

# HOUSE BILL REPORT

## ESHB 1938

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*As Amended by the Senate*

**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.

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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.

E911 shall be implemented statewide by 1998. 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 current optional 50 cent per month excise tax on telephone lines is made mandatory statewide. Proceeds from this tax remain in the county. 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. 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 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.

**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment requires all counties to provide funding for an enhanced 911 system in an amount equal to the lesser of the amount the maximum tax would generate in that county or the amount necessary to fully fund E911 in that county. The Senate amendment retains the current discretion for a county to impose an E911 tax. The engrossed substitute House bill required each county to impose an E911 tax by January 1, 1992. The Senate amendment imposes the state E911 tax beginning January 1, 1992. The engrossed substitute did not specify a specific date for imposition of the tax. The Senate amendment sets the tax rate at 20 cents per access line for 1992 and a maximum of 20 cents from 1993 through 1998. The engrossed substitute sets a maximum tax of 20 cents per line through 1998. The Senate amendment makes the E911 account an appropriated account. The engrossed substitute made the account a non-appropriated account under the direction of the state E911 coordinator. The Senate amendment makes the bill subject to a referendum at the next general election.

**Fiscal Note:** Available.

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

**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.

**VOTE ON FINAL PASSAGE:**

Yeas 51; Nays 47

**Nays:** Representatives Ballard, Beck, Belcher, Betrozoff, Bowman, Broback, Brough, Brumsickle, Cantwell, Chandler, Dorn, Ferguson, Fisher G, Forner, Fuhrman, Hargrove, Haugen, Hine, Hochstatter, Inslee, Johnson R, Kremen, Lisk, McLean, Meyers R, Mielke, Mitchell, Morton, Moyer, Neher, Padden,

Peery, Prentice, Prince, Rust, Schmidt, Silver, Sommers D,  
Spanel, Tate, Valle, Vance, Van Luven, Wilson, Winsley,  
Wynne, Zellinsky