

2 **HB 2601** - S COMM AMD

3 By Committee on Energy & Utilities

4

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

7 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Emergency services communication systems, including enhanced  
9 911 telephone systems, are currently funded with revenues from state  
10 and local excise taxes imposed on the use of switched access lines;

11 (b) Users of cellular communication systems and other similar  
12 wireless telecommunications systems do not use switched access lines  
13 and are not currently subject to these excise taxes;

14 (c) The volume of 911 calls by users of cellular communications  
15 systems and other similar wireless telecommunications systems has  
16 increased in recent years; and

17 (d) The integrity of 911 systems, including their long-term  
18 financial health and ability to meet revenue requirements, is dependent  
19 upon the maintenance of confidentiality of information collected by  
20 enhanced 911 systems.

21 (2) The intent of this act is to acknowledge the recommendations  
22 regarding 911 emergency communication system funding as detailed in the  
23 report to the legislature dated November 1993, entitled "Taxation of  
24 Cellular Communications in Washington State," to authorize imposition  
25 and collection of the twenty-five cent county tax discussed in chapter  
26 6 of that report, and to require the department of revenue to continue  
27 the study of such funding as detailed in the report.

28 **Sec. 2.** RCW 82.14B.020 and 1991 c 54 s 10 are each amended to read  
29 as follows:

30 As used in this chapter:

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

1 (2) "Enhanced 911 telephone system" means a public telephone system  
2 consisting of a network, data base, and on-premises equipment that is  
3 accessed by dialing 911 and that enables reporting police, fire,  
4 medical, or other emergency situations to a public safety answering  
5 point. The system includes the capability to selectively route  
6 incoming 911 calls to the appropriate public safety answering point  
7 that operates in a defined 911 service area and the capability to  
8 automatically display the name, address, and telephone number of  
9 incoming 911 calls at the appropriate public safety answering point.

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

13 (4) "Local exchange company" has the meaning ascribed to it in RCW  
14 80.04.010.

15 (5) "Radio access line" means the telephone number assigned to or  
16 used by an end user for two-way local wireless voice service available  
17 to the public for hire from a radio communications service company.  
18 Radio access lines include, but are not limited to, radio-telephone  
19 communications lines used in cellular telephone service, personal  
20 communications services, and network radio access lines, or their  
21 functional and competitive equivalent. Radio access lines do not  
22 include lines that provide access to one-way signalling service, such  
23 as paging service, or to communications channels suitable only for data  
24 transmission, or to nonlocal radio access line service, such as  
25 wireless roaming service, or to a private telecommunications system.

26 (6) "Radio communications service company" has the meaning ascribed  
27 to it in RCW 80.04.010.

28 (7) "Private telecommunications system" has the meaning ascribed to  
29 it in RCW 80.04.010.

30 **Sec. 3.** RCW 82.14B.030 and 1991 c 54 s 11 are each amended to read  
31 as follows:

32 (1) The legislative authority of a county may impose a county  
33 enhanced 911 excise tax on the use of switched access lines in an  
34 amount not exceeding fifty cents per month for each switched access  
35 line. The amount of tax shall be uniform for each switched access  
36 line. Each county shall provide notice of such tax to all local  
37 exchange companies serving in the county at least sixty days in advance  
38 of the date on which the first payment is due.

1       (2) The legislative authority of a county may also impose a county  
2 911 excise tax on the use of radio access lines located within the  
3 county in an amount not exceeding twenty-five cents per month for each  
4 radio access line. The amount of tax shall be uniform for each radio  
5 access line. The county shall provide notice of such tax to all radio  
6 communications service companies serving in the county at least sixty  
7 days in advance of the date on which the first payment is due. Any  
8 county imposing this tax shall include in its ordinance a refund  
9 mechanism whereby the amount of any tax ordered to be refunded by the  
10 judgment of a court of record, or as a result of the resolution of any  
11 appeal therefrom, shall be refunded to the radio communications service  
12 company or local exchange company that collected the tax, and those  
13 companies shall reimburse the users who paid the tax. The ordinance  
14 shall further provide that to the extent the users who paid the tax  
15 cannot be identified or located, the tax paid by those users shall be  
16 returned to the county.

17       (3) Beginning January 1, 1992, a state enhanced 911 excise tax is  
18 imposed on all switched access lines in the state. For 1992, the tax  
19 shall be set at a rate of twenty cents per month for each switched  
20 access line. Until December 31, 1998, the amount of tax shall not  
21 exceed twenty cents per month for each switched access line and  
22 thereafter shall not exceed ten cents per month for each switched  
23 access line. The tax shall be uniform for each switched access line.  
24 Tax proceeds shall be deposited by the treasurer in the enhanced 911  
25 account created in RCW 38.52.540.

26       (~~(3)~~) (4) By August 31st of each year the state enhanced 911  
27 coordinator shall recommend the level for the next year of the state  
28 enhanced 911 excise tax to the utilities and transportation commission.  
29 The commission shall by the following October 31st determine the level  
30 of the state enhanced 911 excise tax for the following year.

31       **Sec. 4.** RCW 82.14B.040 and 1991 c 54 s 12 are each amended to read  
32 as follows:

33       The state enhanced 911 tax and the county enhanced 911 tax  
34 (~~created in this chapter~~) on switched access lines shall be collected  
35 from the user by the local exchange company providing the switched  
36 access line. The (~~local exchange company shall state~~) county 911 tax  
37 on radio access lines shall be collected from the end user by the radio  
38 communications service company providing the radio access line to the

1 end user. The amount of the (~~taxes~~) tax shall be stated separately  
2 on the billing statement which is sent to the user.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 38.52 RCW  
4 to read as follows:

5 Any person as defined in RCW 82.04.030 owning, operating, or  
6 managing any facilities used to provide wireless two-way  
7 telecommunications services for hire, sale, or resale which allow  
8 access to 911 emergency services shall provide a system of automatic  
9 number identification which allows the 911 operator to automatically  
10 identify the number of the caller.

11 NEW SECTION. **Sec. 6.** (1) The department of revenue shall conduct  
12 a study of base and rate for the 911 excise tax. The study shall  
13 address but not be limited to the following questions:

14 (a) What is the current tax base for enhanced 911 excise tax? Who  
15 is included in the current tax base? Who is not included in the  
16 current tax base?

17 (b) What have been and what are projected to be the 911 tax  
18 revenues, expenditures, and funding sources?

19 (c) How are 911 systems funded in other states?

20 (d) What would be an appropriate tax base and tax rate for a 911  
21 tax?

22 (e) What are the fiscal impacts of changing the tax base or tax  
23 rate, or both?

24 (f) Does the proposed tax base cover all current and projected  
25 future technologies?

26 (2) To perform this study, the department of revenue shall form an  
27 advisory study committee with balanced representation which must  
28 include, but need not be limited to, representatives from county  
29 government, representatives of both wireline and wireless  
30 telecommunications companies, large and small businesses that use  
31 wireline and wireless telecommunications services, the department of  
32 community, trade, and economic development, and county 911  
33 coordinators. The committee shall also include two members from the  
34 house of representatives, one from each caucus, appointed by the  
35 speaker of the house of representatives, and two members from the  
36 senate, one from each caucus, appointed by the president of the senate.

37 (3) The department of revenue shall provide staff for the purpose

1 of the study.

2 (4) The department of revenue shall present a final report of the  
3 findings of the study to the committees of the legislature that deal  
4 with revenue matters no later than July 1, 1995.

5 **Sec. 7.** RCW 38.52.540 and 1991 c 54 s 6 are each amended to read  
6 as follows:

7 The enhanced 911 account is created in the state treasury. All  
8 receipts from the state enhanced 911 excise tax imposed by RCW  
9 82.14B.030 shall be deposited into the account. Moneys in the account  
10 shall be used only to help implement and operate enhanced 911 state-  
11 wide, and to conduct a study of the tax base and rate for the 911  
12 excise tax. The state enhanced 911 coordinator, with the advice and  
13 assistance of the enhanced 911 advisory committee, shall specify by  
14 rule the purposes for which moneys may be expended from this account.

15 **Sec. 8.** RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and 1993  
16 c 280 s 35 are each reenacted and amended to read as follows:

17 (1) The following are exempt from public inspection and copying:

18 (a) Personal information in any files maintained for students in  
19 public schools, patients or clients of public institutions or public  
20 health agencies, or welfare recipients.

21 (b) Personal information in files maintained for employees,  
22 appointees, or elected officials of any public agency to the extent  
23 that disclosure would violate their right to privacy.

24 (c) Information required of any taxpayer in connection with the  
25 assessment or collection of any tax if the disclosure of the  
26 information to other persons would (i) be prohibited to such persons by  
27 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
28 in unfair competitive disadvantage to the taxpayer.

29 (d) Specific intelligence information and specific investigative  
30 records compiled by investigative, law enforcement, and penology  
31 agencies, and state agencies vested with the responsibility to  
32 discipline members of any profession, the nondisclosure of which is  
33 essential to effective law enforcement or for the protection of any  
34 person's right to privacy.

35 (e) Information revealing the identity of persons who are witnesses  
36 to or victims of crime or who file complaints with investigative, law  
37 enforcement, or penology agencies, other than the public disclosure

1 commission, if disclosure would endanger any person's life, physical  
2 safety, or property. If at the time a complaint is filed the  
3 complainant, victim or witness indicates a desire for disclosure or  
4 nondisclosure, such desire shall govern. However, all complaints filed  
5 with the public disclosure commission about any elected official or  
6 candidate for public office must be made in writing and signed by the  
7 complainant under oath.

8 (f) Test questions, scoring keys, and other examination data used  
9 to administer a license, employment, or academic examination.

10 (g) Except as provided by chapter 8.26 RCW, the contents of real  
11 estate appraisals, made for or by any agency relative to the  
12 acquisition or sale of property, until the project or prospective sale  
13 is abandoned or until such time as all of the property has been  
14 acquired or the property to which the sale appraisal relates is sold,  
15 but in no event shall disclosure be denied for more than three years  
16 after the appraisal.

17 (h) Valuable formulae, designs, drawings, and research data  
18 obtained by any agency within five years of the request for disclosure  
19 when disclosure would produce private gain and public loss.

20 (i) Preliminary drafts, notes, recommendations, and intra-agency  
21 memorandums in which opinions are expressed or policies formulated or  
22 recommended except that a specific record shall not be exempt when  
23 publicly cited by an agency in connection with any agency action.

24 (j) Records which are relevant to a controversy to which an agency  
25 is a party but which records would not be available to another party  
26 under the rules of pretrial discovery for causes pending in the  
27 superior courts.

28 (k) Records, maps, or other information identifying the location of  
29 archaeological sites in order to avoid the looting or depredation of  
30 such sites.

31 (l) Any library record, the primary purpose of which is to maintain  
32 control of library materials, or to gain access to information, which  
33 discloses or could be used to disclose the identity of a library user.

34 (m) Financial information supplied by or on behalf of a person,  
35 firm, or corporation for the purpose of qualifying to submit a bid or  
36 proposal for (i) a ferry system construction or repair contract as  
37 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
38 construction or improvement as required by RCW 47.28.070.

39 (n) Railroad company contracts filed prior to July 28, 1991, with

1 the utilities and transportation commission under RCW 81.34.070, except  
2 that the summaries of the contracts are open to public inspection and  
3 copying as otherwise provided by this chapter.

4 (o) Financial and commercial information and records supplied by  
5 private persons pertaining to export services provided pursuant to  
6 chapter 43.163 RCW and chapter 53.31 RCW.

7 (p) Financial disclosures filed by private vocational schools under  
8 chapter 28C.10 RCW.

9 (q) Records filed with the utilities and transportation commission  
10 or attorney general under RCW 80.04.095 that a court has determined are  
11 confidential under RCW 80.04.095.

12 (r) Financial and commercial information and records supplied by  
13 businesses during application for loans or program services provided by  
14 chapters 43.163, 43.160, 43.330, and 43.168 RCW.

15 (s) Membership lists or lists of members or owners of interests of  
16 units in timeshare projects, subdivisions, camping resorts,  
17 condominiums, land developments, or common-interest communities  
18 affiliated with such projects, regulated by the department of  
19 licensing, in the files or possession of the department.

20 (t) All applications for public employment, including the names of  
21 applicants, resumes, and other related materials submitted with respect  
22 to an applicant.

23 (u) The residential addresses and residential telephone numbers of  
24 employees or volunteers of a public agency which are held by the agency  
25 in personnel records, employment or volunteer rosters, or mailing lists  
26 of employees or volunteers.

27 (v) The residential addresses and residential telephone numbers of  
28 the customers of a public utility contained in the records or lists  
29 held by the public utility of which they are customers.

30 (w)(i) The federal social security number of individuals governed  
31 under chapter 18.130 RCW maintained in the files of the department of  
32 health, except this exemption does not apply to requests made directly  
33 to the department from federal, state, and local agencies of  
34 government, and national and state licensing, credentialing,  
35 investigatory, disciplinary, and examination organizations; (ii) the  
36 current residential address and current residential telephone number of  
37 a health care provider governed under chapter 18.130 RCW maintained in  
38 the files of the department, if the provider requests that this  
39 information be withheld from public inspection and copying, and

1 provides to the department an accurate alternate or business address  
2 and business telephone number. On or after January 1, 1995, the  
3 current residential address and residential telephone number of a  
4 health care provider governed under RCW 18.130.140 maintained in the  
5 files of the department shall automatically be withheld from public  
6 inspection and copying if the provider has provided the department with  
7 an accurate alternative or business address and telephone number.

8 (x) Information obtained by the board of pharmacy as provided in  
9 RCW 69.45.090.

10 (y) Information obtained by the board of pharmacy or the department  
11 of health and its representatives as provided in RCW 69.41.044,  
12 69.41.280, and 18.64.420.

13 (z) Financial information, business plans, examination reports, and  
14 any information produced or obtained in evaluating or examining a  
15 business and industrial development corporation organized or seeking  
16 certification under chapter 31.24 RCW.

17 (aa) Financial and commercial information supplied to the state  
18 investment board by any person when the information relates to the  
19 investment of public trust or retirement funds and when disclosure  
20 would result in loss to such funds or in private loss to the providers  
21 of this information.

22 (bb) Financial and valuable trade information under RCW 51.36.120.

23 (cc) Client records maintained by an agency that is a domestic  
24 violence program as defined in RCW 70.123.020 or a rape crisis center  
25 as defined in RCW 70.125.030.

26 (dd) Information that identifies a person who, while an agency  
27 employee: (i) Seeks advice, under an informal process established by  
28 the employing agency, in order to ascertain his or her rights in  
29 connection with a possible unfair practice under chapter 49.60 RCW  
30 against the person; and (ii) requests his or her identity or any  
31 identifying information not be disclosed.

32 (ee) Business related information protected from public inspection  
33 and copying under RCW 15.86.110.

34 (ff) Information collected by an enhanced 911 telephone system (i)  
35 for the specific purpose of developing and updating the data base  
36 associated with such a system or (ii) relating to addresses, telephone  
37 numbers, personal health, or physical safety that was obtained during  
38 emergency calls to such a system.

39 (2) Except for information described in subsection (1)(c)(i) of

1 this section and confidential income data exempted from public  
2 inspection pursuant to RCW 84.40.020, the exemptions of this section  
3 are inapplicable to the extent that information, the disclosure of  
4 which would violate personal privacy or vital governmental interests,  
5 can be deleted from the specific records sought. No exemption may be  
6 construed to permit the nondisclosure of statistical information not  
7 descriptive of any readily identifiable person or persons.

8 (3) Inspection or copying of any specific records exempt under the  
9 provisions of this section may be permitted if the superior court in  
10 the county in which the record is maintained finds, after a hearing  
11 with notice thereof to every person in interest and the agency, that  
12 the exemption of such records is clearly unnecessary to protect any  
13 individual's right of privacy or any vital governmental function.

14 (4) Agency responses refusing, in whole or in part, inspection of  
15 any public record shall include a statement of the specific exemption  
16 authorizing the withholding of the record (or part) and a brief  
17 explanation of how the exemption applies to the record withheld.

18 NEW SECTION. **Sec. 9.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and shall take  
25 effect immediately, except section 5 of this act shall take effect  
26 January 1, 1995, and section 8 of this act shall take effect July 1,  
27 1994."

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29 By Committee on Energy & Utilities

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31 On page 1, line 3 of the title, after "funding;" strike the  
32 remainder of the title and insert "amending RCW 82.14B.020, 82.14B.030,  
33 82.14B.040, and 38.52.540; reenacting and amending RCW 42.17.310;  
34 adding a new section to chapter 38.52 RCW; creating new sections;

1 providing effective dates; and declaring an emergency."

--- END ---