

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1938

52nd Legislature
1991 Regular Session

Passed by the House April 28, 1991
Yeas 64 Nays 34

**Speaker of the
House of Representatives**

Passed by the Senate April 28, 1991
Yeas 44 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1938** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1938

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprenkle).

Read first time March 4, 1991.

1 AN ACT Relating to state-wide implementation of enhanced 911;
2 amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030,
3 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter
4 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and
5 providing for submission of this act to a vote of the people.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that a state-wide
8 emergency communications network of enhanced 911 telephone service,
9 which allows an immediate display of a caller's identification and
10 location, would serve to further the safety, health, and welfare of the
11 state's citizens, and would save lives. The legislature, after
12 reviewing the study outlined in section 1, chapter 260, Laws of 1990,
13 further finds that state-wide implementation of enhanced 911 telephone
14 service is feasible and should be accomplished as soon as practicable.

1 **Sec. 2.** RCW 38.52.030 and 1986 c 266 s 25 are each amended to read
2 as follows:

3 (1) The director may employ such personnel and may make such
4 expenditures within the appropriation therefor, or from other funds
5 made available for purposes of emergency management, as may be
6 necessary to carry out the purposes of this chapter.

7 (2) The director, subject to the direction and control of the
8 governor, shall be responsible to the governor for carrying out the
9 program for emergency management of this state. The director shall
10 coordinate the activities of all organizations for emergency management
11 within the state, and shall maintain liaison with and cooperate with
12 emergency management agencies and organizations of other states and of
13 the federal government, and shall have such additional authority,
14 duties, and responsibilities authorized by this chapter, as may be
15 prescribed by the governor.

16 (3) The director shall develop and maintain a comprehensive, all-
17 hazard emergency plan for the state which shall include an analysis of
18 the natural and man-caused hazards which could affect the state of
19 Washington, and shall include the procedures to be used during
20 emergencies for coordinating local resources, as necessary, and the
21 resources of all state agencies, departments, commissions, and boards.
22 The comprehensive, all-hazard emergency plan authorized under this
23 subsection may not include preparation for emergency evacuation or
24 relocation of residents in anticipation of nuclear attack. This plan
25 shall be known as the comprehensive emergency management plan.

26 (4) In accordance with the comprehensive emergency management plans
27 and the programs for the emergency management of this state, the
28 director shall procure supplies and equipment, institute training
29 programs and public information programs, and shall take all other
30 preparatory steps, including the partial or full mobilization of

1 emergency management organizations in advance of actual disaster, to
2 insure the furnishing of adequately trained and equipped forces of
3 emergency management personnel in time of need.

4 (5) The director shall make such studies and surveys of the
5 industries, resources, and facilities in this state as may be necessary
6 to ascertain the capabilities of the state for emergency management,
7 and shall plan for the most efficient emergency use thereof.

8 (6) The director may appoint a communications coordinating
9 committee consisting of six to eight persons with the director, or his
10 or her designee, as chairman thereof. Three of the members shall be
11 appointed from qualified, trained and experienced telephone
12 communications administrators or engineers actively engaged in such
13 work within the state of Washington at the time of appointment, and
14 three of the members shall be appointed from qualified, trained and
15 experienced radio communication administrators or engineers actively
16 engaged in such work within the state of Washington at the time of
17 appointment. This committee shall advise the director on all aspects
18 of the communications and warning systems and facilities operated or
19 controlled under the provisions of this chapter.

20 (7) The director, through the state enhanced 911 coordinator, shall
21 coordinate and facilitate implementation and operation of a state-wide
22 enhanced 911 emergency communications network.

23 (8) The director shall appoint a state coordinator of search and
24 rescue operations to coordinate those state resources, services and
25 facilities (other than those for which the state director of
26 aeronautics is directly responsible) requested by political
27 subdivisions in support of search and rescue operations, and on request
28 to maintain liaison with and coordinate the resources, services, and
29 facilities of political subdivisions when more than one political
30 subdivision is engaged in joint search and rescue operations.

1 (~~(8)~~) (9) The director, subject to the direction and control of
2 the governor, shall prepare and administer a state program for
3 emergency assistance to individuals within the state who are victims of
4 a natural or man-made disaster, as defined by RCW 38.52.010(6). Such
5 program may be integrated into and coordinated with disaster assistance
6 plans and programs of the federal government which provide to the
7 state, or through the state to any political subdivision thereof,
8 services, equipment, supplies, materials, or funds by way of gift,
9 grant, or loan for purposes of assistance to individuals affected by a
10 disaster. Further, such program may include, but shall not be limited
11 to, grants, loans, or gifts of services, equipment, supplies,
12 materials, or funds of the state, or any political subdivision thereof,
13 to individuals who, as a result of a disaster, are in need of
14 assistance and who meet standards of eligibility for disaster
15 assistance established by the department of social and health services:
16 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
17 inconsistent with the provisions of Article VIII, section 5 or section
18 7 of the Washington state Constitution.

19 (~~(9)~~) (10) The director shall appoint a state coordinator for
20 radioactive and hazardous waste emergency response programs. The
21 coordinator shall consult with the state radiation control officer in
22 matters relating to radioactive materials. The duties of the state
23 coordinator for radioactive and hazardous waste emergency response
24 programs shall include:

25 (a) Assessing the current needs and capabilities of state and local
26 radioactive and hazardous waste emergency response teams on an ongoing
27 basis;

28 (b) Coordinating training programs for state and local officials
29 for the purpose of updating skills relating to emergency response;

1 (c) Utilizing appropriate training programs such as those offered
2 by the federal emergency management agency, the department of
3 transportation and the environmental protection agency; and

4 (d) Undertaking other duties in this area that are deemed
5 appropriate by the director.

6 NEW SECTION. **Sec. 3.** By December 31, 1998, each county,
7 singly or in combination with adjacent counties, shall implement
8 district-wide, county-wide, or multicounty-wide enhanced 911 emergency
9 communications systems so that enhanced 911 is available throughout the
10 state. The county shall provide funding for the enhanced 911
11 communication system in the county or district in an amount equal to
12 the amount the maximum tax under RCW 82.14B.030(1) would generate in
13 the county or district or the amount necessary to provide full funding
14 of the system in the county or district, whichever is less. The state
15 enhanced 911 coordination office established by section 4 of this act
16 shall assist and facilitate enhanced 911 implementation throughout the
17 state.

18 NEW SECTION. **Sec. 4.** A state enhanced 911 coordination
19 office, headed by the state enhanced 911 coordinator, is established in
20 the emergency management division of the department. Duties of the
21 office shall include:

22 (1) Coordinating and facilitating the implementation and operation
23 of enhanced 911 emergency communications systems throughout the state;

24 (2) Seeking advice and assistance from, and providing staff support
25 for, the enhanced 911 advisory committee; and

26 (3) Recommending to the utilities and transportation commission by
27 August 31st of each year the level of the state enhanced 911 excise tax
28 for the following year.

1 NEW SECTION. **Sec. 5.** The enhanced 911 advisory committee is
2 created to advise and assist the state enhanced 911 coordinator in
3 coordinating and facilitating the implementation and operation of
4 enhanced 911 throughout the state. The director shall appoint members
5 of the committee who represent diverse geographical areas of the state
6 and include state residents who are members of the national emergency
7 number association, the associated public communications officers
8 northwest, the Washington state fire chiefs association, the Washington
9 association of sheriffs and police chiefs, the Washington state council
10 of fire fighters, the Washington state council of police officers, the
11 Washington ambulance association, the state fire policy board, the
12 Washington fire commissioners association, the Washington state patrol,
13 the association of Washington cities, the Washington state association
14 of counties, the utilities and transportation commission or commission
15 staff, and representatives of large and small local exchange telephone
16 companies. This section shall expire December 31, 2000.

17 NEW SECTION. **Sec. 6.** The enhanced 911 account is created in
18 the state treasury. All receipts from the state enhanced 911 excise
19 tax imposed by RCW 82.14B.030 shall be deposited into the account.
20 Moneys in the account shall be used only to help implement and operate
21 enhanced 911 state-wide. The state enhanced 911 coordinator, with the
22 advice and assistance of the enhanced 911 advisory committee, shall
23 specify by rule the purposes for which moneys may be expended from this
24 account.

25 NEW SECTION. **Sec. 7.** A telecommunications company providing
26 emergency communications systems or services or a business or
27 individual providing data base information to emergency communication

1 system personnel shall not be liable for civil damages caused by an act
2 or omission of the company, business, or individual in the:

3 (1) Good faith release of information not in the public record,
4 including unpublished or unlisted subscriber information to emergency
5 service providers responding to calls placed to a 911 or enhanced 911
6 emergency service; or

7 (2) Design, development, installation, maintenance, or provision of
8 consolidated 911 or enhanced 911 emergency communication systems or
9 services other than an act or omission constituting gross negligence or
10 wanton or willful misconduct.

11 **Sec. 8.** RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to
12 read as follows:

13 (~~The provisions of~~) (1) This chapter shall not apply to any
14 activity in connection with services provided by a common carrier
15 pursuant to its tariffs on file with the Washington utilities and
16 transportation commission or the Federal Communication Commission and
17 any activity of any officer, agent or employee of a common carrier who
18 performs any act otherwise prohibited by this law in the construction,
19 maintenance, repair and operations of the common carrier's
20 communications services, facilities, or equipment or incident to the
21 use of such services, facilities or equipment. Common carrier as used
22 in this section means any person engaged as a common carrier or public
23 service company for hire in intrastate, interstate or foreign
24 communication by wire or radio or in intrastate, interstate or foreign
25 radio transmission of energy.

26 (2) This chapter shall not apply to a 911 or enhanced 911 emergency
27 service as defined in RCW 82.14B.020, for purposes of aiding public
28 health or public safety agencies to respond to calls placed for
29 emergency assistance.

1 **Sec. 9.** RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read
2 as follows:

3 The legislature finds that the state and counties should be
4 provided with an additional revenue source to fund enhanced 911
5 emergency ~~((service))~~ communication systems throughout the state on a
6 multicounty, county-wide, or district-wide basis. The legislature
7 further finds that the most efficient and appropriate method of
8 deriving additional revenue for this purpose is to ~~((vest the~~
9 ~~legislative authorities of the counties, subject to voter approval,~~
10 ~~with the power to))~~ impose an excise tax on the use of ~~((telephone))~~
11 switched access lines.

12 **Sec. 10.** RCW 82.14B.020 and 1981 c 160 s 2 are each amended to
13 read as follows:

14 As used in this chapter:

15 (1) "Emergency services communication system" means a multicounty,
16 county-wide, or district-wide radio or landline communications network,
17 including an enhanced 911 telephone system, which provides rapid public
18 access for coordinated dispatching of services, personnel, equipment,
19 and facilities for police, fire, medical, or other emergency services.

20 (2) ~~((Telephone))~~ Enhanced 911 telephone system" means a public
21 telephone system consisting of a network, data base, and on-premises
22 equipment that is accessed by dialing 911 and that enables reporting
23 police, fire, medical, or other emergency situations to a public safety
24 answering point. The system includes the capability to selectively
25 route incoming 911 calls to the appropriate public safety answering
26 point that operates in a defined 911 service area and the capability to
27 automatically display the name, address, and telephone number of
28 incoming 911 calls at the appropriate public safety answering point.

1 (3) "Switched access line" means the telephone service line which
2 connects a subscriber's main telephone(s) or equivalent main
3 telephone(s) to the ((telephone)) local exchange company's switching
4 office.

5 ((+3)) (4) "((Telephone)) Local exchange company" has the meaning
6 ascribed to it in RCW 80.04.010.

7 **Sec. 11.** RCW 82.14B.030 and 1981 c 160 s 3 are each amended to
8 read as follows:

9 (1) The legislative authority of a county may impose ((an)) a
10 county enhanced 911 excise tax on the use of ((telephone)) switched
11 access lines in an amount not exceeding fifty cents per month for each
12 ((telephone)) switched access line. The amount of tax shall be uniform
13 for each ((telephone)) switched access line. ~~((This tax must be~~
14 ~~approved by a favorable vote of at least three fifths of the electors~~
15 ~~thereof voting on the proposition, at which election the number of~~
16 ~~persons voting "yes" on the proposition shall constitute three fifths~~
17 ~~of a number equal to forty per centum of the total votes cast in the~~
18 ~~county at the last preceding general election when the number of~~
19 ~~electors voting on the proposition does not exceed forty per centum of~~
20 ~~the total votes cast in the county in the last preceding general~~
21 ~~election; or by a majority of at least three fifths of the electors~~
22 ~~thereof voting on the proposition when the number of electors voting on~~
23 ~~the proposition exceeds forty per centum of the total votes cast in the~~
24 ~~county in the last preceding general election. This tax may be imposed~~
25 ~~for six years without subsequent voter approval. At any election held~~
26 ~~under this section, the ballot title of the proposition shall state the~~
27 ~~maximum monthly rate of the proposed tax which may be imposed by the~~
28 ~~county legislative authority. The actual rate of tax to be imposed~~

1 shall be set by ordinance, which rate shall not exceed the maximum
2 monthly rate approved by the electors.

3 No tax may be imposed under this section for more than one year
4 before the expected implementation date of an emergency services
5 communication system. The power granted under this section is in
6 addition to any other authority which counties have to fund emergency
7 services communication systems.)) Each county shall provide notice of
8 such tax to all local exchange companies serving in the county at least
9 sixty days in advance of the date on which the first payment is due.

10 (2) Beginning January 1, 1992, a state enhanced 911 excise tax is
11 imposed on all switched access lines in the state. For 1992, the tax
12 shall be set at a rate of twenty cents per month for each switched
13 access line. Until December 31, 1998, the amount of tax shall not
14 exceed twenty cents per month for each switched access line and
15 thereafter shall not exceed ten cents per month for each switched
16 access line. The tax shall be uniform for each switched access line.
17 Tax proceeds shall be deposited by the treasurer in the enhanced 911
18 account created in section 6 of this act.

19 (3) By August 31st of each year the state enhanced 911 coordinator
20 shall recommend the level for the next year of the state enhanced 911
21 excise tax to the utilities and transportation commission. The
22 commission shall by the following October 31st determine the level of
23 the state enhanced 911 excise tax for the following year.

24 **Sec. 12.** RCW 82.14B.040 and 1981 c 160 s 4 are each amended to
25 read as follows:

26 ((A county imposing a)) The state enhanced 911 tax and the county
27 enhanced 911 tax ((under)) created in this chapter shall ((require
28 collection of the tax)) be collected from the user by the ((telephone))
29 local exchange company providing the switched access line. The

1 ((telephone)) local exchange company shall state the amount of the
2 ((tax)) taxes separately on the billing statement which is sent to the
3 user.

4 **Sec. 13.** RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read
5 as follows:

6 An emergency service communication district is authorized to
7 finance and provide an emergency service communication system and(~~(if~~
8 ~~authorized by the voters,~~) to finance the system by imposing the
9 excise tax authorized in RCW 82.14B.030.

10 **Sec. 14.** RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read
11 as follows:

12 RCW 82.14B.040 through 82.14B.060 apply to any emergency service
13 communication district established under RCW 82.14B.070 (~~(through)~~) and
14 82.14B.090. (~~(A ballot proposition to authorize the excise tax~~
15 ~~authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to~~
16 ~~the voters of a proposed emergency service communication district at~~
17 ~~the same election the ballot proposition creating the district is~~
18 ~~submitted. The authority to impose the tax shall only exist if both of~~
19 ~~these ballot propositions are approved.))~~)

20 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 80.36.550 and 1990 c 260 s 3;
23 (2) RCW 80.36.5501 and 1990 c 260 s 2; and
24 (3) RCW 82.14B.080 and 1987 c 17 s 2.

25 NEW SECTION. **Sec. 16.** Sections 1 and 3 through 7 of this act
26 are each added to chapter 38.52 RCW.

1 NEW SECTION. **Sec. 17.** Sections 1 through 6 and 9 through 16 of
2 this act shall be submitted to the people for their adoption and
3 ratification, or rejection, at the next succeeding general election to
4 be held in this state, in accordance with Article II, section 1 of the
5 state Constitution, as amended, and the laws adopted to facilitate the
6 operation thereof. The ballot title for this act shall be: "Shall
7 enhanced 911 emergency telephone dialing be provided throughout the
8 state and be funded by a tax on telephone lines?"