Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Community & Economic Development Committee

HB 1703

Brief Description: Modernizing the statewide 911 emergency communications system.

Sponsors: Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame; by request of Military Department.

Brief Summary of Bill

- Adds new definitions to the Emergency Management Act (EMA) and to Enhanced 911 (E-911) excise tax provisions.
- Removes the term "enhanced" where it describes 911 systems and related terms throughout the EMA and E-911 excise tax provisions.
- Authorizes counties to participate in multicounty-wide 911 emergency communications with counties that are adjacent and allows counties to request that a Washington State Patrol public safety answering point (PSAP) be the primary PSAP for a specific geographic area.
- Modifies the duties of the state E-911 Coordination Office.
- Adds members to the E-911 Advisory Committee and modifies its reporting requirements.
- Specifies certain allowable uses for the E-911 Account funds.

Hearing Date: 1/12/22

Staff: Emily Poole (786-7106).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Emergency Management Act.
The state's Emergency Management Act establishes a comprehensive program of emergency management in the state, which is administered by the Military Department (Department) under the direction of the state's Adjutant General. As part of the emergency management program, the Adjutant General, through the state Enhanced 911 (E-911) Coordinator, must coordinate and facilitate implementation and operation of a statewide E-911 emergency communications network. E-911 is a service that automatically displays the telephone number and physical location of a 911 caller.

E-911 Coordination Office.
The E-911 Coordination Office (Coordination Office) is headed by the E-911 Coordinator and is established in the Emergency Management Division of the Military Department. Duties of the office include:

- coordinating and facilitating the implementation and operation of E-911 emergency communications systems throughout the state;
- seeking advice and assistance from, and providing staff support for, the E-911 Advisory Committee (Advisory Committee);
- recommending to the Utilities and Transportation Commission (UTC) the level of the state E-911 excise tax for the following year;
- considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state E-911 funding may be expended with the advice and assistance of the Advisory Committee; and
- providing an annual update to the Advisory Committee on how much money each county has spent on: efforts to modernize their existing E-911 emergency communications system; and E-911 operational costs.

E-911 Advisory Committee.
The Advisory Committee advises and assists the E-911 Coordinator in coordinating and facilitating the implementation and operation of E-911 throughout the state. The Advisory Committee members represent diverse geographical areas of the state and include a variety of public safety professionals, state and local government officials, and telecommunications providers.
On an annual basis, the Advisory Committee must provide an update on the status of E-911 service in the state to the appropriate committees in the Legislature. The update must include progress by counties towards creating greater efficiencies in E-911 operations including, but not limited to, regionalization of facilities, centralization of equipment, and statewide purchasing.

E-911 Account.
All receipts from the state E-911 excise taxes must be deposited into the E-911 Account (911 Account). Moneys in the account must be used only to support the statewide coordination and management of the E-911 system, for the implementation of wireless E911 statewide, for the modernization of E-911 emergency communications systems statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless E-911 service and reimbursement of radio

communications service companies for costs incurred in providing wireless enhanced 911 service under negotiated contracts.

Liability for Civil Damages.
A telecommunications company, radio communications service company, or interconnected voice over internet protocol service company, providing emergency communications systems or services to E-911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual in the:

- good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to E-911 emergency communications service; or
- design, development, installation, maintenance, or provision of consolidated E-911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

E-911 Excise Taxes.
The state imposes an E-911 excise tax up to 25 cents per month per landline phone number ("switched access line"), wireless phone number ("radio access line"), and Voice over Internet Protocol (VoIP) service line within the state. For prepaid wireless services, the rate is 25 cents per retail transaction. These revenues fund the state's E-911 telephone system. In addition to the state tax, any county may impose an E-911 excise tax up to 70 cents per month for each landline phone number, wireless phone number, and VoIP service line. For prepaid wireless services, the maximum rate is 70 cents per retail transaction. All E-911 excise tax revenues must be used only for the county's emergency services communication system.

Summary of Bill:

Emergency Management Act.
The following new terms are defined in the Emergency Management Act: Automatic location identification, Automatic number identification, Baseline level of service, Emergency Services Communication System, Emergency Communications System Data, E-911 emergency communications system, Interconnected voice over internet protocol service provider, Next generation 911, Next generation 911 demarcation point, Next generation 911 emergency communications system, Next generation 911 emergency services internet protocol network, Next generation 911 service, Public safety answering point, Primary public safety answering point, Secondary public safety answering point, Radio communications service company, Telecommunications provider, and Washington State patrol public safety answering points.

The term "enhanced" is removed throughout the Emergency Management Act where it describes 911 emergency systems and related terms.

Intent language related to statewide E-911 is modified to state that it is in the public interest to ensure adequate funding for necessary 911 system upgrades as technology evolves to next generation 911 technology and beyond for 911 emergency communications baseline service

statewide that supports emerging communications devices.

A county may participate in multicounty-wide 911 emergency communications with counties that are adjacent. A county may request a Washington State Patrol PSAP to become a primary PSAP and receive 911 calls from a specific geographical area and may cancel that designation at any time.

E-911 Coordination Office.
The E-911 Coordination Office is renamed the State 911 Coordination Office (Coordination Office). The duty of the Coordination Office to coordinate and facilitate the implementation and operation of E-911 emergency communications systems and other duties related to E-911 are eliminated.

The Coordination Office has the following additional duties:

- administering the 911 Account;
- providing and supporting 911 emergency communications systems which may include procurement, funding, ownership, and management;
- assisting the counties and Washington State Patrol PSAPs by distributing state 911 emergency communications system funding;
- establishing rules that:
    - determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes may be used to fund;
    - determine how appropriated funds from the state 911 emergency communications system account shall be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated Washington state patrol primary public safety answering points for specific assistance; and
    - specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law; and
- annually providing a complete report to the Advisory Committee on efforts to modernize the statewide 911 emergency communications system and all PSAPs expenditures for administrative and operational costs.

E-911 Advisory Committee.
The E-911 Advisory Committee is renamed the 911 Advisory Committee (Advisory Committee). The Advisory Committee's membership is modified to include county 911 representatives from diverse urban and rural geographical counties, the Department of Health, and others identified and appointed by the Adjutant General.

The Advisory Committee's annual update to the Legislature is modified to include information on progress made by the Coordination Office and the counties toward continual growth and maintenance of a 911 system with greater efficiencies, strategic plan performance, and the fiscal

health of the 911 system.

To assist with modernization of the 911 emergency communications system:

- All counties operating PSAPs in the state, with the exception of tribal nations, must assist the Advisory Committee to update the Legislature annually by providing annual PSAP expenditure reports and additional information as necessary requested by the Coordination Office.
- PSAPs providing service in multiple counties must report to the county where they are physically located. PSAPs providing services outside of Washington borders must limit reporting to those areas within the boundaries of Washington. Counties receiving services from a PSAP outside of Washington must report the cost of services to their county.

E-911 Account.
The following are specified as allowable uses for moneys from the 911 account: supporting statutory priorities for 911 funding, 911 emergency communications system procurement, operation, management, administrative costs, modernization, training, public education, hardware, software, technology, and support for public safety answering points.

Liability for Civil Damages.
The civil liability protection for telecommunications companies, radio communications service companies, and interconnected voice over internet protocol service companies, providing emergency communications systems or services to 911 emergency communications personnel, is extended to cities, counties, and the state.

Enhanced 911 Excise Taxes.
Definitions for "911 emergency communications system" and "next generation 911 emergency communications system" are added to provisions relating to enhanced 911 excise taxes. The term "enhanced" is removed throughout the enhanced 911 excise tax provisions where it describes 911 emergency systems and related terms.

Appropriation: None.

Fiscal Note: Requested on January 5, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.