

# SENATE BILL REPORT

## SHB 1703

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As Passed Senate - Amended, February 25, 2022

**Title:** An act relating to the modernization of the statewide 911 emergency communications system.

**Brief Description:** Modernizing the statewide 911 emergency communications system.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame; by request of Military Department).

**Brief History:** Passed House: 2/9/22, 94-1.

**Committee Activity:** State Government & Elections: 2/16/22, 2/18/22 [DPA].

**Floor Activity:** Passed Senate - Amended: 2/25/22, 49-0.

### Brief Summary of Bill (As Amended by Senate)

- Removes the term "enhanced" where it describes 911 systems and related terms throughout the Emergency Management Act (EMA) and Enhanced 911 (E911) excise tax provisions.
- Adds new definitions to the EMA and E911 excise tax provisions.
- Modifies the duties of the state E911 Coordination Office.
- Adds members to the E911 Advisory Committee and modifies its reporting requirements.
- Specifies certain allowable uses for the E911 Account funds.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member;

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Hasegawa and Hawkins.

**Staff:** Melissa Van Gorkom (786-7491)

**Background:** Emergency Management Act. The EMA establishes a comprehensive program of emergency management in the state, which includes coordination of a statewide E911 emergency communication network through the state E911 coordinator. Each county must implement countywide or multicounty-wide E911 communication systems so that E911 is available throughout the state. E911 allows the caller's phone number and location to be automatically displayed at a Public Safety Answering Point (PSAP).

E911 Coordinating Office. The E911 Coordination Office (Office) is part of the Emergency Management Division of the Military Department and headed by the E911 coordinator.

Duties of the Office include:

- coordinating and facilitating the implementation and operation of E911 emergency communications systems throughout the state;
- seeking advice and assistance from, and providing staff support for, the E911 Advisory Committee (Advisory Committee);
- recommending to the Utilities and Transportation Commission the level of the state E911 excise tax for the following year;
- considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state E911 funding may be expended with the advice and assistance of the Advisory Committee; and
- providing an annual update to the Advisory Committee on how much money each county has spent on efforts to modernize their existing E911 emergency communications system and E911 operational costs.

E911 Advisory Committee. The Advisory Committee advises and assists the E911 Coordinator in coordinating and facilitating the implementation and operation of E911 throughout the state. The Advisory Committee members represent diverse geographical areas of the state and include a variety of public safety professionals, state and local government officials, and telecommunications providers. On an annual basis, the Advisory Committee must provide an update on the status of E911 service in the state to the appropriate committees in the Legislature. The update must include progress by counties towards creating greater efficiencies in E911 operations including, but not limited to, regionalization of facilities, centralization of equipment, and statewide purchasing.

Liability for Civil Damages. A telecommunications company, radio communications service company, or interconnected voice over internet protocol (VoIP) service company, providing emergency communications systems or services to E911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual in the:

- good faith release of information not in the public record, including unpublished or unlisted subscriber information, to emergency service providers responding to calls

- placed to E911 emergency communications service; or
- design, development, installation, maintenance, or provision of consolidated E911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

E911 Excise Taxes. The state imposes an E911 excise tax up to 25 cents per month per landline phone number—switched access line, wireless phone number, radio access line, and VoIP service line within the state. For prepaid wireless services, the rate is 25 cents per retail transaction. All receipts from the state E911 excise taxes must be deposited into the E911 Account (Account). In addition to the state tax, any county may impose an E911 excise tax up to 70 cents per month for each landline phone number, wireless phone number, and VoIP service line. For prepaid wireless services, the maximum rate is 70 cents per retail transaction. All E911 excise tax revenues must be used only for the county's emergency services communication system. Funds generated by the state E911 excise tax may not be distributed to any county that has not imposed the maximum county E911 excise tax for each landline phone number or wireless phone number.

E911 Account. Moneys in the Account must be used only:

- to support the statewide coordination and management of the E911 system;
- for the implementation of wireless E911 statewide;
- for the modernization of E911 emergency communications systems statewide; and
- to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless E911 service and reimbursement of radio communications service companies for costs incurred in providing wireless E911 service and reimbursement of radio communications service companies for costs incurred in providing wireless E-911 service under negotiated contracts.

The state E911 coordinator, with advice and assistance of the Advisory Committee, must consider the base needs of individual counties for specific assistance when specifying rules defining the purpose for which available state E911 moneys may be expended. Priorities for available E911 funding are to:

- assure that 911 dialing is operational statewide;
- assist counties as necessary to assure they can achieve a basic service level for 911 operations; and
- assist counties, as practicable, to acquire items of a capital nature appropriate to modernize 911 systems and increase 911 effectiveness.

**Summary of Amended Bill:** Emergency Management Act. The term "enhanced" is removed throughout the EMA where it describes 911 emergency systems and related terms. A county must provide or participate in countywide or multicounty-wide 911 emergency communications systems so that 911 is available throughout the state. A county may participate in multicounty-wide 911 emergency communications with counties that are not adjacent. A county may also request a Washington State Patrol (WSP) PSAP to become a

primary PSAP and receive 911 calls from a specific geographical area and may cancel that designation at any time.

E911 Coordination Office. The E911 Coordination Office is renamed the State 911 Coordination Office. The duty of the Office to coordinate and facilitate the implementation and operation of E-911 emergency communications systems and other duties related to E-911 are eliminated. The Office has the following additional duties:

- administering the 911 Account;
- providing and supporting 911 emergency communications systems which may include procurement, funding, ownership, and management;
- assisting the counties and WSP PSAPs by distributing state 911 emergency communications system funding;
- establishing rules that:
  - determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes may be used to fund;
  - determine how appropriated funds from the state 911 emergency communications system account must be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated WSP primary PSAPs for specific assistance;
  - specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law; and
- annually providing a complete report to the Advisory Committee on efforts to modernize the statewide 911 emergency communications system and all PSAP expenditures for administrative and operational costs efforts to modernize the statewide 911 emergency communications system.

E911 Advisory Committee. The E911 Advisory Committee is renamed the 911 Advisory Committee. The Advisory Committee's membership is modified to include county 911 representatives from diverse urban and rural geographical counties, the statewide 988 coordinator or designee identified by the office of the Governor, the Department of Health, and others identified and appointed by the Adjutant General.

The Advisory Committee's annual update to the Legislature is modified to include information on progress made by the Office and the counties toward continual growth and maintenance of a 911 system with greater efficiencies, strategic plan performance, and the fiscal health of the 911 emergency communications system.

To assist with modernization of the 911 emergency communications system all counties operating PSAPs in the state, with the exception of tribal nations, must assist the Advisory Committee to update the Legislature annually by providing annual PSAP expenditure reports, and additional information as necessary, requested by the Office. The PSAPs providing service in multiple counties must report to the county where they are physically located. The PSAPs providing services outside of Washington borders must limit reporting

to those areas within the boundaries of Washington. Counties receiving services from a PSAP outside of Washington must report the cost of services to their county.

Liability for Civil Damages. The civil liability protection for telecommunications companies, radio communications service companies, and interconnected VoIP service companies, providing emergency communications systems or services to 911 emergency communications personnel, is extended to include an act or omission of the state, political subdivisions and any 911 public corporation.

E911 Excise Taxes. The term "enhanced" is removed throughout the E911 excise tax provisions where it describes 911 emergency systems and related terms. Funds generated by the state E911 excise tax may not be distributed to any county that has not imposed the maximum county E911 excise tax for VoIP service lines.

Returns must be filed electronically using the Department of Revenue's online tax filing service or another method of electronic reporting authorized by the Department of Revenue.

E911 Account. The E911 Account is renamed the 911 Account. Authorized uses for moneys in the Account are changed. The funding must be used:

- to support the statutory priorities established for available 911 funding;
- to support the purchase goods and services that support the counties and WSP PSAPs in providing 911 baseline level of service statewide;
- to support the 911 emergency communications training and public education;
- to support the statewide coordination and management of the 911 emergency communications system; and
- for modernization needs as technology evolves of the 911 emergency communications systems statewide.

Statutory priorities for available 911 funding are amended to:

- procure, fund, and manage the statewide 911 network and supporting services, and assure that 911 dialing is operational statewide;
- assist counties and WSP PSAPs to provide 911 emergency communications systems and associated administrative and operational costs as necessary to assure that they can achieve a baseline level of service for 911 operations; and
- assist counties and their designated WSP PSAPs to acquire 911 hardware, software, and technology to support a 911 emergency communications system baseline level of service.

Definitions. The following new terms are defined in the EMA: automatic location identification, automatic number identification, baseline level of 911 service, emergency services communication system, emergency communications system data, interconnected VoIP service provider, next generation 911, next generation 911 demarcation point, next generation 911 emergency services internet protocol network, next generation 911 service, PSAP, primary PSAP, secondary PSAP, radio communications service company,

telecommunications provider, and WSP PSAP.

The following new terms are defined in the EMA and provisions relating to 911 excise taxes: 911 emergency communications system and next generation 911 emergency communications system.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Public safety is one of the most important things we do and our 911 systems are part of that. Technology is constantly changing and we need to ensure that these systems continue to improve. Enhanced 911 is a specific type of service that has already been achieved. In July 2020 we completed transition to the new emergency services IP network, which handles well over 5 million 911 calls every year and is the foundation of next generation 911. Currently 41 PSAPs serving 30 counties are operational with text to 911, and hopefully other counties and PSAPs will be onboard soon. The bill aligns the statutes with the current operation of the systems and will allow for the continued improvement and modernization of the system into the future without having to update the statutes. This supports the Statewide Interoperability Executive Committee strategic objective to promote the adoption and awareness of the next generation 911 technology across the state and improve the states tracking of progress towards reaching these goals. As we are implementing 988 for behavior health and suicide prevention, the relationships will be important between these groups to determine the best way for them to work together.

**Persons Testifying:** PRO: Representative Tina Orwall, Prime Sponsor; Adam Wasserman, WA State 911 Coordinator; WA Emergency Management; Derek Puckett, Consolidated Technology Services (WaTech).

**Persons Signed In To Testify But Not Testifying:** No one.