

Chapter 403

2009 EDITION

9-1-1 Emergency Communications System; 2-1-1 System; Public Safety Communications Systems

| | | | |
|---------|---|---------|---|
| | 9-1-1 EMERGENCY TELECOMMUNICATIONS SYSTEM | | |
| 403.100 | Policy; deployment of broadband telecommu- nications services | 403.315 | Application of ORS chapter 255 to district Board as governing body of district; pres- ident of board |
| 403.105 | Definitions for ORS 305.823 and 403.105 to 403.250 | 403.320 | Board as governing body of district; pres- ident of board |
| 403.110 | Liability of 9-1-1 providers | 403.325 | Election of board members at formation election; terms of office |
| 403.115 | 9-1-1 emergency reporting systems man- datory; requirements; "9-1-1" as primary emergency number; alternate numbers required; enhancement requirements | 403.330 | Changing number of board members; election; notice to Secretary of State |
| 403.120 | Office of Emergency Management duties and powers; rules | 403.335 | Continuing schedule of biennial elections after change in number of board members |
| 403.130 | Submission of revised plan; review; cost estimates; approval of plan | 403.340 | Manner of electing board members |
| 403.135 | When blocking of telephone numbers prohibited; confidential information; ex- emption from liability for supplying infor- mation to emergency service providers; when supplying information not required | 403.345 | Election of board members |
| 403.140 | Pay phones to be converted to allow emergency calls without charge | 403.350 | Changing manner of electing board mem- bers; requirements; election |
| 403.145 | Use of 9-1-1 system by users with hearing or speech impairments | 403.355 | Changing number and manner of electing board members at same election; separate questions |
| 403.150 | Disaster recovery plan | 403.360 | General district powers |
| 403.155 | Agreements among certain safety agen- cies for rendering emergency services | 403.365 | Authority to issue general obligation bonds; elector approval required; bond debt limit |
| 403.156 | Response times during emergency | 403.370 | Levy of taxes |
| 403.160 | Mediation of disputes; arbitration; costs and fees | 403.375 | Boundaries of zones |
| 403.165 | Office to ensure compliance; proceedings authorized | 403.380 | Advisory committee; duties and powers; appointment by district board; terms and qualifications of members |
| | TAX FOR EMERGENCY COMMUNICATIONS | | 2-1-1 SYSTEM |
| 403.200 | Imposition of tax; rate | 403.400 | Legislative findings |
| 403.205 | Exemptions | 403.405 | Definitions for ORS 403.405 to 403.435 |
| 403.210 | Duties of providers | 403.410 | Public referral and information telephone number |
| 403.215 | Returns; payment of tax; election; rules | 403.415 | Contract for 2-1-1 system facilitator |
| 403.220 | Refunds | 403.420 | Approval of 2-1-1 service providers |
| 403.225 | Amounts collected held in trust; enforce- ment | 403.425 | Use of 2-1-1 system by state agencies pro- viding health and human services |
| 403.230 | Application of other laws | 403.430 | Contributions to support establishment of 2-1-1 system; use of contributions |
| 403.235 | Emergency Communications Account | 403.435 | 2-1-1 Account |
| 403.240 | Distribution of account proceeds; uses; reimbursement request review; reports | | STATE INTEROPERABILITY EXECUTIVE COUNCIL |
| 403.245 | Use or investment of moneys | 403.450 | State Interoperability Executive Council |
| 403.250 | Primary public safety answering points; rules | 403.455 | Duties of council |
| | EMERGENCY COMMUNICATIONS DISTRICTS | 403.460 | Oregon Interoperable Communication Plan |
| 403.300 | Definitions for ORS 403.300 to 403.380 | | RADIO AND DATA DISTRICTS |
| 403.305 | Formation of emergency communications district; boundaries; approval of formation by safety agencies | 403.500 | Definitions for ORS 403.500 to 403.542 |
| 403.310 | Officers of district; qualifications | 403.502 | Application of election laws |
| | | 403.505 | Formation |
| | | 403.507 | Size of district board; qualifications |
| | | 403.510 | Size of district board at formation; terms of office |
| | | 403.512 | Election of district board after formation; terms |
| | | 403.515 | Oath of office |

MILITARY AFFAIRS; EMERGENCY SERVICES

| | | | |
|---------|---|---------|---|
| 403.517 | District board as governing body; president and administrator; meetings; vacancies | 403.530 | Deposit and disbursement of district moneys |
| 403.520 | Methods of election | 403.532 | County counsel to aid district board |
| 403.522 | Boundaries of zones for district board members; adjustment for population and district boundary changes | 403.535 | Power to contract bonded indebtedness |
| 403.525 | General district powers | 403.537 | Bond elections |
| 403.527 | Levy of taxes | 403.540 | Authority for issuance of general obligation bonds and revenue bonds; issuance and sale |
| | | 403.542 | Contracts with United States |

**9-1-1 EMERGENCY
TELECOMMUNICATIONS SYSTEM**

403.100 Policy; deployment of broadband telecommunications services. It is the policy of the State of Oregon to:

(1) Encourage and support the rapid deployment of broadband telecommunications services in areas of the state in which the services do not exist;

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

(3) Ensure that a secure conduit is available for emergency communications and public safety networks in all Oregon communities. [Formerly 401.706]

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

(3) "Department" means the Department of Revenue.

(4) "Emergency call" means a telephone request that results from a situation in which prompt service is essential to preserve human life or property.

(5) "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 of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming 9-1-1 call.

(6) "Exchange access services" means:

(a) Telephone exchange access lines or channels that provide local access by a 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.

(7) "Governing body" means the board of county commissioners of a county, city council of a city, other governing body of a city or county, board of directors of a special district or a 9-1-1 jurisdiction.

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

(9) "Provider" means a utility or other vendor or supplier of telecommunications

service or equipment that provides telecommunications with access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means.

(10) "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.

(11) "Public safety answering point" means a 24-hour communications facility established as an answering location for 9-1-1 calls originating within a given service area. A "primary public safety answering point" receives all calls directly from the public. A "secondary public safety answering point" only receives calls from a primary public safety answering point on a transfer or relay basis.

(12) "Subscriber" means a person who has telecommunication access to the 9-1-1 emergency reporting system through local exchange service, cellular service or other wired or wireless means.

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

(14) "Utility" means a 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.

(15) "Vendor" means a person providing telephone customer premises equipment or equipment specific to the operation of enhanced 9-1-1 telephone service.

(16) "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.

(17) "9-1-1 jurisdiction" means:

(a) An entity created under ORS chapter 190;

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

(c) An emergency communications district created under ORS 403.300 to 403.380; or

(d) A group of public or private safety agencies who have agreed in writing to jointly plan the installation, maintenance, operation or improvement of a 9-1-1 emergency reporting system.

(18) "9-1-1 service area" means the geographical area that contains the entire cen-

tral office serving area from which the primary public safety answering point will have the capability to answer calls placed to 9-1-1. [Formerly 401.710]

403.110 Liability of 9-1-1 providers. 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. This section does not affect any liability a 9-1-1 jurisdiction may have for operator or operator-supervisor negligence in receiving calls from the public and dispatching emergency services to the public. [Formerly 401.715]

403.115 9-1-1 emergency reporting systems mandatory; requirements; "9-1-1" as primary emergency number; alternate numbers required; enhancement requirements. (1) The primary emergency telephone number within the 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 the telephone company operator and a separate 10-digit nonemergency number.

(2) Every public and private safety agency in this state shall establish or participate in a 9-1-1 emergency reporting 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 county 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 9-1-1 emergency reporting system must include at a minimum:

(a) A primary public safety answering point that is automatically accessible anywhere in the 9-1-1 jurisdiction service area by calling 9-1-1;

(b) Central dispatch of public and private safety services in the 9-1-1 service area or relay or transfer of 9-1-1 calls to an appropriate public or private safety agency; and

(c) Two 9-1-1 circuits from each central office to each primary public safety answering point.

(5) In addition to the requirements set forth in subsection (4) of this section, enhanced 9-1-1 telephone service must provide:

(a) Two call-taker stations and staffing for at least one of the stations at all times;

(b) Automatic display of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming 9-1-1 call;

(c) A network developed to transport address and telephone number information to the designated public safety answering point automatically when a call is placed to 9-1-1; and

(d) Emergency telephone service in which one or fewer calls in 100 attempts receive a busy signal on the first attempt during the average busiest hour. A public safety answering point may not have fewer than two 9-1-1 circuits. [Formerly 401.720]

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

(a) Adopt rules in accordance with ORS chapter 183 relating to the planning, administration and funding of 9-1-1 emergency reporting systems established pursuant to ORS 403.115.

(b) Assist, at the request of a 9-1-1 jurisdiction, local government or governing body, in planning 9-1-1 emergency reporting systems or may, 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 fulfill the requirements of ORS 403.115.

(c) Report biennially to the Legislative Assembly the progress made in implementing ORS 305.823 and 403.105 to 403.250, including in the report:

(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 establish advisory committees and study groups to study and advise on:

(a) The planning and administration of 9-1-1 emergency reporting systems;

(b) Multijurisdictional 9-1-1 emergency reporting systems; and

(c) Issues impacting 9-1-1 emergency reporting systems throughout the state. [Formerly 401.730]

403.130 Submission of revised plan; review; cost estimates; approval of plan.

(1) Each 9-1-1 jurisdiction shall submit to the Office of Emergency Management in writing within 30 days any change to the 9-1-1 emergency telephone system that alters the final plan or system description 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 the 9-1-1 call once received by the primary public safety answering point.

(2) If an established 9-1-1 jurisdiction proposes to move its 9-1-1 emergency reporting system from one public safety answering point to another 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 emergency reporting system by an agency or agencies other than as identified in the final plan approved by the office under ORS 401.750 (1987 Replacement Part), section 7, chapter 743, Oregon Laws 1991, or the system description filed with the office under ORS 401.750 (5) (1987 Replacement Part), the 9-1-1 jurisdiction or governing body shall submit a plan setting forth these changes to:

(a) The Office of Emergency Management;

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

(c) Utilities which provide telephone service in the 9-1-1 service area.

(3) In addition to meeting the requirements of ORS 403.115 and rules adopted pursuant to ORS 403.120, the revised final plan must describe the capital and recurring costs for the proposed 9-1-1 emergency reporting system.

(4) The office shall review the revised final plan for compliance with this section, ORS 403.115 and rules adopted pursuant to ORS 403.120 and, if the office determines that the plan is in compliance, approve the plan.

(5) The office may not approve a revised final plan submitted under this section unless the 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]

403.135 When blocking of telephone numbers prohibited; confidential information; exemption from liability for supplying information to emergency service providers; when supplying information not required.

(1) Each telecommunications utility that provides exchange access service or radio communications service and that provides automatic telephone number identification to public safety answering points may not block the number of the calling party from being forwarded on 9-1-1 calls.

(2) Automatic telephone 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 192.410 to 192.505 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 telecommunications utility 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 responding to emergency calls placed to a 9-1-1 or an enhanced 9-1-1 emergency reporting system or notifying the public of an emergency. This subsection does not compel a telecommunications utility to provide nonpublished and nonlisted subscriber information directly to emergency services providers or law enforcement agencies prior to placement of an emergency call to a 9-1-1 or an enhanced 9-1-1 emergency reporting system without process of law. Subscriber information acquired by a 9-1-1 jurisdiction for the purpose of enhancing a 9-1-1 emergency reporting system is not subject to public disclosure and may not be used by other public agencies except:

(a) To respond to a 9-1-1 call; or

(b) To notify the public of an emergency by utilizing an automated telephone notification system if a telecommunications utility has provided subscriber information to the

9-1-1 jurisdiction or emergency services provider. [Formerly 401.765]

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 a 9-1-1 emergency reporting system established pursuant to ORS 403.115 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]

403.145 Use of 9-1-1 system by users with hearing or speech impairments. All public safety answering points must be capable of receiving 9-1-1 emergency calls from individuals with hearing or speech impairments through a TTY. [Formerly 401.773]

403.150 Disaster recovery plan. Each 9-1-1 jurisdiction must have a disaster recovery plan for its 9-1-1 emergency reporting system. The disaster recovery plan must include at a minimum:

(1) Recovery procedures for service that is interrupted from the serving central office to and including 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]

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 9-1-1 emergency reporting system established pursuant to ORS 403.115 must render emergency services without regard to jurisdictional boundaries. [Formerly 401.780]

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]

Note: Section 3, chapter 332, Oregon Laws 2009, provides:

Sec. 3. Section 2 of this 2009 Act [403.156] applies to a contract entered into, renewed or extended on or after the effective date of this 2009 Act [June 17, 2009]. [2009 c.332 §3]

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 a 9-1-1 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, it shall notify the Office of Emergency Management of the dispute in writing. Within 30 days of 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 from 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 from 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 system is located to select an arbitrator. The arbitrator shall hear and decide the dispute within 30 days from 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, modification 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]

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]

TAX FOR EMERGENCY COMMUNICATIONS

403.200 Imposition of tax; rate. (1) There is imposed on each paying retail subscriber who has telecommunication services with access to the 9-1-1 emergency reporting system a tax equal to 75 cents per month. The tax must be applied on a telecommunications circuit designated for a particular subscriber. One 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 radio common carriers, the tax applies on a per instrument basis and only if the subscriber's place of primary use, as defined and determined under 4 U.S.C. 116 to 126, is within this state.

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

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

(4) Any return made by the provider collecting the tax must be accepted by the Department of Revenue as evidence of payments

by the subscriber of amounts of tax so indicated upon the return. [Formerly 401.792]

Note: Section 4 (1), chapter 5, Oregon Laws 2002 (first special session), provides:

Sec. 4. (1) Taxes imposed under ORS 401.792 [renumbered 403.200] apply to subscriber bills issued on or after January 1, 2002, and before January 1, 2014. [2002 s.s.1 c.5 §4(1); 2002 s.s.3 c.4 §1(1); 2007 c.629 §1(1)]

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, radio common carriers and interexchange carriers. [Formerly 401.794]

403.210 Duties of providers. Every provider 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 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]

403.215 Returns; payment of tax; election; rules. (1) The provider 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 9-1-1 emergency reporting 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 required to make the return shall remit the tax due to the department at the time fixed for filing the return.

(3) A provider 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 has made an election under subsection (3) of this section, the provider may not change the method of payment and reporting unless the provider first obtains the permission of the department. [Formerly 401.798]

403.220 Refunds. (1) If the amount paid by the provider 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 for each month or fraction of a month from the date of payment of the excess until the date of the refund. The department may not make a refund to a provider 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 subscriber's exclusive remedy in a dispute involving tax liability is to file a claim with the department. [Formerly 401.800]

403.225 Amounts collected held in trust; enforcement. (1) Every provider 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 required to collect the tax fails to remit any amount deemed to be held in trust for the State of Oregon or if the 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]

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 subscriber liable for the tax and to the provider 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 required to collect the tax and that provider 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]

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 Enhanced 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 Enhanced 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]

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

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

(b) Network development, 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; and

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

(4) Subject to availability of funds, the office shall provide funding to 9-1-1 jurisdictions that have enhanced 9-1-1 telephone service operational prior to December 31, 1991, based on cost information provided in their final plan required in section 7, chapter 743, Oregon Laws 1991. The office shall approve final plans submitted that meet the minimum 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 any account described 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 Enhanced 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 requests for modification of central office switching and trunking equipment, conversion of pay station telephones, and network development, operation and maintenance costs necessary to comply with ORS 403.115 for the appropriateness of the costs claimed. The office shall approve or disapprove the reimbursement requests.

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

(9) After all amounts under subsections (1) and (2) of this section and ORS 403.235 (2) have been paid, the office shall distribute 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 to 9-1-1 jurisdictions within the city or county. However, each county must receive 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. A city or county shall pay each 9-1-1 jurisdiction whose 9-1-1 service area includes all or part of the city or county.

(10) Notwithstanding subsection (9) of this section, a city or county may have its quarterly distribution made payable and sent to the 9-1-1 jurisdiction responsible for providing the services required in ORS 403.115.

(11) 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 (9) or (10) 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]

403.245 Use or investment of moneys.

(1) Except as provided in subsection (2) of this section and rules adopted under ORS 403.120 (1)(a), moneys received under ORS 403.240 (9) may be used only to pay for planning, installation, maintenance, operation and improvement of a 9-1-1 emergency reporting system as it relates to getting the call from the 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]

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 emergency reporting system” means a system established under ORS 403.115.

(4) “9-1-1 jurisdiction” has the meaning given that term by ORS 403.105.

(5) “Public or private safety agency” has the meaning given that term by ORS 403.105. [Formerly 401.818]

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 petition 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 a 9-1-1 emergency reporting system;
 - (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]

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 health and human services and services after an emergency, 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 and referral service providers will build upon an already existing network of experienced service providers without the necessity of creating a new agency or department. [Formerly 401.282]

403.405 Definitions for ORS 403.405 to 403.435. As used in ORS 403.405 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 re-

ferred to health and human services and services after an emergency.

(3) "2-1-1 service area" means an area in the state of Oregon where a 2-1-1 service provider provides 2-1-1 services.

(4) "2-1-1 service provider" means a public or nonprofit agency or organization that provides 2-1-1 services.

(5) "2-1-1 system facilitator" means an Oregon nonprofit organization that is devoted to creating a statewide 2-1-1 system. [Formerly 401.284]

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:

(a) Creates a structure for a statewide 2-1-1 resources database that:

(A) Meets standards for information and referral systems databases established by a nationally recognized corporation devoted to improving access to services through a mechanism of information and referral; and

(B) Will be integrated with local resources databases maintained by approved 2-1-1 service providers;

(b) Develops a statewide resources database for the 2-1-1 system; and

(c) Maintains public information provided by state agencies and programs that provide health and human services for access by 2-1-1 service providers.

(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]

403.420 Approval of 2-1-1 service providers. (1) The 2-1-1 system facilitator shall recommend 2-1-1 service providers to the Office of Emergency Management based on the following criteria:

(a) The ability of the proposed 2-1-1 service provider to meet the national 2-1-1 standards recommended by a nationally recognized corporation devoted to improving access to services through a mechanism of information and referral;

(b) The financial stability of the proposed 2-1-1 service provider;

(c) The community support for the proposed 2-1-1 service provider;

(d) The relationships of the proposed 2-1-1 service provider with other information and referral services; and

(e) Other criteria that the 2-1-1 system facilitator deems appropriate.

(2) The office shall approve 2-1-1 service providers based on the recommendations of the 2-1-1 system facilitator. Only a 2-1-1 service provider approved by the office may provide 2-1-1 services. [Formerly 401.290]

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:

(a) Provide grants to approved 2-1-1 service providers for the design, development, and implementation of 2-1-1 for their 2-1-1 service areas;

(b) Provide grants to approved 2-1-1 service providers to enable the provision of 2-1-1 services on an ongoing basis; and

(c) Provide grants to approved 2-1-1 service providers to enable the provision of 2-1-1 services 24 hours a day, seven days a week. [Formerly 401.294]

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]

STATE INTEROPERABILITY EXECUTIVE COUNCIL

403.450 State Interoperability Executive Council. (1) The State Interoperability Executive Council is created within the Department of State Police. The membership of the council shall consist 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 wireless 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 Oregon Department of Administrative Services;

(G) One member from the Department of Human Services;

(H) One member from the Oregon Health Authority;

(I) One member from the Oregon Military Department;

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

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

(L) One member from a nonprofit professional organization devoted to the enhancement of public safety communications systems; and

(M) One member from 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 of 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; and

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

(2) Each agency or organization identified in subsection (1)(b)(A) to (J) and (1)(c) of this section shall recommend a person 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 Superintendent of State Police may be reimbursed from funds available to the Department of State Police for actual and necessary travel and other expenses incurred by them in the performance of their 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]

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

(1) Work with public safety agencies in the state to develop a Public Safety Wireless Infrastructure Replacement Plan as provided under section 2, chapter 825, Oregon Laws 2005.

(2) Develop an Oregon Interoperable Communication Plan. The goal of the plan shall be to achieve statewide interoperability within six years of September 2, 2005. In developing the plan, the council shall:

(a) Recommend strategies to improve wireless interoperability among state and local public safety agencies;

(b) Develop standards to promote consistent development of existing and future wireless communications infrastructures;

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

(d) Develop long-term technological and policy recommendations to establish a statewide public safety radio 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 to promote wireless interoperability in Oregon.

(3) Approve, subject to approval by the Superintendent of State Police, investments

by the State of Oregon in public safety communications systems.

(4) Coordinate state and local activities related to obtaining federal grants for support of interoperability.

(5) Develop and provide technical assistance, training and, if requested, appropriate dispute resolution services to state and local agencies responsible for implementation of the Oregon Interoperable Communication Plan.

(6) Report, in the manner required by ORS 192.245, to the Legislative Assembly on or before February 1 of each odd-numbered year on the development of the Oregon Interoperable Communication Plan and the council's other activities.

(7) Adopt rules necessary to carry out its duties and powers. [Formerly 401.872]

403.460 Oregon Interoperable Communication Plan. (1) The Superintendent of State Police shall advise the State Interoperability Executive Council on the implementation of the Oregon Interoperable Communication Plan and coordinate interoperability among all state agencies.

(2) State agencies that own or operate public safety communications systems shall coordinate their efforts and investments to achieve the statewide interoperability goal set by the council and implement the Oregon Interoperable Communication Plan approved by the superintendent. [Formerly 401.874]

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 shall be 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 administrator pro tempore, or both, as the case may be.

(3) All contracts, deeds, warrants, releases, receipts and documents of every kind shall be signed in the name of the district by the district president and shall be countersigned by the district administrator.

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

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

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 improvement 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, construction, 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]
