

2SHB 2029 - H AMD 409

By Representative Carlyle

WITHDRAWN 3/30/2009

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

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

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

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

17 As used in this chapter:

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

24 ~~—(2)—~~) "Enhanced 911 (~~(telephone)~~) communications system" means a
25 public telephone system consisting of a network, database, and on-
26 premises equipment that is accessed by dialing 911 and that enables
27 reporting police, fire, medical, or other emergency situations to a

1 public safety answering point. The system includes the capability to
2 selectively route incoming 911 calls to the appropriate public safety
3 answering point that operates in a defined 911 service area and the
4 capability to automatically display the name, address, and telephone
5 number of incoming 911 calls at the appropriate public safety
6 answering point.

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

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

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

22 ~~((+4))~~ (5) "Local exchange company" has the meaning ascribed to
23 it in RCW 80.04.010.

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

34

1 service, such as wireless roaming service, or to a private
2 telecommunications system.

3 ~~((6))~~ (7) "Radio communications service company" has the meaning
4 ascribed to it in RCW 80.04.010, except that it does not include radio
5 paging providers. It does include those persons or entities that
6 provide commercial mobile radio services, as defined by Title 47
7 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-
8 based resellers.

9 ~~((7))~~ (8) "Private telecommunications system" has the meaning
10 ascribed to it in RCW 80.04.010.

11 ~~((8))~~ (9) "Subscriber" means the retail purchaser of telephone
12 service as telephone service is defined in RCW 82.16.010, or the
13 retail purchaser of interconnected voice over internet protocol
14 service.

15 ~~((9))~~ (10) "Place of primary use" has the meaning ascribed to it
16 in RCW 82.04.065.

17

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

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

31 (2) The legislative authority of a county may also impose a county
32 enhanced 911 excise tax on the use of radio access lines whose place
33 of primary use is located within the county in an amount not exceeding
34 ~~((fifty))~~ seventy cents per month for each radio access line. The

1 amount of tax shall be uniform for each radio access line. The county
2 shall provide notice of such tax to all radio communications service
3 companies serving in the county at least sixty days in advance of the
4 date on which the first payment is due. Any county imposing this tax
5 shall include in its ordinance a refund mechanism whereby the amount
6 of any tax ordered to be refunded by the judgment of a court of
7 record, or as a result of the resolution of any appeal therefrom,
8 shall be refunded to the radio communications service company or local
9 exchange company that collected the tax, and those companies shall
10 reimburse the subscribers who paid the tax. The ordinance shall
11 further provide that to the extent the subscribers who paid the tax
12 cannot be identified or located, the tax paid by those subscribers
13 shall be returned to the county. The tax imposed under this section
14 shall be remitted to the department of revenue by radio communications
15 service companies, including those companies that resell radio access
16 lines, on a tax return provided by the department. The tax shall be
17 deposited in the county enhanced 911 excise tax account as provided in
18 section 4 of this act.

19 (3) The legislative authority of a county may impose a county
20 enhanced 911 excise tax on the use of interconnected voice over
21 internet protocol service lines in an amount not exceeding seventy
22 cents per month for each interconnected voice over internet protocol
23 service line. The amount of tax shall be uniform for each line and
24 shall be levied on no more than the number of voice over internet
25 protocol service lines on an account that are capable of simultaneous
26 unrestricted outward calling to the public switched telephone network.
27 The interconnected voice over internet protocol service company shall
28 use the place of primary use of the subscriber to determine which
29 county's enhanced 911 excise tax applies to the service provided by
30 the subscriber. Each county shall provide notice of such tax to all
31 voice over internet protocol service companies serving in the county
32 at least sixty days in advance of the date on which the first payment
33 is due. The tax imposed under this section shall be remitted to the
34 department of revenue by interconnected voice over internet protocol

1 service companies on a tax return provided by the department. The tax
2 shall be deposited in the county enhanced 911 excise tax account as
3 provided in section 4 of this act. To the extent that a local
4 exchange carrier and an interconnected voice over internet protocol
5 service company jointly provide a single service line, only one
6 service company will be responsible for remitting the enhanced 911
7 excise taxes, and nothing in this section shall preclude service
8 companies who jointly provide service lines from agreeing by contract
9 which of them shall remit the taxes collected.

10 (4) Counties imposing a county enhanced 911 excise tax must
11 provide an annual update to the enhanced 911 coordinator detailing the
12 proportion of their county enhanced 911 excise tax that is being spent
13 on:

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

16 (5) A state enhanced 911 excise tax is imposed on all switched
17 access lines in the state. The amount of tax shall not exceed twenty-
18 five cents per month for each switched access line. The tax shall be
19 uniform for each switched access line. The tax imposed under this
20 subsection shall be remitted to the department of revenue by local
21 exchange companies on a tax return provided by the department. Tax
22 proceeds shall be deposited by the treasurer in the enhanced 911
23 account created in RCW 38.52.540.

24 ~~((+4))~~ (6) A state enhanced 911 excise tax is imposed on all
25 radio access lines whose place of primary use is located within the
26 state in an amount of twenty-five cents per month for each radio
27 access line. The tax shall be uniform for each radio access line.
28 The tax imposed under this section shall be remitted to the department
29 of revenue by radio communications service companies, including those
30 companies that resell radio access lines, on a tax return provided by
31 the department. Tax proceeds shall be deposited by the treasurer in
32 the enhanced 911 account created in RCW 38.52.540. The tax imposed
33 under this section is not subject to the state sales and use tax or
34 any local tax.

1 (2) The remainder of any portion of the county enhanced 911 excise
2 tax under RCW 82.14B.030 that is collected by the department must be
3 deposited in the county enhanced 911 excise tax account hereby created
4 in the custody of the state treasurer. Expenditures from the account
5 may be used only for distribution to counties imposing the enhanced
6 911 excise tax. Only the state treasurer or his or her designee may
7 authorize expenditures from the account. The account is not subject
8 to allotment procedures under chapter 43.88 RCW, and an appropriation
9 is not required for expenditures.

10

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.14B
12 RCW to read as follows:

13 (1) All moneys that accrue in the county enhanced 911 excise tax
14 account created in section 4 of this act must be distributed monthly
15 by the state treasurer to the counties in the amount of the taxes
16 collected on behalf of each county, minus the administration and
17 collection fee retained by the department as provided in section 4 of
18 this act.

19 (2) If a county imposes by resolution or ordinance an enhanced 911
20 excise tax that is in excess of the maximum allowable county enhanced
21 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution
22 may not be considered void in its entirety, but only with respect to
23 that portion of the enhanced 911 excise tax that is in excess of the
24 maximum allowable tax.

25

26 **Sec. 6.** RCW 82.14B.061 and 2002 c 341 s 11 are each amended to
27 read as follows:

28 (1) The department of revenue shall administer and shall adopt
29 such rules as may be necessary to enforce and administer the state and
30 county enhanced 911 excise taxes imposed by this chapter. Chapter
31 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and
32 82.32.380, applies to the administration, collection, and enforcement
33 of the state and county enhanced 911 excise taxes.

34

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

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

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

14
15 **Sec. 7.** RCW 82.14B.060 and 1998 c 304 s 5 are each amended to
16 read as follows:

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

26
27 **Sec. 8.** RCW 82.14B.040 and 2002 c 341 s 9 are each amended to
28 read as follows:

29 The state enhanced 911 excise tax and the county enhanced 911
30 excise tax on switched access lines shall be collected from the
31 subscriber by the local exchange company providing the switched access
32 line. The state enhanced 911 excise tax and the county 911 excise tax
33 on radio access lines shall be collected from the subscriber by the
34 radio communications service company providing the radio access line

1 to the subscriber. The state and county enhanced 911 excise taxes on
2 interconnected voice over internet protocol service lines shall be
3 collected from the subscriber by the interconnected voice over
4 internet protocol service company providing the interconnected voice
5 over internet protocol service line to the subscriber. The amount of
6 the tax shall be (~~stated separately on the billing statement which is~~
7 ~~sent~~) indicated to the subscriber.

8
9 **Sec. 9.** RCW 82.14B.042 and 2002 c 341 s 10 are each amended to
10 read as follows:

11 (1) The state and county enhanced 911 excise taxes imposed by this
12 chapter must be paid by the subscriber to the local exchange company
13 providing the switched access line (~~(or)~~), the radio communications
14 service company providing the radio access line, or the interconnected
15 voice over internet protocol service company providing interconnected
16 voice over internet protocol service, and each local exchange company
17 (~~and~~), each radio communications service company, and each
18 interconnected voice over internet protocol service company shall
19 collect from the subscriber the full amount of the taxes payable. The
20 state and county enhanced 911 excise taxes required by this chapter to
21 be collected by (~~the local exchange company or the radio~~
22 ~~communications service~~) a company are deemed to be held in trust by
23 the (~~local exchange company or the radio communications service~~)
24 company until paid to the department. Any local exchange company
25 (~~or~~), radio communications service company, or interconnected voice
26 over internet protocol service company that appropriates or converts
27 the tax collected to its own use or to any use other than the payment
28 of the tax to the extent that the money collected is not available for
29 payment on the due date as prescribed in this chapter is guilty of a
30 gross misdemeanor.

31 (2) If any local exchange company (~~or~~), radio communications
32 service, or interconnected voice over internet protocol service
33 company fails to collect the state or county enhanced 911 excise tax
34 or, after collecting the tax, fails to pay it to the department in the

1 manner prescribed by this chapter, whether such failure is the result
2 of its own act or the result of acts or conditions beyond its control,
3 the (~~local exchange company or the radio communications service~~)
4 company is personally liable to the state for the amount of the tax,
5 unless the (~~local exchange company or the radio communications~~
6 ~~service~~) company has taken from the buyer in good faith a properly
7 executed resale certificate under RCW 82.14B.200.

8 (3) The amount of tax, until paid by the subscriber to the local
9 exchange company, the radio communications service company, the
10 interconnected voice over internet protocol service company, or to the
11 department, constitutes a debt from the subscriber to the (~~local~~
12 ~~exchange company or the radio communications service~~) company. Any
13 (~~local exchange company or radio communications service~~) company
14 that fails or refuses to collect the tax as required with intent to
15 violate the provisions of this chapter or to gain some advantage or
16 benefit, either direct or indirect, and any subscriber who refuses to
17 pay any tax due under this chapter is guilty of a misdemeanor. The
18 state and county enhanced 911 excise taxes required by this chapter to
19 be collected by the local exchange company (~~or~~), the radio
20 communications service company, or the interconnected voice over
21 internet protocol service company must be stated separately on the
22 billing statement that is sent to the subscriber.

23 (4) If a subscriber has failed to pay to the local exchange
24 company (~~or~~), the radio communications service company, or the
25 interconnected voice over internet protocol service company the state
26 or county enhanced 911 excise taxes imposed by this chapter (~~and~~),
27 the (~~local exchange company or the radio communications service~~)
28 company (~~has not paid the amount of the tax to the department,~~) is
29 not liable for a subscriber's failure to pay the state or county
30 enhanced 911 excise tax. The department may, in its discretion,
31 proceed directly against the subscriber for collection of the tax, in
32 which case a penalty of ten percent may be added to the amount of the
33 tax for failure of the subscriber to pay the tax to the (~~local~~
34 ~~exchange company or the radio communications service~~) company,

1 regardless of when the tax is collected by the department. Tax under
2 this chapter is due as provided under RCW 82.14B.061.

3
4 **Sec. 10.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to
5 read as follows:

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

9
10 **Sec. 11.** RCW 82.14B.070 and 1994 c 54 s 1 are each amended to
11 read as follows:

12 In lieu of providing a county-wide system of (~~emergency service~~)
13 enhanced 911 communications, the legislative authority of a county may
14 establish one or more less than county-wide (~~emergency service~~)
15 enhanced 911 communications districts within the county for the
16 purpose of providing and funding (~~emergency service~~) enhanced 911
17 communications systems. An (~~emergency service~~) enhanced 911
18 communications district is a quasi-municipal corporation, shall
19 constitute a body corporate, and shall possess all the usual powers of
20 a corporation for public purposes as well as all other powers that may
21 now or hereafter be specifically conferred by statute, including, but
22 not limited to, the authority to hire employees, staff, and services,
23 to enter into contracts, and to sue and be sued.

24 The county legislative authority shall be the governing body of an
25 (~~emergency service~~) enhanced 911 communications district. The
26 county treasurer shall act as the ex officio treasurer of the
27 (~~emergency services~~) enhanced 911 communications district. The
28 electors of an (~~emergency service~~) enhanced 911 communications
29 district are all registered voters residing within the district.

30 A county legislative authority proposing to consolidate existing
31 (~~emergency service~~) enhanced 911 communications districts shall
32 conduct a hearing at the time and place specified in a notice
33 published at least once, not less than ten days prior to the hearing,
34 in a newspaper of general circulation within the (~~emergency service~~)

1 enhanced 911 communications districts. All hearings shall be public
2 and the county legislative authority shall hear objections from any
3 person affected by the consolidation of the ((~~emergency service~~))
4 enhanced 911 communications districts. Following the hearing, the
5 county legislative authority may consolidate the ((~~emergency service~~))
6 enhanced 911 communications districts, if the county legislative
7 authority finds the action to be in the public interest and adopts a
8 resolution providing for the action. The county legislative authority
9 shall specify the manner in which consolidation is to be accomplished.

10 A county legislative authority proposing to dissolve an existing
11 ((~~emergency service~~)) enhanced 911 communications district shall
12 conduct a hearing at the time and place specified in a notice
13 published at least once, not less than ten days prior to the hearing,
14 in a newspaper of general circulation within the ((~~emergency service~~))
15 enhanced 911 communications district. All hearings shall be public
16 and the county legislative authority shall hear objections from any
17 person affected by the dissolution of the ((~~emergency service~~))
18 enhanced 911 communications district. Following the hearing, the
19 county legislative authority may dissolve the ((~~emergency service~~))
20 enhanced 911 communications district, if the county legislative
21 authority finds the action to be in the public interest and adopts a
22 resolution providing for the action. The county legislative authority
23 shall specify the manner in which dissolution is to be accomplished
24 and shall supervise the liquidation of any assets and the satisfaction
25 of any outstanding indebtedness.

26
27 **Sec. 12.** RCW 82.14B.090 and 1991 c 54 s 13 are each amended to
28 read as follows:

29 An ((~~emergency service~~)) enhanced 911 communications district is
30 authorized to finance and provide an ((~~emergency service~~)) enhanced
31 911 communications system and to finance the system by imposing the
32 excise tax authorized in RCW 82.14B.030.

33
34

1 **Sec. 13.** RCW 82.14B.150 and 2004 c 153 s 309 are each amended to
2 read as follows:

3 (1) A local exchange company (~~(or)~~), radio communications service
4 company, or interconnected voice over internet protocol service
5 company shall file tax returns on a cash receipts or accrual basis
6 according to which method of accounting is regularly employed in
7 keeping the books of the company. A (~~local exchange company or radio~~
8 ~~communications service~~) company filing returns on a cash receipts
9 basis is not required to pay tax on debt subject to credit or refund
10 under subsection (2) of this section.

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

17

18 **Sec. 14.** RCW 82.14B.200 and 2002 c 341 s 12 are each amended to
19 read as follows:

20 (1) Unless a local exchange company (~~(or a)~~), radio communications
21 service company, or interconnected voice over internet protocol
22 service company has taken from the buyer a resale certificate or
23 equivalent document under RCW 82.04.470, the burden of proving that a
24 sale of the use of a switched access line (~~(or)~~), radio access line,
25 or interconnected voice over internet protocol service line was not a
26 sale to a subscriber is upon the person who made the sale.

27 (2) If a local exchange company (~~(or a)~~), radio communications
28 service company, or interconnected voice over internet protocol
29 service company does not receive a resale certificate at the time of
30 the sale, have a resale certificate on file at the time of the sale,
31 or obtain a resale certificate from the buyer within a reasonable time
32 after the sale, the local exchange company or the radio communications
33 service company remains liable for the tax as provided in RCW
34 82.14B.042, unless the local exchange company (~~(or)~~), the radio

1 communications service company, or the interconnected voice over
2 internet protocol service company can demonstrate facts and
3 circumstances according to rules adopted by the department of revenue
4 that show the sale was properly made without payment of the state or
5 county enhanced 911 excise tax.

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

11
12 **Sec. 15.** RCW 38.52.520 and 1991 c 54 s 4 are each amended to read
13 as follows:

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

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

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

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

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

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

30 (b) Basic and enhanced 911 operational costs.

31
32 **Sec. 16.** RCW 38.52.532 and 2006 c 210 s 2 are each amended to
33 read as follows:

1 On an annual basis, the enhanced 911 advisory committee shall
2 provide an update on the status of enhanced 911 service in the state
3 to the appropriate committees in the legislature. The update must
4 include progress by counties towards creating greater efficiencies in
5 enhanced 911 operations including, but not limited to, regionalization
6 of facilities, centralization of equipment, and statewide purchasing.

7
8 **Sec. 17.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4
9 are each reenacted and amended to read as follows:

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

27 (2) Funds generated by the enhanced 911 excise tax imposed by RCW
28 82.14B.030(3) shall not be distributed to any county that has not
29 imposed the maximum county enhanced 911 excise tax allowed under RCW
30 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed
31 by RCW 82.14B.030(4) shall not be distributed to any county that has
32 not imposed the maximum county enhanced 911 excise tax allowed under
33 RCW 82.14B.030(2).

1 (3) The state enhanced 911 coordinator, with the advice and
2 assistance of the enhanced 911 advisory committee, is authorized to
3 enter into statewide agreements to improve the efficiency of enhanced
4 911 services for all counties and shall specify by rule the additional
5 purposes for which moneys, if available, may be expended from this
6 account.

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

10

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

13 In specifying rules defining the purposes for which available
14 state enhanced 911 moneys may be expended, the state enhanced 911
15 coordinator, with the advice and assistance of the enhanced 911
16 advisory committee, shall consider base needs of individual counties
17 for specific assistance. Priorities for available enhanced 911
18 funding are as follows: (1) To assure that 911 dialing is operational
19 statewide; (2) to assist counties as necessary to assure that they can
20 achieve a basic service level for 911 operations; and (3) to assist
21 counties as practicable to acquire items of a capital nature
22 appropriate to ~~((increasing))~~ modernize systems and increase 911
23 effectiveness.

24

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

27 A telecommunications company, ~~((or))~~ radio communications service
28 company, ~~((providing emergency communications systems or services))~~
29 interconnected voice over internet protocol service company, or a
30 business or individual providing database information to enhanced 911
31 emergency communication ~~((system))~~ service personnel shall not be
32 liable for civil damages caused by an act or omission of the company,
33 business, or individual in the:

34

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

5 (2) Design, development, installation, maintenance, or provision
6 of consolidated 911 or enhanced 911 emergency communication systems or
7 services other than an act or omission constituting gross negligence
8 or wanton or willful misconduct.

9
10 **Sec. 20.** RCW 38.52.561 and 2002 c 341 s 6 are each amended to
11 read as follows:

12 The state enhanced 911 coordinator, with the advice and assistance
13 of the enhanced 911 advisory committee, shall set nondiscriminatory,
14 uniform technical and operational standards consistent with the rules
15 of the federal communications commission for the transmission of 911
16 calls from radio communications service companies and interconnected
17 voice over internet protocol service companies to enhanced 911
18 emergency communications systems. These standards must not exceed the
19 requirements set by the federal communications commission. The
20 authority given to the state enhanced 911 coordinator in this section
21 is limited to setting standards as set forth in this section and does
22 not constitute authority to regulate radio communications service
23 companies or interconnected voice over internet protocol service
24 companies.

25
26 **Sec. 21.** RCW 43.79A.040 and 2008 c 208 s 9, 2008 c 128 s 20, and
27 2008 c 122, s 24 are each reenacted and amended to read as follows:

28 (1) Money in the treasurer's trust fund may be deposited,
29 invested, and reinvested by the state treasurer in accordance with RCW
30 43.84.080 in the same manner and to the same extent as if the money
31 were in the state treasury.

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

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

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

12 (b) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's or fund's
14 average daily balance for the period: The Washington promise
15 scholarship account, the college savings program account, the
16 Washington advanced college tuition payment program account, the
17 agricultural local fund, the American Indian scholarship endowment
18 fund, the foster care scholarship endowment fund, the foster care
19 endowed scholarship trust fund, the students with dependents grant
20 account, the basic health plan self-insurance reserve account, the
21 contract harvesting revolving account, the Washington state combined
22 fund drive account, the commemorative works account, the county
23 enhanced 911 excise tax account, the Washington international exchange
24 scholarship endowment fund, the toll collection account, the
25 developmental disabilities endowment trust fund, the energy account,
26 the fair fund, the family leave insurance account, the food animal
27 veterinarian conditional scholarship account, the fruit and vegetable
28 inspection account, the future teachers conditional scholarship
29 account, the game farm alternative account, the GET ready for math and
30 science scholarship account, the grain inspection revolving fund, the
31 juvenile accountability incentive account, the law enforcement
32 officers' and firefighters' plan 2 expense fund, the local tourism
33 promotion account, the pilotage account, the produce railcar pool
34 account, the regional transportation investment district account, the

1 rural rehabilitation account, the stadium and exhibition center
2 account, the youth athletic facility account, the self-insurance
3 revolving fund, the sulfur dioxide abatement account, the children's
4 trust fund, the Washington horse racing commission Washington bred
5 owners' bonus fund account, the Washington horse racing commission
6 class C purse fund account, the individual development account program
7 account, the Washington horse racing commission operating account
8 (earnings from the Washington horse racing commission operating
9 account must be credited to the Washington horse racing commission
10 class C purse fund account), the life sciences discovery fund, the
11 Washington state heritage center account, and the reading achievement
12 account. However, the earnings to be distributed shall first be
13 reduced by the allocation to the state treasurer's service fund
14 pursuant to RCW 43.08.190.

15 (c) The following accounts and funds shall receive eighty percent
16 of their proportionate share of earnings based upon each account's or
17 fund's average daily balance for the period: The advanced right-of-
18 way revolving fund, the advanced environmental mitigation revolving
19 account, the city and county advance right-of-way revolving fund, the
20 federal narcotics asset forfeitures account, the high occupancy
21 vehicle account, the local rail service assistance account, and the
22 miscellaneous transportation programs account.

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

26
27 **Sec. 22.** RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008
28 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read
29 as follows:

30 (1) Money in the treasurer's trust fund may be deposited,
31 invested, and reinvested by the state treasurer in accordance with RCW
32 43.84.080 in the same manner and to the same extent as if the money
33 were in the state treasury.

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

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

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

15 (b) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's or fund's
17 average daily balance for the period: The Washington promise
18 scholarship account, the college savings program account, the
19 Washington advanced college tuition payment program account, the
20 agricultural local fund, the American Indian scholarship endowment
21 fund, the foster care scholarship endowment fund, the foster care
22 endowed scholarship trust fund, the students with dependents grant
23 account, the basic health plan self-insurance reserve account, the
24 contract harvesting revolving account, the Washington state combined
25 fund drive account, the commemorative works account, the county
26 enhanced 911 excise tax account, the Washington international exchange
27 scholarship endowment fund, the toll collection account, the
28 developmental disabilities endowment trust fund, the energy account,
29 the fair fund, the family leave insurance account, the food animal
30 veterinarian conditional scholarship account, the fruit and vegetable
31 inspection account, the future teachers conditional scholarship
32 account, the game farm alternative account, the GET ready for math and
33 science scholarship account, the grain inspection revolving fund, the
34 juvenile accountability incentive account, the law enforcement

1 officers' and firefighters' plan 2 expense fund, the local tourism
2 promotion account, the pilotage account, the produce railcar pool
3 account, the regional transportation investment district account, the
4 rural rehabilitation account, the stadium and exhibition center
5 account, the youth athletic facility account, the self-insurance
6 revolving fund, the sulfur dioxide abatement account, the children's
7 trust fund, the Washington horse racing commission Washington bred
8 owners' bonus fund account, the Washington horse racing commission
9 class C purse fund account, the individual development account program
10 account, the Washington horse racing commission operating account
11 (earnings from the Washington horse racing commission operating
12 account must be credited to the Washington horse racing commission
13 class C purse fund account), the life sciences discovery fund, the
14 Washington state heritage center account, the reduced cigarette
15 ignition propensity account, and the reading achievement account.
16 However, the earnings to be distributed shall first be reduced by the
17 allocation to the state treasurer's service fund pursuant to RCW
18 43.08.190.

19 (c) The following accounts and funds shall receive eighty percent
20 of their proportionate share of earnings based upon each account's or
21 fund's average daily balance for the period: The advanced right-of-
22 way revolving fund, the advanced environmental mitigation revolving
23 account, the city and county advance right-of-way revolving fund, the
24 federal narcotics asset forfeitures account, the high occupancy
25 vehicle account, the local rail service assistance account, and the
26 miscellaneous transportation programs account.

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

30
31 NEW SECTION. **Sec. 23.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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

3
4 NEW SECTION. **Sec. 25.** Sections 1 through 3, 5, 8 through 20, 23,
5 and 24 of this act take effect January 1, 2010.

6
7 NEW SECTION. **Sec. 26.** Section 22 of this act takes effect August
8 1, 2009.

9
10 NEW SECTION. **Sec. 27.** Section 21 of this act expires August 1,
11 2009."

12 Correct the title.

13
14
15

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.

--- END ---