

# HOUSE BILL REPORT

## ESHB 1938

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*As Passed Legislature*

**Title:** An act relating to state-wide implementation of enhanced 911.

**Brief Description:** Creating a state-wide enhanced 911 network.

**Sponsor(s):** 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).

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, March 1, 1991, DPS;  
Revenue, March 8, 1991, DPS(EN)-A;  
Passed House, March 19, 1991, 51-47;  
Amended by Senate;  
Conference Committee Report adopted;  
Passed Legislature, 64-34.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *That Substitute House Bill No. 1938 be substituted therefor, and the substitute bill do pass.*  
Signed by 11 members: Representatives Grant, Chair; ,  
Chair; H. Myers, Vice Chair; May, Ranking Minority Member;  
Hochstatter, Assistant Ranking Minority Member; Bray;  
Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

**Staff:** Fred Adair (786-7113).

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**HOUSE COMMITTEE ON  
REVENUE**

**Majority Report:** *The substitute bill by Committee on Energy & Utilities be substituted therefor and the substitute bill as amended by Committee on Revenue do pass.* Signed by 13 members: Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; and Rust.

**Minority Report:** *Do not pass.* Signed by 1 member:  
Representative Silver.

**Staff:** Melissa Pailthorp (786-7118).

**Background:** Enhanced 911 (E911) is an emergency communications system wherein the caller can readily access law enforcement, fire, and medical assistance. The enhanced feature is an immediate display of the caller's location, which enables response even if the caller is not able to utter a word after dialing 911. With basic 911, callers must convey their location understandably to the public safety answering point.

The system is in place in populous areas and not in many rural areas. Current law allows county residents to vote to tax themselves up to 50 cents per month on their telephone bills to fund emergency communications systems. This amount of money is sufficient for populous counties but not for sparsely settled counties to support E911 systems. The tax in many rural areas to fully fund E911 has been considered prohibitive and some dense-to-rural subsidy may be necessary to fund statewide E911.

E911 is available to 76 percent of the phone lines in the state and basic 911 to 18 percent of the lines. Six percent of the lines have no 911 coverage. The area served is quite another picture, with the percentages 18, 50, and 32, respectively. This illustrates the concentration of telephone lines, chiefly in the Puget Sound area.

People living in densely populated areas could have need for 911 use while vacationing in rural areas. Out-of-state tourists could have the need anywhere. E911 has potential life saving advantages over basic 911, and both manifestly so in comparison to no 911 at all.

The 1990 Legislature directed the Utilities and Transportation Commission to study statewide implementation of E911 and the commission found implementation feasible and achievable with a minimum of additional state bureaucracy. The telephone line tax is recommended for continuation as a funding source. The study estimated \$16.5 million to implement and \$6 million per year subsidy to operate E911 statewide. A subsidy initially of 20 cents per telephone line per month was estimated as needed to implement the system. A lower subsidy will maintain operation statewide after implementation.

**Summary of Bill:** The director of the Department of Community Development, through a State Enhanced 911

Coordinator, shall coordinate and facilitate implementation and operation of E911 statewide.

A State Enhanced 911 Coordination Office is established, headed by the Enhanced 911 Coordinator. The coordinator will coordinate and facilitate statewide implementation and operation of E911, assisted by the Enhanced 911 Advisory Committee, made up of relevant professionals. The advisory committee dissolves December 31, 2000.

Counties, singly or jointly, shall establish E911 by 1998. Counties shall provide funding up to the amount produced by a 50 cent per month telephone line tax or the amount necessary to fully fund E911 in the county, whichever is less. The county may provide its E911 funding by the excise tax on telephone lines or by other means selected by the county.

Beginning January 1, 1992, an additional excise tax is levied statewide, also on telephone lines, for statewide implementation of E911. This additional tax will enable implementing E911 in rural areas. For the first year, the tax is set at 20 cents per month. Thereafter, the Department of Community Development will recommend the level of the tax and it will be set by the Utilities and Transportation Commission. Limits are set at 20 cents per month per line until 1998, then 10 cents per month. The proceeds will be deposited in an Enhanced 911 Account created in the treasury, to be administered by the Enhanced 911 Coordinator for statewide implementation of E911.

With limited exceptions, telecommunications companies and businesses with branch exchanges providing consolidated communications systems and related services are not subject to liability in conjunction with providing these services. Providing information to enable public health or public safety agencies to respond to E911 calls is not a privacy violation.

All provisions of this bill but the liability and privacy exemption provisions are referred as a referendum to the voters at the next general election in November 1991.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of the regular session for the two sections, 7 and 8, on liability and privacy exemption. After the November 1991 general election, if enacted by the voters, for the remainder of the bill.

**Testimony For:** (Energy & Utilities) E911 is a tremendous public health and safety feature. It has saved lives.

Although some have tried, small or rural counties cannot afford to implement E911 on their own. Assistance is appropriate because persons from dense areas vacation in rural areas and could need E911.

Consideration should be given to including cellular and branch exchange lines in the excise tax. Also, the county excise tax should remain with the county. Additional groups should be included in the E911 Advisory Committee.

(Revenue) Enhanced 911 service is important to all citizens of the state. It is a necessary service to ensure public safety. Rural counties without large populations cannot afford E911 service without this bill.

**Testimony Against:** (Energy & Utilities) None.

(Revenue) None.

**Witnesses:** (Energy & Utilities) Representative Karen Fraser, prime sponsor; Jim Quackenbush, Associated Public Safety Communications Officers; Noel Mhyre, National Emergency Number Association; Terry Vann, Washington Independent Telephone Association; Tom Walker, U.S. West; Bob Bratton, General Telephone Company; Bill Vogler, Washington State Association of Counties; Carol Monohon, Utilities and Transportation Commission; and Otto Jensen, Washington State Association of Fire Chiefs.

**Witnesses:** (Revenue) Representative Karen Fraser, prime sponsor; Jim Quackenbush, Associated Public Safety Communications Officers; Tom Walker, U.S. West; Jack Doyle, Pacific Telecom; and Bill Vogler, Washington State Association of Counties.