

**2SHB 2029 - H AMD 436**

By Representative Carlyle

ADOPTED AS AMENDED 03/30/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 82.14B.010 and 1991 c 54 s 9 are each amended to read  
4 as follows:

5 The legislature finds that the state and counties should be  
6 provided with an additional revenue source to fund enhanced 911  
7 emergency communication systems throughout the state on a  
8 multicounty((7)) or countywide((,—or—district-wide)) basis. The  
9 legislature further finds that the most efficient and appropriate  
10 method of deriving additional revenue for this purpose is to impose an  
11 excise tax on the use of switched access lines, radio access lines, and  
12 interconnected voice over internet protocol service lines.

13 **Sec. 2.** RCW 82.14B.020 and 2007 c 54 s 16 and 2007 c 6 s 1009 are  
14 each reenacted and amended to read as follows:

15 As used in this chapter:

16 (1) (~~("Emergency services communication system" means a~~  
17 ~~multicounty, countywide, or districtwide radio or landline~~  
18 ~~communications network, including an enhanced 911 telephone system,~~  
19 ~~which provides rapid public access for coordinated dispatching of~~  
20 ~~services, personnel, equipment, and facilities for police, fire,~~  
21 ~~medical, or other emergency services.~~

22 (2)) "Enhanced 911 ((telephone)) communications system" means a  
23 public telephone system consisting of a network, database, and on-  
24 premises equipment that is accessed by dialing 911 and that enables  
25 reporting police, fire, medical, or other emergency situations to a  
26 public safety answering point. The system includes the capability to  
27 selectively route incoming 911 calls to the appropriate public safety  
28 answering point that operates in a defined 911 service area and the

1 capability to automatically display the name, address, and telephone  
2 number of incoming 911 calls at the appropriate public safety answering  
3 point.

4 ~~((3))~~ (2) "Interconnected voice over internet protocol service"  
5 has the same meaning as provided by the federal communications  
6 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent  
7 date determined by the department.

8 (3) "Interconnected voice over internet protocol service line"  
9 means an interconnected voice over internet protocol service that  
10 offers an active telephone number or successor dialing protocol  
11 assigned by a voice over internet protocol provider to a voice over  
12 internet protocol service customer that has inbound and outbound  
13 calling capability, which can directly access a public safety answering  
14 point when such a voice over internet protocol service customer has a  
15 place of primary use in the state.

16 (4) "Switched access line" means the telephone service line which  
17 connects a subscriber's main telephone(s) or equivalent main  
18 telephone(s) to the local exchange company's switching office.

19 ~~((4))~~ (5) "Local exchange company" has the meaning ascribed to it  
20 in RCW 80.04.010.

21 ~~((5))~~ (6) "Radio access line" means the telephone number assigned  
22 to or used by a subscriber for two-way local wireless voice service  
23 available to the public for hire from a radio communications service  
24 company. Radio access lines include, but are not limited to, radio-  
25 telephone communications lines used in cellular telephone service,  
26 personal communications services, and network radio access lines, or  
27 their functional and competitive equivalent. Radio access lines do not  
28 include lines that provide access to one-way signaling service, such as  
29 paging service, or to communications channels suitable only for data  
30 transmission, or to nonlocal radio access line service, such as  
31 wireless roaming service, or to a private telecommunications system.

32 ~~((6))~~ (7) "Radio communications service company" has the meaning  
33 ascribed to it in RCW 80.04.010, except that it does not include radio  
34 paging providers. It does include those persons or entities that  
35 provide commercial mobile radio services, as defined by Title 47 U.S.C.  
36 Sec. 332(d)(1), and both facilities-based and nonfacilities-based  
37 resellers.

1        ~~((7))~~ (8) "Private telecommunications system" has the meaning  
2 ascribed to it in RCW 80.04.010.

3        ~~((8))~~ (9) "Subscriber" means the retail purchaser of telephone  
4 service as telephone service is defined in RCW 82.16.010, or the retail  
5 purchaser of interconnected voice over internet protocol service.

6        ~~((9))~~ (10) "Place of primary use" ~~((has the meaning ascribed to~~  
7 ~~it in RCW 82.04.065))~~ means the street address representative of where  
8 the subscriber's use of the radio access line or interconnected voice  
9 over internet protocol service line occurs, which must be:

10        (a) The residential street address or the primary business street  
11 address of the subscriber; and

12        (b) In the case of radio access lines, within the licensed service  
13 area of the home service provider.

14        **Sec. 3.** RCW 82.14B.030 and 2007 c 54 s 17 and 2007 c 6 s 1024 are  
15 each reenacted and amended to read as follows:

16        (1) The legislative authority of a county may impose a county  
17 enhanced 911 excise tax on the use of switched access lines in an  
18 amount not exceeding ~~((fifty))~~ seventy cents per month for each  
19 switched access line. The amount of tax shall be uniform for each  
20 switched access line. Each county shall provide notice of such tax to  
21 all local exchange companies serving in the county at least sixty days  
22 in advance of the date on which the first payment is due. The tax  
23 imposed under this subsection shall be remitted to the department of  
24 revenue by local exchange companies on a tax return provided by the  
25 department. The tax shall be deposited in the county enhanced 911  
26 excise tax account as provided in section 4 of this act.

27        (2) The legislative authority of a county may also impose a county  
28 enhanced 911 excise tax on the use of radio access lines whose place of  
29 primary use is located within the county in an amount not exceeding  
30 ~~((fifty))~~ seventy cents per month for each radio access line. The  
31 amount of tax shall be uniform for each radio access line. The county  
32 shall provide notice of such tax to all radio communications service  
33 companies serving in the county at least sixty days in advance of the  
34 date on which the first payment is due. Any county imposing this tax  
35 shall include in its ordinance a refund mechanism whereby the amount of  
36 any tax ordered to be refunded by the judgment of a court of record, or  
37 as a result of the resolution of any appeal therefrom, shall be

1 refunded to the radio communications service company or local exchange  
2 company that collected the tax, and those companies shall reimburse the  
3 subscribers who paid the tax. The ordinance shall further provide that  
4 to the extent the subscribers who paid the tax cannot be identified or  
5 located, the tax paid by those subscribers shall be returned to the  
6 county. The tax imposed under this section shall be remitted to the  
7 department of revenue by radio communications service companies,  
8 including those companies that resell radio access lines, on a tax  
9 return provided by the department. The tax shall be deposited in the  
10 county enhanced 911 excise tax account as provided in section 4 of this  
11 act.

12 (3) The legislative authority of a county may impose a county  
13 enhanced 911 excise tax on the use of interconnected voice over  
14 internet protocol service lines in an amount not exceeding seventy  
15 cents per month for each interconnected voice over internet protocol  
16 service line. The amount of tax shall be uniform for each line and  
17 shall be levied on no more than the number of voice over internet  
18 protocol service lines on an account that are capable of simultaneous  
19 unrestricted outward calling to the public switched telephone network.  
20 The interconnected voice over internet protocol service company shall  
21 use the place of primary use of the subscriber to determine which  
22 county's enhanced 911 excise tax applies to the service provided by the  
23 subscriber. Each county shall provide notice of such tax to all voice  
24 over internet protocol service companies serving in the county at least  
25 sixty days in advance of the date on which the first payment is due.  
26 The tax imposed under this section shall be remitted to the department  
27 of revenue by interconnected voice over internet protocol service  
28 companies on a tax return provided by the department. The tax shall be  
29 deposited in the county enhanced 911 excise tax account as provided in  
30 section 4 of this act. To the extent that a local exchange carrier and  
31 an interconnected voice over internet protocol service company jointly  
32 provide a single service line, only one service company will be  
33 responsible for remitting county enhanced 911 excise taxes, and nothing  
34 in this section shall preclude service companies who jointly provide  
35 service lines from agreeing by contract which of them shall remit the  
36 taxes collected.

37 (4) Counties imposing a county enhanced 911 excise tax must provide

1 an annual update to the enhanced 911 coordinator detailing the  
2 proportion of their county enhanced 911 excise tax that is being spent  
3 on:

- 4 (a) Efforts to modernize their existing 911 system; and
- 5 (b) Basic and enhanced 911 operational costs.

6 (5) A state enhanced 911 excise tax is imposed on ((all)) the use  
7 of switched access lines in the state. The amount of tax shall not  
8 exceed twenty-five cents per month for each switched access line. The  
9 tax shall be uniform for each switched access line. The tax imposed  
10 under this subsection shall be remitted to the department of revenue by  
11 local exchange companies on a tax return provided by the department.  
12 Tax proceeds shall be deposited by the treasurer in the enhanced 911  
13 account created in RCW 38.52.540.

14 ((+4)) (6) A state enhanced 911 excise tax is imposed on ((all))  
15 the use of radio access lines whose place of primary use is located  
16 within the state in an amount of twenty-five cents per month for each  
17 radio access line. The tax shall be uniform for each radio access  
18 line. The tax imposed under this section shall be remitted to the  
19 department of revenue by radio communications service companies,  
20 including those companies that resell radio access lines, on a tax  
21 return provided by the department. Tax proceeds shall be deposited by  
22 the treasurer in the enhanced 911 account created in RCW 38.52.540.  
23 The tax imposed under this section is not subject to the state sales  
24 and use tax or any local tax.

25 ((+5)) (7) A state enhanced 911 excise tax is imposed on the use  
26 of interconnected voice over internet protocol service lines in the  
27 state. The amount of tax may not exceed twenty-five cents per month  
28 for each interconnected voice over internet protocol service line whose  
29 place of primary use is located in the state. The amount of tax must  
30 be uniform for each line and must be levied on no more than the number  
31 of voice over internet protocol service lines on an account that are  
32 capable of simultaneous unrestricted outward calling to the public  
33 switched telephone network. The tax imposed under this subsection must  
34 be remitted to the department of revenue by interconnected voice over  
35 internet protocol service companies on a tax return provided by the  
36 department. Tax proceeds must be deposited by the treasurer in the  
37 enhanced 911 account created in RCW 38.52.540. To the extent that a  
38 local exchange carrier and an interconnected voice over internet

1 protocol service company jointly provide a single service line, only  
2 one service company will be responsible for remitting state enhanced  
3 911 excise taxes, and nothing in this section precludes service  
4 companies that jointly provide service lines from agreeing by contract  
5 which of them will remit the taxes collected.

6 (8) By August 31st of each year the state enhanced 911 coordinator  
7 shall recommend the level for the next year of the state enhanced 911  
8 excise tax imposed by subsection ((+3+)) (5) of this section, based on  
9 a systematic cost and revenue analysis, to the utilities and  
10 transportation commission. The commission shall by the following  
11 October 31st determine the level of the state enhanced 911 excise tax  
12 for the following year.

13 NEW SECTION. Sec. 4. A new section is added to chapter 82.14B RCW  
14 to read as follows:

15 (1) Counties imposing an enhanced 911 excise tax under RCW  
16 82.14B.030 must contract with the department for the administration and  
17 collection of the tax prior to the effective date of a resolution or  
18 ordinance imposing the tax. The department may deduct a percentage  
19 amount, as provided by contract, of no more than two percent of the  
20 enhanced 911 excise taxes collected to cover administration and  
21 collection expenses incurred by the department. If a county imposes an  
22 enhanced 911 excise tax with an effective date of January 1, 2010, the  
23 county must contract with the department for the administration and  
24 collection of the tax by November 1, 2009.

25 (2) The remainder of any portion of the county enhanced 911 excise  
26 tax under RCW 82.14B.030 that is collected by the department must be  
27 deposited in the county enhanced 911 excise tax account hereby created  
28 in the custody of the state treasurer. Expenditures from the account  
29 may be used only for distribution to counties imposing an enhanced 911  
30 excise tax. Only the state treasurer or his or her designee may  
31 authorize expenditures from the account. The account is not subject to  
32 allotment procedures under chapter 43.88 RCW, and an appropriation is  
33 not required for expenditures.

34 NEW SECTION. Sec. 5. A new section is added to chapter 82.14B RCW  
35 to read as follows:

36 (1) All moneys that accrue in the county enhanced 911 excise tax

1 account created in section 4 of this act must be distributed monthly by  
2 the state treasurer to the counties in the amount of the taxes  
3 collected on behalf of each county, minus the administration and  
4 collection fee retained by the department as provided in section 4 of  
5 this act.

6 (2) If a county imposes by resolution or ordinance an enhanced 911  
7 excise tax that is in excess of the maximum allowable county enhanced  
8 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution  
9 may not be considered void in its entirety, but only with respect to  
10 that portion of the enhanced 911 excise tax that is in excess of the  
11 maximum allowable tax.

12 **Sec. 6.** RCW 82.14B.040 and 2002 c 341 s 9 are each amended to read  
13 as follows:

14 The state enhanced 911 excise tax and the county enhanced 911  
15 excise tax on the use of switched access lines shall be collected from  
16 the subscriber by the local exchange company providing the switched  
17 access line. The state enhanced 911 excise tax and the county 911  
18 excise tax on the use of radio access lines shall be collected from the  
19 subscriber by the radio communications service company providing the  
20 radio access line to the subscriber. The state and county enhanced 911  
21 excise taxes on interconnected voice over internet protocol service  
22 lines shall be collected from the subscriber by the interconnected  
23 voice over internet protocol service company providing the  
24 interconnected voice over internet protocol service line to the  
25 subscriber. The amount of the tax shall be stated separately on the  
26 billing statement which is sent to the subscriber.

27 **Sec. 7.** RCW 82.14B.042 and 2002 c 341 s 10 are each amended to  
28 read as follows:

29 (1) The state and county enhanced 911 excise taxes imposed by this  
30 chapter must be paid by the subscriber to the local exchange company  
31 providing the switched access line (~~((or))~~), the radio communications  
32 service company providing the radio access line, or the interconnected  
33 voice over internet protocol service company providing interconnected  
34 voice over internet protocol service, and each local exchange company  
35 (~~((and))~~), each radio communications service company, and each  
36 interconnected voice over internet protocol service company shall

1 collect from the subscriber the full amount of the taxes payable. The  
2 state and county enhanced 911 excise taxes required by this chapter to  
3 be collected by ~~((the local exchange company or the radio  
4 communications service))~~ a company are deemed to be held in trust by  
5 the ~~((local exchange company or the radio communications service))~~  
6 company until paid to the department. Any local exchange company  
7 ~~((or))~~, radio communications service company, or interconnected voice  
8 over internet protocol service company that appropriates or converts  
9 the tax collected to its own use or to any use other than the payment  
10 of the tax to the extent that the money collected is not available for  
11 payment on the due date as prescribed in this chapter is guilty of a  
12 gross misdemeanor.

13 (2) If any local exchange company ~~((or))~~, radio communications  
14 service, or interconnected voice over internet protocol service company  
15 fails to collect the state or county enhanced 911 excise tax or, after  
16 collecting the tax, fails to pay it to the department in the manner  
17 prescribed by this chapter, whether such failure is the result of its  
18 own act or the result of acts or conditions beyond its control, the  
19 ~~((local exchange company or the radio communications service))~~ company  
20 is personally liable to the state for the amount of the tax, unless the  
21 ~~((local exchange company or the radio communications service))~~ company  
22 has taken from the buyer in good faith a properly executed resale  
23 certificate under RCW 82.14B.200.

24 (3) The amount of tax, until paid by the subscriber to the local  
25 exchange company, the radio communications service company, the  
26 interconnected voice over internet protocol service company, or to the  
27 department, constitutes a debt from the subscriber to the ~~((local  
28 exchange company or the radio communications service))~~ company. Any  
29 ~~((local exchange company or radio communications service))~~ company that  
30 fails or refuses to collect the tax as required with intent to violate  
31 the provisions of this chapter or to gain some advantage or benefit,  
32 either direct or indirect, and any subscriber who refuses to pay any  
33 tax due under this chapter is guilty of a misdemeanor. The state and  
34 county enhanced 911 excise taxes required by this chapter to be  
35 collected by the local exchange company ~~((or))~~, the radio  
36 communications service company, or the interconnected voice over  
37 internet protocol service company must be stated separately on the  
38 billing statement that is sent to the subscriber.



1 (4) If a subscriber has failed to pay to the local exchange company  
2 (~~(or)~~), the radio communications service company, or the interconnected  
3 voice over internet protocol service company the state or county  
4 enhanced 911 excise taxes imposed by this chapter and the (~~local~~  
5 ~~exchange company or the radio communications service~~) company has not  
6 paid the amount of the tax to the department, the department may, in  
7 its discretion, proceed directly against the subscriber for collection  
8 of the tax, in which case a penalty of ten percent may be added to the  
9 amount of the tax for failure of the subscriber to pay the tax to the  
10 (~~local exchange company or the radio communications service~~) company,  
11 regardless of when the tax is collected by the department. Tax under  
12 this chapter is due as provided under RCW 82.14B.061.

13 **Sec. 8.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read  
14 as follows:

15 The proceeds of any tax collected under this chapter shall be used  
16 by the county only for the (~~emergency services~~) enhanced 911  
17 communications system.

18 **Sec. 9.** RCW 82.14B.060 and 1998 c 304 s 5 are each amended to read  
19 as follows:

20 A county legislative authority imposing a tax under this chapter  
21 shall establish by ordinance all necessary and appropriate procedures  
22 for the (~~administration and collection of the tax, which ordinance~~  
23 ~~shall provide for reimbursement to the telephone companies for actual~~  
24 ~~costs of administration and collection of the tax imposed. The~~  
25 ~~ordinance shall also provide that the due date for remittance of the~~  
26 ~~tax collected shall be on or before the last day of the month following~~  
27 ~~the month in which the tax liability accrues~~) acceptance of the county  
28 enhanced 911 excise taxes by the department.

29 **Sec. 10.** RCW 82.14B.061 and 2002 c 341 s 11 are each amended to  
30 read as follows:

31 (1) The department of revenue shall administer and shall adopt such  
32 rules as may be necessary to enforce and administer the state and  
33 county enhanced 911 excise taxes imposed by this chapter. Chapter  
34 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and

1 82.32.380, applies to the administration, collection, and enforcement  
2 of the state and county enhanced 911 excise taxes.

3 (2) The state and county enhanced 911 excise taxes imposed by this  
4 chapter, along with reports and returns on forms prescribed by the  
5 department, are due at the same time the taxpayer reports other taxes  
6 under RCW 82.32.045. If no other taxes are reported under RCW  
7 82.32.045, the taxpayer shall remit tax on an annual basis in  
8 accordance with RCW 82.32.045.

9 (3) The department of revenue may relieve any taxpayer or class of  
10 taxpayers from the obligation of remitting monthly and may require the  
11 return to cover other longer reporting periods, but in no event may  
12 returns be filed for a period greater than one year.

13 (4) The state enhanced 911 excise taxes imposed by this chapter are  
14 in addition to any taxes imposed upon the same persons under chapters  
15 82.08 and 82.12 RCW.

16 **Sec. 11.** RCW 82.14B.150 and 2004 c 153 s 309 are each amended to  
17 read as follows:

18 (1) A local exchange company (~~(or)~~) radio communications service  
19 company, or interconnected voice over internet protocol service company  
20 shall file tax returns on a cash receipts or accrual basis according to  
21 which method of accounting is regularly employed in keeping the books  
22 of the company. A (~~local exchange company or radio communications~~  
23 ~~service~~) company filing returns on a cash receipts basis is not  
24 required to pay tax on debt subject to credit or refund under  
25 subsection (2) of this section.

26 (2) A local exchange company (~~(or)~~) radio communications service  
27 company, or interconnected voice over internet protocol service company  
28 is entitled to a credit or refund for state and county enhanced 911  
29 excise taxes previously paid on bad debts, as that term is used in  
30 Title 26 U.S.C. Sec. 166, as amended or renumbered as of January 1,  
31 2003.

32 **Sec. 12.** RCW 82.14B.160 and 1998 c 304 s 8 are each amended to  
33 read as follows:

34 The taxes imposed or authorized by this chapter do not apply to any  
35 activity that the state or county is prohibited from taxing under the

1 Constitution of this state or the Constitution or laws of the United  
2 States.

3 **Sec. 13.** RCW 82.14B.200 and 2002 c 341 s 12 are each amended to  
4 read as follows:

5 (1) Unless a local exchange company (~~(or a)~~) radio communications  
6 service company, or interconnected voice over internet protocol service  
7 company has taken from the buyer a resale certificate or equivalent  
8 document under RCW 82.04.470, the burden of proving that a sale of the  
9 use of a switched access line (~~(or)~~) radio access line, or  
10 interconnected voice over internet protocol service line was not a sale  
11 to a subscriber is upon the person who made the sale.

12 (2) If a local exchange company (~~(or a)~~) radio communications  
13 service company, or interconnected voice over internet protocol service  
14 company does not receive a resale certificate at the time of the sale,  
15 have a resale certificate on file at the time of the sale, or obtain a  
16 resale certificate from the buyer within a reasonable time after the  
17 sale, the local exchange company or the radio communications service  
18 company remains liable for the tax as provided in RCW 82.14B.042,  
19 unless the local exchange company (~~(or)~~) the radio communications  
20 service company, or the interconnected voice over internet protocol  
21 service company can demonstrate facts and circumstances according to  
22 rules adopted by the department of revenue that show the sale was  
23 properly made without payment of the state or county enhanced 911  
24 excise tax.

25 (3) The penalty imposed by RCW 82.32.291 may not be assessed on  
26 state or county enhanced 911 excise taxes due but not paid as a result  
27 of the improper use of a resale certificate. This subsection does not  
28 prohibit or restrict the application of other penalties authorized by  
29 law.

30 **Sec. 14.** RCW 38.52.510 and 1991 c 54 s 3 are each amended to read  
31 as follows:

32 By December 31, 1998, each county, singly or in combination with  
33 adjacent counties, shall implement (~~(district-wide,)~~) countywide(~~(,)~~)  
34 or multicountywide enhanced 911 emergency communications systems so  
35 that enhanced 911 is available throughout the state. The county shall  
36 provide funding for the enhanced 911 communication system in the county

1 ((~~or district~~)) in an amount equal to the amount the maximum tax under  
2 RCW 82.14B.030(1) would generate in the county ((~~or district~~)) or the  
3 amount necessary to provide full funding of the system in the county  
4 ((~~or district~~)), whichever is less. The state enhanced 911  
5 coordination office established by RCW 38.52.520 shall assist and  
6 facilitate enhanced 911 implementation throughout the state.

7 **Sec. 15.** RCW 38.52.520 and 1991 c 54 s 4 are each amended to read  
8 as follows:

9 A state enhanced 911 coordination office, headed by the state  
10 enhanced 911 coordinator, is established in the emergency management  
11 division of the department. Duties of the office shall include:

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

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

16 (3) (~~Recommending to the utilities and transportation commission~~  
17 ~~by August 31st of each year the level of the state enhanced 911 excise~~  
18 ~~tax for the following year.)) Considering base needs of individual  
19 counties for specific assistance, specify rules defining the purposes  
20 for which available state enhanced 911 funding may be expended, with  
21 the advice and assistance of the enhanced 911 advisory committee; and~~

22 (4) Providing an annual update to the enhanced 911 advisory  
23 committee on how much money each county has spent on:

24 (a) Efforts to modernize their existing 911 system; and

25 (b) Basic and enhanced 911 operational costs.

26 **Sec. 16.** RCW 38.52.532 and 2006 c 210 s 2 are each amended to read  
27 as follows:

28 On an annual basis, the enhanced 911 advisory committee shall  
29 provide an update on the status of enhanced 911 service in the state to  
30 the appropriate committees in the legislature. The update must include  
31 progress by counties towards creating greater efficiencies in enhanced  
32 911 operations including, but not limited to, regionalization of  
33 facilities, centralization of equipment, and statewide purchasing.

34 **Sec. 17.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are  
35 each reenacted and amended to read as follows:

1 (1) The enhanced 911 account is created in the state treasury. All  
2 receipts from the state enhanced 911 excise taxes imposed by RCW  
3 82.14B.030 (~~(shall)~~) must be deposited into the account. Moneys in the  
4 account (~~(shall)~~) must be used only to support the statewide  
5 coordination and management of the enhanced 911 communications system,  
6 for the implementation of wireless enhanced 911 statewide, for the  
7 modernization of enhanced 911 communications systems statewide, and to  
8 help supplement, within available funds, the operational costs of the  
9 system, including adequate funding of counties to enable implementation  
10 of wireless enhanced 911 service (~~(and reimbursement of radio~~  
11 ~~communications service companies for costs incurred in providing~~  
12 ~~wireless enhanced 911 service pursuant to negotiated contracts between~~  
13 ~~the counties or their agents and the radio communications service~~  
14 ~~companies)) and cost recovery for the deployment, improvement, and  
15 maintenance of phase I and phase II wireless enhanced 911 service,  
16 including costs expended by the radio communications service company  
17 for such purposes, and for expenses of administering the fund.~~

18 (2) Funds generated by the enhanced 911 excise tax imposed by RCW  
19 82.14B.030(~~(+3)~~) (5) shall not be distributed to any county that has  
20 not imposed the maximum county enhanced 911 excise tax allowed under  
21 RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax  
22 imposed by RCW 82.14B.030(~~(+4)~~) (6) shall not be distributed to any  
23 county that has not imposed the maximum county enhanced 911 excise tax  
24 allowed under RCW 82.14B.030(2).

25 (3) The state enhanced 911 coordinator, with the advice and  
26 assistance of the enhanced 911 advisory committee, is authorized to  
27 enter into statewide agreements to improve the efficiency of enhanced  
28 911 services for all counties and shall specify by rule the additional  
29 purposes for which moneys, if available, may be expended from this  
30 account.

31 (~~(+4) During the 2001-2003 fiscal biennium, the legislature may~~  
32 ~~transfer from the enhanced 911 account to the state general fund such~~  
33 ~~amounts as reflect the excess fund balance of the account.))~~

34 **Sec. 18.** RCW 38.52.545 and 2001 c 128 s 3 are each amended to read  
35 as follows:

36 In specifying rules defining the purposes for which available state  
37 enhanced 911 moneys may be expended, the state enhanced 911

1 coordinator, with the advice and assistance of the enhanced 911  
2 advisory committee, shall consider base needs of individual counties  
3 for specific assistance. Priorities for available enhanced 911 funding  
4 are as follows: (1) To assure that 911 dialing is operational  
5 statewide; (2) to assist counties as necessary to assure that they can  
6 achieve a basic service level for 911 operations; and (3) to assist  
7 counties as practicable to acquire items of a capital nature  
8 appropriate to ~~((increasing))~~ modernize systems and increase 911  
9 effectiveness.

10 **Sec. 19.** RCW 38.52.550 and 2002 c 341 s 5 are each amended to read  
11 as follows:

12 A telecommunications company, ~~((or))~~ radio communications service  
13 company, ~~((providing emergency communications systems or services))~~  
14 interconnected voice over internet protocol service company, or a  
15 business or individual providing database information to enhanced 911  
16 emergency communication ~~((system))~~ service personnel shall not be  
17 liable for civil damages caused by an act or omission of the company,  
18 business, or individual in the:

19 (1) Good faith release of information not in the public record,  
20 including unpublished or unlisted subscriber information to emergency  
21 service providers responding to calls placed to a 911 or enhanced 911  
22 emergency service; or

23 (2) Design, development, installation, maintenance, or provision of  
24 consolidated 911 or enhanced 911 emergency communication systems or  
25 services other than an act or omission constituting gross negligence or  
26 wanton or willful misconduct.

27 **Sec. 20.** RCW 38.52.561 and 2002 c 341 s 6 are each amended to read  
28 as follows:

29 The state enhanced 911 coordinator, with the advice and assistance  
30 of the enhanced 911 advisory committee, shall set nondiscriminatory,  
31 uniform technical and operational standards consistent with the rules  
32 of the federal communications commission for the transmission of 911  
33 calls from radio communications service companies and interconnected  
34 voice over internet protocol service companies to enhanced 911  
35 emergency communications systems. These standards must not exceed the  
36 requirements set by the federal communications commission. The

1 authority given to the state enhanced 911 coordinator in this section  
2 is limited to setting standards as set forth in this section and does  
3 not constitute authority to regulate radio communications service  
4 companies or interconnected voice over internet protocol service  
5 companies.

6 **Sec. 21.** RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008  
7 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read  
8 as follows:

9 (1) Money in the treasurer's trust fund may be deposited, invested,  
10 and reinvested by the state treasurer in accordance with RCW 43.84.080  
11 in the same manner and to the same extent as if the money were in the  
12 state treasury.

13 (2) All income received from investment of the treasurer's trust  
14 fund shall be set aside in an account in the treasury trust fund to be  
15 known as the investment income account.

16 (3) The investment income account may be utilized for the payment  
17 of purchased banking services on behalf of treasurer's trust funds  
18 including, but not limited to, depository, safekeeping, and  
19 disbursement functions for the state treasurer or affected state  
20 agencies. The investment income account is subject in all respects to  
21 chapter 43.88 RCW, but no appropriation is required for payments to  
22 financial institutions. Payments shall occur prior to distribution of  
23 earnings set forth in subsection (4) of this section.

24 (4)(a) Monthly, the state treasurer shall distribute the earnings  
25 credited to the investment income account to the state general fund  
26 except under (b) and (c) of this subsection.

27 (b) The following accounts and funds shall receive their  
28 proportionate share of earnings based upon each account's or fund's  
29 average daily balance for the period: The Washington promise  
30 scholarship account, the college savings program account, the  
31 Washington advanced college tuition payment program account, the  
32 agricultural local fund, the American Indian scholarship endowment  
33 fund, the foster care scholarship endowment fund, the foster care  
34 endowed scholarship trust fund, the students with dependents grant  
35 account, the basic health plan self-insurance reserve account, the  
36 contract harvesting revolving account, the Washington state combined  
37 fund drive account, the commemorative works account, the county

1 enhanced 911 excise tax account, the Washington international exchange  
2 scholarship endowment fund, the toll collection account, the  
3 developmental disabilities endowment trust fund, the energy account,  
4 the fair fund, the family leave insurance account, the food animal  
5 veterinarian conditional scholarship account, the fruit and vegetable  
6 inspection account, the future teachers conditional scholarship  
7 account, the game farm alternative account, the GET ready for math and  
8 science scholarship account, the grain inspection revolving fund, the  
9 juvenile accountability incentive account, the law enforcement  
10 officers' and firefighters' plan 2 expense fund, the local tourism  
11 promotion account, the pilotage account, the produce railcar pool  
12 account, the regional transportation investment district account, the  
13 rural rehabilitation account, the stadium and exhibition center  
14 account, the youth athletic facility account, the self-insurance  
15 revolving fund, the sulfur dioxide abatement account, the children's  
16 trust fund, the Washington horse racing commission Washington bred  
17 owners' bonus fund account, the Washington horse racing commission  
18 class C purse fund account, the individual development account program  
19 account, the Washington horse racing commission operating account  
20 (earnings from the Washington horse racing commission operating account  
21 must be credited to the Washington horse racing commission class C  
22 purse fund account), the life sciences discovery fund, the Washington  
23 state heritage center account, the reduced cigarette ignition  
24 propensity account, and the reading achievement account. However, the  
25 earnings to be distributed shall first be reduced by the allocation to  
26 the state treasurer's service fund pursuant to RCW 43.08.190.

27 (c) The following accounts and funds shall receive eighty percent  
28 of their proportionate share of earnings based upon each account's or  
29 fund's average daily balance for the period: The advanced right-of-way  
30 revolving fund, the advanced environmental mitigation revolving  
31 account, the city and county advance right-of-way revolving fund, the  
32 federal narcotics asset forfeitures account, the high occupancy vehicle  
33 account, the local rail service assistance account, and the  
34 miscellaneous transportation programs account.

35 (5) In conformance with Article II, section 37 of the state  
36 Constitution, no trust accounts or funds shall be allocated earnings  
37 without the specific affirmative directive of this section.



1 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
2 each repealed:

3 (1) RCW 82.14B.070 (Emergency service communication districts--  
4 Authorized--Consolidation--Dissolution) and 1994 c 54 s 1 & 1987 c 17  
5 s 1;

6 (2) RCW 82.14B.090 (Emergency service communication districts--  
7 Emergency service communication system--Financing--Excise tax) and 1991  
8 c 54 s 13 & 1987 c 17 s 3; and

9 (3) RCW 82.14B.100 (Emergency service communication districts--  
10 Application of RCW 82.14B.040 through 82.14B.060) and 1991 c 54 s 14 &  
11 1987 c 17 s 4.

12 NEW SECTION. **Sec. 23.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 24.** The office of the code reviser may  
17 alphabetize the account names in RCW 43.79A.040 during codification.

18 NEW SECTION. **Sec. 25.** (1) Except as otherwise provided in this  
19 section, this act takes effect August 1, 2009.

20 (2) Sections 1 through 3, 5 through 8, 11 through 20, and 22 of  
21 this act take effect January 1, 2010."

22 Correct the title.

EFFECT: Restructures language to work within existing E-911  
statutes. Allows a local exchange carrier and VOIP provider to  
contractually arrange as to who will remit the E-911 charge.  
Eliminates authorization to create less than countywide emergency  
communication districts. Makes other technical changes.

--- END ---