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HOUSE BILL 1938

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By Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprenkle.

Read first time February 15, 1991. Referred to Committee on Energy & Utilities\Revenue.

1 AN ACT Relating to state-wide implementation of enhanced 911;  
2 amending RCW 38.52.030, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040,  
3 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW;  
4 and repealing RCW 80.36.550, 80.36.5501, and 82.14B.080.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a state-wide  
7 emergency communications network of enhanced 911 telephone service,  
8 which allows an immediate visual display of a caller's location, would  
9 serve to further the safety, health, and welfare of the state's  
10 citizens, and would save lives. The legislature, after reviewing the  
11 study outlined in section 1, chapter 260, Laws of 1990, further finds  
12 that state-wide implementation of enhanced 911 telephone service is  
13 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 an  
8 enhanced 911 emergency communications network that will constitute part  
9 of the state-wide enhanced 911 network. The state enhanced 911  
10 coordination office established by section 4 of this act shall assist  
11 and facilitate the network implementation of each county.

12 NEW SECTION. **Sec. 4.** A state enhanced 911 coordination  
13 office, headed by the state enhanced 911 coordinator, is established in  
14 the emergency management division of the department. Duties of the  
15 office shall include:

16 (1) Coordination, facilitation, implementation, and operation of  
17 the state-wide enhanced 911 emergency communications network;

18 (2) Seeking advice and assistance from, and provide staff support  
19 for, the enhanced 911 advisory committee;

20 (3) Administering the enhanced 911 account created by section 6 of  
21 this act; and

22 (4) Recommending to the utilities and transportation commission by  
23 October 31st of each year the level of the state enhanced 911 excise  
24 tax for the following year.

25 NEW SECTION. **Sec. 5.** The enhanced 911 advisory committee is  
26 created to advise and assist the state enhanced 911 coordinator to  
27 implement and operate the state-wide enhanced 911 network. The

1 director shall appoint the members of the committee who must represent  
2 the diverse geographical areas of the state and include state residents  
3 who are members of the national emergency number association, the  
4 associated public communications officers northwest, the Washington  
5 state fire chiefs association, the state fire policy board, the  
6 Washington fire commissioners association, the Washington state patrol,  
7 the association of Washington cities, the Washington state association  
8 of counties, and representatives of large and small local exchange  
9 telephone companies. This section shall expire December 31, 2000.

10 NEW SECTION. **Sec. 6.** The enhanced 911 account is created in  
11 the custody of the state treasurer. All receipts from the state  
12 enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited  
13 into the account. Expenditures from the fund may be used only to help  
14 implement and operate the state-wide enhanced 911 communications  
15 network. Only the state enhanced 911 coordinator may authorize  
16 expenditures from the account. The state enhanced 911 coordinator  
17 shall, with the advice and assistance of the enhanced 911 advisory  
18 council, specify by rule the purposes for which moneys may be expended  
19 from this account. The account is subject to allotment procedures  
20 under chapter 43.88 RCW, but no appropriation is required for  
21 expenditures.

22 **Sec. 7.** RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read  
23 as follows:

24 The legislature finds that the state and counties should be  
25 provided with an additional revenue source to fund the state-wide  
26 enhanced 911 emergency service communication systems on a county-wide  
27 basis. The legislature further finds that the most efficient and  
28 appropriate method of deriving additional revenue for this purpose is

1 to (~~vest the legislative authorities of the counties, subject to voter~~  
2 ~~approval, with the power to~~) impose an excise tax on the use of  
3 telephone access lines.

4 **Sec. 8.** RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read  
5 as follows:

6 As used in this chapter:

7 (1) "Emergency services communication system" means a (~~county-~~  
8 ~~wide~~) state-wide radio or landline communications network, including  
9 an enhanced 911 telephone system, which provides rapid public access  
10 for coordinated dispatching of services, personnel, equipment, and  
11 facilities for police, fire, medical, or other emergency services.

12 (2) "~~(Telephone)~~ Enhanced 911 telephone system" means a public  
13 telephone system consisting of a network, data base, and on-premises  
14 equipment that is accessed by dialing 911 and that enables reporting  
15 police, fire, medical, or other emergency situations to a public safety  
16 answering point. The system includes the capability to selectively  
17 route incoming 911 calls to the appropriate public safety answering  
18 point that operates in a defined 911 service area and the capability to  
19 automatically display the name, address, and telephone number of  
20 incoming 911 calls on a video monitor or printer at the appropriate  
21 public safety answering point.

22 (3) "Switched access line" means the telephone service line which  
23 connects a subscriber's main telephone(s) or equivalent main  
24 telephone(s) to the telephone company's switching office.

25 (~~(3)~~) (4) "Telephone company" has the meaning ascribed to it in  
26 RCW 80.04.010.

27 **Sec. 9.** RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read  
28 as follows:

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

23       No tax may be imposed under this section for more than one year  
24 before the expected implementation date of an emergency services  
25 communication system. The power granted under this section is in  
26 addition to any other authority which counties have to fund emergency  
27 services communication systems)) A county may impose a tax that is less  
28 than fifty cents only if the tax assessed fully funds the operation of  
29 the enhanced 911 network in that county.

1       (2) A state enhanced 911 excise tax is imposed on all switched  
2 access lines in the state. Until December 31, 1998, the amount of tax  
3 shall not exceed twenty cents per switched access line and thereafter  
4 shall not exceed ten cents per switched access line. The tax shall be  
5 uniform for each switched access line. Tax proceeds shall be deposited  
6 by the treasurer in the enhanced 911 account created in section 6 of  
7 this act.

8       (3) By October 31st of each year the state enhanced 911 coordinator  
9 shall recommend the level for the next year of the state enhanced 911  
10 excise tax to the utilities and transportation commission. The  
11 commission shall by the following December 31st determine the level of  
12 the state enhanced 911 excise tax for the following year.

13       **Sec. 10.** RCW 82.14B.040 and 1981 c 160 s 4 are each amended to  
14 read as follows:

15       ~~((A county imposing a))~~ The state enhanced 911 tax and the county  
16 enhanced 911 tax ((under)) created in this chapter shall ((require  
17 collection of the tax)) be collected from the user by the ((telephone))  
18 local exchange company providing the switched access line. The  
19 ((telephone)) local exchange company shall state the amount of the  
20 ((tax)) taxes separately on the billing statement which is sent to the  
21 user.

22       **Sec. 11.** RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read  
23 as follows:

24       An emergency service communication district is authorized to  
25 finance and provide an emergency service communication system and~~((, if~~  
26 ~~authorized by the voters,))~~ to finance the system by imposing the  
27 excise tax authorized in RCW 82.14B.030.

1       **Sec. 12.** RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read  
2 as follows:

3       RCW 82.14B.040 through 82.14B.060 apply to any emergency service  
4 communication district established under RCW 82.14B.070 (~~(through)~~) and  
5 82.14B.090. (~~(A ballot proposition to authorize the excise tax~~  
6 ~~authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to~~  
7 ~~the voters of a proposed emergency service communication district at~~  
8 ~~the same election the ballot proposition creating the district is~~  
9 ~~submitted. The authority to impose the tax shall only exist if both of~~  
10 ~~these ballot propositions are approved.))~~)

11       NEW SECTION.   **Sec. 13.**       The following acts or parts of acts are  
12 each repealed:

- 13       (1) RCW 80.36.550 and 1990 c 260 s 3;  
14       (2) RCW 80.36.5501 and 1990 c 260 s 2; and  
15       (3) RCW 82.14B.080 and 1987 c 17 s 2.

16       NEW SECTION.   **Sec. 14.**       Sections 1 and 3 through 6 of this act  
17 are each added to chapter 38.52 RCW.