district board may determine.

(10) To call necessary or proper district elections after the formation of the district.

(11) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(12) To establish and collect reasonable fees and charges to support district operations and the maintenance and operation of district property, facilities and equipment.

(13) Generally to do and perform any and all acts necessary and proper to the complete exercise and effect of any of the district's powers or the purposes for which the district was formed. [2009 c.584 §11]

403.527 Levy of taxes. (1) At the time of formation or, after formation, through determination of the district board of a radio and data district, the district may establish a permanent rate limitation on ad valorem property taxes as prescribed in ORS 280.070.

(2) A district board may elect to impose a local option tax under ORS 280.040 to 280.145 in lieu of a permanent rate limitation.

(3) Upon receiving authority from district electors to levy ad valorem property taxes, the district board shall for each fiscal year

determine and establish the rate or amount of ad valorem property taxes to be levied by the district within any applicable tax limitation. [2009 c.584 §12]

403.530 Deposit and disbursement of district moneys. (1) Except as otherwise provided in ORS 403.500 to 403.542, the moneys of a radio and data district shall be deposited, in the discretion of the district board, either with the county treasurer of the county, in accordance with subsections (2) to (4) of this section, or in one or more banks or savings and loan associations to be designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the district administrator and countersigned by the president of the district board. The district board may by resolution designate other persons who may sign warrants or checks on behalf of the president or administrator.

(2) If district funds are deposited with the county treasurer, the county treasurer shall pay out moneys from the funds only upon the written order of the district board, signed by the president of the board and countersigned by the district administrator. The order shall specify the name of the person to whom the moneys are to be paid and the fund from which the moneys are to be paid, and shall state generally the purpose for which the payment is made. The order shall be entered in the minutes of the district board.

(3) The county treasurer shall keep the order as a voucher, and shall keep a specific account of receipts and disbursements of moneys for the district. [2009 c.584 §13]

403.532 County counsel to aid district board. The district board of a radio and data district may call upon the county counsel of the county in which the district is located for advice on district business. If the district is located in more than one county, the district may by intergovernmental agreement designate the county counsel of any one county as counsel for the district. The district board may at any time employ special counsel for any purpose. [2009 c.584 §14]

403.535 Power to contract bonded indebtedness. A radio and data district has the power to contract bonded indebtedness for the purpose of providing funds:

(1) To acquire land, rights of way and interests in land, buildings and equipment.

(2) To improve land and install facilities.

(3) To construct, reconstruct, improve, repair and furnish buildings.

(4) To acquire equipment of all types, including vehicular equipment necessary for and in the use, development and improve-

ment of the real property, equipment and facilities of the district.

(5) To pay the costs, expenses and attorney fees incurred in the issue and sale of the bonds.

(6) To fund or refund outstanding indebtedness, or for any one or combination of any such purposes. [2009 c.584 §15]

403.537 Bond elections. (1) For the purpose of providing funds with which to put into effect one or any combination of the purposes authorized under ORS 403.535, the district board of a radio and data district, when authorized by a majority of those voting at an election called for that purpose, may borrow money and sell and dispose of general obligation bonds.

(2) The district board:

(a) May order an election under this section on its own resolution; or

(b) Shall order an election under this section when a petition is filed as provided in this section.

(3) A petition shall specify a dollar amount for carrying out any one or more of the purposes authorized by ORS 403.535. The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under ORS 255.135 to 255.205. [2009 c.584 §16]

403.540 Authority for issuance of general obligation bonds and revenue bonds; issuance and sale. (1) Whenever authorized by the electors of the district, the district board of a radio and data district may issue general obligation bonds of the district, not exceeding the principal amount stated in the notice of election and for the purpose therein named.

(2) In addition to the authority to issue general obligation bonds, a district, when authorized by a majority of those voting at an election called for that purpose, may sell and dispose of revenue bonds, and pledge as security therefor all or any part of the unobligated net revenue of the district to purchase, acquire, construct, reconstruct or improve a facility, or to perform any of those acts in combination, for any authorized purpose. Revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district, but they shall be payable, both as to principal and interest, from revenues only. Revenue bonds shall be payable solely from such part of the revenue of the district as remains after payment of obligations having a priority and of all expenses of operation and maintenance of the district, including any taxes levied against the district. All revenue bonds shall contain a clause reciting that both the principal and

interest are payable solely from operating revenues of the district remaining after paying such obligations and expenses.

(3) General obligation and revenue bonds must recite that they are issued under ORS 403.500 to 403.542. All bonds shall be signed by the president of the district board and attested by the district administrator.

(4) All general obligation and revenue bonds issued, including refunding bonds, shall be issued as prescribed in ORS chapter 287A. [2009 c.584 §17]

403.542 Contracts with United States.

(1) In carrying out the powers conferred by ORS 403.500 to 403.542, a radio and data district may contract with the United States or any agency thereof for the acquisition, con-

struction, reconstruction, maintenance and operation, or any of them, of radio and data equipment and facilities or other property for use by the district.

(2) Contract provisions for repayment of any loan from the United States, and the bonds securing the payment of the loan, if any are issued, may be of any term or denomination not exceeding 50 years and may call for the payment of interest not exceeding seven percent per annum, may provide for installments and for repayment of the principal at such times as may be required by federal law or as may be agreed upon between the district board and the United States agency. [2009 c.584 §18]

