

2 **ESHB 1938** - S COMM AMD
3 By Committee on Ways & Means

4 Adopted 4/19/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

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."

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

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

21 (2) The director, subject to the direction and control of the
22 governor, shall be responsible to the governor for carrying out the
23 program for emergency management of this state. The director shall
24 coordinate the activities of all organizations for emergency management
25 within the state, and shall maintain liaison with and cooperate with
26 emergency management agencies and organizations of other states and of
27 the federal government, and shall have such additional authority,

1 duties, and responsibilities authorized by this chapter, as may be
2 prescribed by the governor.

3 (3) The director shall develop and maintain a comprehensive, all-
4 hazard emergency plan for the state which shall include an analysis of
5 the natural and man-caused hazards which could affect the state of
6 Washington, and shall include the procedures to be used during
7 emergencies for coordinating local resources, as necessary, and the
8 resources of all state agencies, departments, commissions, and boards.
9 The comprehensive, all-hazard emergency plan authorized under this
10 subsection may not include preparation for emergency evacuation or
11 relocation of residents in anticipation of nuclear attack. This plan
12 shall be known as the comprehensive emergency management plan.

13 (4) In accordance with the comprehensive emergency management plans
14 and the programs for the emergency management of this state, the
15 director shall procure supplies and equipment, institute training
16 programs and public information programs, and shall take all other
17 preparatory steps, including the partial or full mobilization of
18 emergency management organizations in advance of actual disaster, to
19 insure the furnishing of adequately trained and equipped forces of
20 emergency management personnel in time of need.

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

25 (6) The director may appoint a communications coordinating
26 committee consisting of six to eight persons with the director, or his
27 or her designee, as chairman thereof. Three of the members shall be
28 appointed from qualified, trained and experienced telephone
29 communications administrators or engineers actively engaged in such
30 work within the state of Washington at the time of appointment, and

1 three of the members shall be appointed from qualified, trained and
2 experienced radio communication administrators or engineers actively
3 engaged in such work within the state of Washington at the time of
4 appointment. This committee shall advise the director on all aspects
5 of the communications and warning systems and facilities operated or
6 controlled under the provisions of this chapter.

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

10 (8) The director shall appoint a state coordinator of search and
11 rescue operations to coordinate those state resources, services and
12 facilities (other than those for which the state director of
13 aeronautics is directly responsible) requested by political
14 subdivisions in support of search and rescue operations, and on request
15 to maintain liaison with and coordinate the resources, services, and
16 facilities of political subdivisions when more than one political
17 subdivision is engaged in joint search and rescue operations.

18 ~~((+8+))~~ (9) The director, subject to the direction and control of
19 the governor, shall prepare and administer a state program for
20 emergency assistance to individuals within the state who are victims of
21 a natural or man-made disaster, as defined by RCW 38.52.010(6). Such
22 program may be integrated into and coordinated with disaster assistance
23 plans and programs of the federal government which provide to the
24 state, or through the state to any political subdivision thereof,
25 services, equipment, supplies, materials, or funds by way of gift,
26 grant, or loan for purposes of assistance to individuals affected by a
27 disaster. Further, such program may include, but shall not be limited
28 to, grants, loans, or gifts of services, equipment, supplies,
29 materials, or funds of the state, or any political subdivision thereof,
30 to individuals who, as a result of a disaster, are in need of

1 assistance and who meet standards of eligibility for disaster
2 assistance established by the department of social and health services:
3 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
4 inconsistent with the provisions of Article VIII, section 5 or section
5 7 of the Washington state Constitution.

6 ((+9+)) (10) The director shall appoint a state coordinator for
7 radioactive and hazardous waste emergency response programs. The
8 coordinator shall consult with the state radiation control officer in
9 matters relating to radioactive materials. The duties of the state
10 coordinator for radioactive and hazardous waste emergency response
11 programs shall include:

12 (a) Assessing the current needs and capabilities of state and local
13 radioactive and hazardous waste emergency response teams on an ongoing
14 basis;

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

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

20 (d) Undertaking other duties in this area that are deemed
21 appropriate by the director."

22 "NEW SECTION. Sec. 3. By December 31, 1998, each county,
23 singly or in combination with adjacent counties, shall implement
24 district-wide, county-wide, or multicounty-wide enhanced 911 emergency
25 communications systems so that enhanced 911 is available throughout the
26 state. The county shall provide funding for the enhanced 911
27 communication system in the county or district in an amount equal to
28 the amount the maximum tax under RCW 82.14B.020(1) would generate in
29 the county or district or the amount necessary to provide full funding

1 of the system in the county or district, whichever is less. The state
2 enhanced 911 coordination office established by section 4 of this act
3 shall assist and facilitate enhanced 911 implementation throughout the
4 state."

5 "NEW SECTION. Sec. 4. A state enhanced 911 coordination
6 office, headed by the state enhanced 911 coordinator, is established in
7 the emergency management division of the department. Duties of the
8 office shall include:

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

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

13 (3) Recommending to the utilities and transportation commission by
14 August 31st of each year the level of the state enhanced 911 excise tax
15 for the following year."

16 "NEW SECTION. Sec. 5. The enhanced 911 advisory committee is
17 created to advise and assist the state enhanced 911 coordinator in
18 coordinating and facilitating the implementation and operation of
19 enhanced 911 throughout the state. The director shall appoint members
20 of the committee who represent diverse geographical areas of the state
21 and include state residents who are members of the national emergency
22 number association, the associated public communications officers
23 northwest, the Washington state fire chiefs association, the Washington
24 association of sheriffs and police chiefs, the Washington state council
25 of fire fighters, the Washington state council of police officers, the
26 Washington ambulance association, the state fire policy board, the
27 Washington fire commissioners association, the Washington state patrol,
28 the association of Washington cities, the Washington state association

1 of counties, the utilities and transportation commission or commission
2 staff, and representatives of large and small local exchange telephone
3 companies. This section shall expire December 31, 2000."

4 "NEW SECTION. Sec. 6. The enhanced 911 account is created in
5 the state treasury. All receipts from the state enhanced 911 excise
6 tax imposed by RCW 82.14B.030 shall be deposited into the account.
7 Moneys in the account shall be used only to help implement and operate
8 enhanced 911 state-wide. The state enhanced 911 coordinator, with the
9 advice and assistance of the enhanced 911 advisory committee, shall
10 specify by rule the purposes for which moneys may be expended from this
11 account."

12 "NEW SECTION. Sec. 7. The legislature finds that
13 telecommunications companies providing consolidated emergency
14 communications systems and related service are not subject to liability
15 in conjunction with providing these services except as stated below:

16 (1) No telecommunications company is liable to a person for the
17 good-faith release to emergency communication system personnel of
18 information not in the public record including nonpublished or
19 nonlisted telephone numbers.

20 (2) A local exchange company providing emergency communications
21 systems or services, and its employees and agents, is not liable in
22 tort to a person for damages alleged to have been caused by the design,
23 development, installation, maintenance, or provision of consolidated
24 emergency communications systems or services, unless these entities or
25 persons act with malice or criminal intent, or commit reckless,
26 willful, and wanton conduct.

27 (3) For purposes of this section, "reckless, willful, and wanton
28 conduct" is defined as an intentional and knowing action or failure to

1 act, creating an unreasonable risk of harm to another, and which
2 involves a high degree of probability that the harm will result."

3 "Sec. 8. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to
4 read as follows:

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

18 (2) This chapter shall not apply to a 911 or enhanced 911 emergency
19 service provided for purposes of aiding public health or public safety
20 agencies to respond to calls placed for emergency assistance."

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

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

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

4 "Sec. 10. RCW 82.14B.020 and 1981 c 160 s 2 are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Emergency services communication system" means a multicounty,
8 county-wide, or district-wide radio or landline communications network,
9 including an enhanced 911 telephone system, which provides rapid public
10 access for coordinated dispatching of services, personnel, equipment,
11 and 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 at the appropriate public safety answering point.

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

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

27 "Sec. 11. RCW 82.14B.030 and 1981 c 160 s 3 are each amended to
28 read as follows:

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

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

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

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

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

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

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

1 **"Sec. 14.** RCW 82.14B.100 and 1987 c 17 s 4 are each amended to
2 read 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. 15.** 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. 16.** Sections 1 and 3 through 7 of this act
17 are each added to chapter 38.52 RCW."

18 "NEW SECTION. **Sec. 17.** This act shall be submitted to the
19 people for their adoption and ratification, or rejection, at the next
20 succeeding general election to be held in this state, in accordance
21 with Article II, section 1 of the state Constitution, as amended, and
22 the laws adopted to facilitate the operation thereof."

1 **ESHB 1938** - S COMM AMD
2 By Committee on Ways & Means

3 Adopted 4/19/91 - Voice Vote

4 On page 1, line 1 of the title, after "911;" strike the remainder
5 of the title and insert "amending RCW 38.52.030, 9.73.070, 82.14B.010,
6 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding
7 new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501,
8 and 82.14B.080; and providing for submission of this act to a vote of
9 the people."