
SECOND SUBSTITUTE HOUSE BILL 2029

State of Washington

61st Legislature

2009 Regular Session

By House Finance (originally sponsored by Representatives Ericks, Morris, McCoy, Ormsby, Hudgins, Hunt, Takko, Springer, Van De Wege, Conway, Eddy, Hasegawa, Finn, Dunshee, Haigh, Kenney, Kessler, Morrell, and Goodman)

READ FIRST TIME 03/11/09.

1 AN ACT Relating to enhanced 911 emergency communications service;
2 amending RCW 38.52.510, 38.52.520, 38.52.532, 38.52.545, 38.52.550,
3 38.52.561, 43.20A.725, and 80.36.430; reenacting and amending RCW
4 38.52.540, 43.84.092, 43.79A.040, and 43.79A.040; adding new sections
5 to chapter 38.52 RCW; creating new sections; repealing RCW 82.14B.010,
6 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061,
7 82.14B.070, 82.14B.090, 82.14B.100, 82.14B.150, 82.14B.160, 82.14B.200,
8 and 82.14B.210; prescribing penalties; and providing an effective date.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52 RCW
11 to read as follows:

12 The legislature finds that the state and counties should be
13 provided with an additional revenue source to fund enhanced 911
14 emergency communication systems throughout the state on a multicounty,
15 county-wide, or district-wide basis. The legislature further finds
16 that the most efficient and appropriate method of deriving additional
17 revenue for this purpose is to charge a service fee on the use of
18 switched access lines, radio access lines, and interconnected voice
19 over internet protocol service lines.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52 RCW
2 to read as follows:

3 As used in this chapter:

4 (1) "Emergency services communication system" means a multicounty,
5 countywide, or districtwide radio or landline communications network,
6 including an enhanced 911 telephone system, which provides rapid public
7 access for coordinated dispatching of services, personnel, equipment,
8 and facilities for police, fire, medical, or other emergency services.

9 (2) "Enhanced 911 telephone system" means a public telephone system
10 consisting of a network, database, and on-premises equipment that is
11 accessed by dialing 911 and that enables reporting police, fire,
12 medical, or other emergency situations to a public safety answering
13 point. The system includes the capability to selectively route
14 incoming 911 calls to the appropriate public safety answering point
15 that operates in a defined 911 service area and the capability to
16 automatically display the name, address, and telephone number of
17 incoming 911 calls at the appropriate public safety answering point.

18 (3) "Interconnected voice over internet protocol service" has the
19 same meaning as provided by the federal communications commission in 47
20 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by
21 the department.

22 (4) "Interconnected voice over internet protocol service line"
23 means an interconnected voice over internet protocol service that
24 offers an active telephone number or successor dialing protocol
25 assigned by a voice over internet protocol provider to a voice over
26 internet protocol service customer that has inbound and outbound
27 calling capability, which can directly access a public safety answering
28 point when such a voice over internet protocol service customer has a
29 place of primary use in the state.

30 (5) "Switched access line" means the telephone service line which
31 connects a subscriber's main telephone(s) or equivalent main
32 telephone(s) to the local exchange company's switching office.

33 (6) "Local exchange company" has the meaning ascribed to it in RCW
34 80.04.010.

35 (7) "Radio access line" means the telephone number assigned to or
36 used by a subscriber for two-way local wireless voice service available
37 to the public for hire from a radio communications service company.
38 Radio access lines include, but are not limited to, radio-telephone

1 communications lines used in cellular telephone service, personal
2 communications services, and network radio access lines, or their
3 functional and competitive equivalent. Radio access lines do not
4 include lines that provide access to one-way signaling service, such as
5 paging service, or to communications channels suitable only for data
6 transmission, or to nonlocal radio access line service, such as
7 wireless roaming service, or to a private telecommunications system.

8 (8) "Radio communications service company" has the meaning ascribed
9 to it in RCW 80.04.010, except that it does not include radio paging
10 providers. It does include those persons or entities that provide
11 commercial mobile radio services, as defined by Title 47 U.S.C. Sec.
12 332(d)(1), and both facilities-based and nonfacilities-based resellers.

13 (9) "Private telecommunications system" has the meaning ascribed to
14 it in RCW 80.04.010.

15 (10) "Subscriber" means the retail purchaser of telephone service
16 as telephone service is defined in RCW 82.16.010, or the retail
17 purchaser of interconnected voice over internet protocol service.

18 (11) "Place of primary use" has the meaning ascribed to it in RCW
19 82.04.065.

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

22 (1) Beginning January 1, 2010, the legislative authority of a
23 county may charge a county enhanced 911 service fee on the use of
24 switched access lines in an amount not exceeding seventy cents per
25 month for each switched access line. The amount of the service fee
26 must be uniform for each switched access line. Each county must
27 provide notice of the service fee to all local exchange companies
28 serving in the county at least sixty days in advance of the date on
29 which the first payment is due.

30 (2) Beginning January 1, 2010, the legislative authority of a
31 county may also charge a county enhanced 911 service fee on the use of
32 radio access lines whose place of primary use is located within the
33 county in an amount not exceeding seventy cents per month for each
34 radio access line. The amount of the service fee must be uniform for
35 each radio access line. The county must provide notice of the service
36 fee to all radio communications service companies serving in the county
37 at least sixty days in advance of the date on which the first payment

1 is due. Any county imposing this service fee must include in its
2 ordinance a refund mechanism whereby the amount of any service fee
3 ordered to be refunded by the judgment of a court of record, or as a
4 result of the resolution of any appeal therefrom, must be refunded to
5 the radio communications service company or local exchange company that
6 collected the service fee, and those companies must reimburse the
7 subscribers who paid the service fee. The ordinance must further
8 provide that to the extent the subscribers who paid the service fee
9 cannot be identified or located, the service fee paid by those
10 subscribers shall be returned to the county.

11 (3) Beginning January 1, 2010, the legislative authority of a
12 county may charge a county enhanced 911 service fee on the use of
13 interconnected voice over internet protocol service lines in an amount
14 not exceeding seventy cents per month for each interconnected voice
15 over internet protocol service line. The amount of the service fee
16 must be uniform for each line and must be levied on no more than the
17 number of voice over internet protocol service lines on an account that
18 are capable of simultaneous unrestricted outward calling to the public
19 switched telephone network. Each county must provide notice of the
20 service fee to all voice over internet protocol service companies
21 serving in the county at least sixty days in advance of the date on
22 which the first payment is due.

23 (4) Counties charging a county enhanced 911 service fee must
24 provide an annual update to the enhanced 911 coordinator detailing the
25 proportion of their county enhanced 911 service fee that is being spent
26 on:

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

29 (5) Beginning January 1, 2010, a state enhanced 911 service fee is
30 charged on all switched access lines in the state. The amount of
31 service fee may not exceed twenty-five cents per month for each
32 switched access line. The service fee must be uniform for each
33 switched access line. The service fee charged under this subsection
34 must be remitted to the department of revenue by local exchange
35 companies on a service fee return provided by the department. Service
36 fee proceeds must be deposited by the treasurer in the enhanced 911
37 account created in RCW 38.52.540.

1 (6) Beginning January 1, 2010, a state enhanced 911 excise service
2 fee is charged on all radio access lines whose place of primary use is
3 located within the state in an amount of twenty-five cents per month
4 for each radio access line. The service fee must be uniform for each
5 radio access line. The service fee charged under this subsection must
6 be remitted to the department of revenue by radio communications
7 service companies, including those companies that resell radio access
8 lines, on a service fee return provided by the department. Service fee
9 proceeds must be deposited by the treasurer in the enhanced 911 account
10 created in RCW 38.52.540. The service fee charged under this section
11 is not subject to the state sales and use tax or any local tax.

12 (7) Beginning January 1, 2010, a state enhanced 911 service fee is
13 charged on all interconnected voice over internet protocol service
14 lines in the state. The amount of service fee may not exceed twenty-
15 five cents per month for each interconnected voice over internet
16 protocol service line. The amount of service fee must be uniform for
17 each line and may be levied on no more than the number of voice over
18 internet protocol service lines on an account that are capable of
19 simultaneous unrestricted outward calling to the public switched
20 telephone network. The service fee charged under this subsection must
21 be remitted to the department of revenue by interconnected voice over
22 internet protocol service companies on a service fee return provided by
23 the department. Service fee proceeds must be deposited by the
24 treasurer in the enhanced 911 account created in RCW 38.52.540.

25 (8) By August 31st of each year the state enhanced 911 coordinator
26 must recommend the level for the next year of the state enhanced 911
27 service fee charged under subsection (5) of this section, based on a
28 systematic cost and revenue analysis, to the utilities and
29 transportation commission. The commission must by the following
30 October 31st determine the level of the state enhanced 911 service fee
31 for the following year.

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

34 The state enhanced 911 service fee and the county enhanced 911
35 service fee on switched access lines must be collected from the
36 subscriber by the local exchange company providing the switched access
37 line. The state enhanced 911 service fee and the county 911 service

1 fee on radio access lines must be collected from the subscriber by the
2 radio communications service company providing the radio access line to
3 the subscriber. The state enhanced 911 service fee and the county 911
4 service fee on interconnected voice over internet protocol service
5 lines must be collected from the subscriber by the interconnected voice
6 over internet protocol service company providing the interconnected
7 voice over internet protocol service line to the subscriber. The
8 amount of the service fee must be stated separately on the billing
9 statement that is sent to the subscriber.

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

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

30 (2) If any local exchange company, radio communications service
31 company, or interconnected voice over internet protocol service company
32 fails to collect the state or county enhanced 911 service fee or, after
33 collecting the service fee, fails to pay it to the department in the
34 manner prescribed by this chapter, whether such failure is the result
35 of its own act or the result of acts or conditions beyond its control,
36 the company is personally liable to the state for the amount of the

1 service fee, unless the company has taken from the buyer in good faith
2 a properly executed resale certificate under section 15 of this act.

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

19 (4) If a subscriber has failed to pay to the local exchange
20 company, the radio communications service company, or the
21 interconnected voice over internet protocol service company the state
22 or county enhanced 911 service fees charged under this chapter, the
23 company is not liable for a subscriber's failure to pay the state
24 enhanced 911 service fee. The department may, in its discretion,
25 proceed directly against the subscriber for collection of the service
26 fee, in which case a penalty of ten percent may be added to the amount
27 of the service fee for failure of the subscriber to pay the service fee
28 to the company, regardless of when the service fee is collected by the
29 department.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 38.52 RCW
31 to read as follows:

32 The proceeds of any enhanced 911 service fee collected under this
33 chapter must be used by the county only for the emergency services
34 communication system.

35 NEW SECTION. **Sec. 7.** (1) Counties imposing the enhanced 911
36 service fee authorized under section 3 of this act must contract with

1 the department for the administration and collection of the enhanced
2 911 service fee prior to the effective date of a resolution or
3 ordinance imposing the enhanced 911 service fee. The department may
4 deduct a percentage amount, as provided by contract, of no more than
5 two percent of the enhanced 911 service fees collected to cover
6 administration and collection expenses incurred by the department. If
7 a county imposes an enhanced 911 service fee with an effective date of
8 January 1, 2010, the county must contract with the department for the
9 administration and collection of the fee by November 1, 2009.

10 (2) The remainder of any portion of the county enhanced 911 service
11 fees authorized by section 3 of this act that is collected by the
12 department must be deposited in the county enhanced 911 service fee
13 account hereby created in the custody of the state treasurer.
14 Expenditures from the account may be used only for distribution to
15 counties imposing the enhanced 911 service fee. Only the state
16 treasurer or his or her designee may authorize expenditures from the
17 account. The account is not subject to allotment procedures under
18 chapter 43.88 RCW, and an appropriation is not required for
19 expenditures.

20 NEW SECTION. **Sec. 8.** (1) All moneys that accrue in the county
21 enhanced 911 service fee account must be distributed monthly by the
22 state treasurer to the counties in the amount of the fees collected on
23 behalf of each county, minus the administration and collection fee
24 retained by the department as provided in section 7 of this act.

25 (2) If a county imposes by resolution or ordinance an enhanced 911
26 service fee that is in excess of the maximum allowable county enhanced
27 911 service fee provided in section 7 of this act, the ordinance or
28 resolution may not be considered void in its entirety, but only with
29 respect to that portion of the enhanced 911 service fee that is in
30 excess of the maximum allowable fee.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.52 RCW
32 to read as follows:

33 The department of revenue may adopt any administrative rules
34 necessary to enforce and administer the state enhanced 911 service fees
35 imposed by this chapter.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 38.52 RCW
2 to read as follows:

3 In lieu of providing a county-wide system of emergency service
4 communication, the legislative authority of a county may establish one
5 or more less than county-wide emergency service communication districts
6 within the county for the purpose of providing and funding emergency
7 service communication systems. An emergency service communication
8 district is a quasi-municipal corporation, shall constitute a body
9 corporate, and shall possess all the usual powers of a corporation for
10 public purposes as well as all other powers that may now or hereafter
11 be specifically conferred by statute, including, but not limited to,
12 the authority to hire employees, staff, and services, to enter into
13 contracts, and to sue and be sued.

14 The county legislative authority shall be the governing body of an
15 emergency service communication district. The county treasurer shall
16 act as the ex officio treasurer of the emergency services communication
17 district. The electors of an emergency service communication district
18 are all registered voters residing within the district.

19 A county legislative authority proposing to consolidate existing
20 emergency service communication districts shall conduct a hearing at
21 the time and place specified in a notice published at least once, not
22 less than ten days prior to the hearing, in a newspaper of general
23 circulation within the emergency service communication districts. All
24 hearings shall be public and the county legislative authority shall
25 hear objections from any person affected by the consolidation of the
26 emergency service communication districts. Following the hearing, the
27 county legislative authority may consolidate the emergency service
28 communication districts, if the county legislative authority finds the
29 action to be in the public interest and adopts a resolution providing
30 for the action. The county legislative authority shall specify the
31 manner in which consolidation is to be accomplished.

32 A county legislative authority proposing to dissolve an existing
33 emergency service communication district shall conduct a hearing at the
34 time and place specified in a notice published at least once, not less
35 than ten days prior to the hearing, in a newspaper of general
36 circulation within the emergency service communication district. All
37 hearings shall be public and the county legislative authority shall
38 hear objections from any person affected by the dissolution of the

1 emergency service communication district. Following the hearing, the
2 county legislative authority may dissolve the emergency service
3 communication district, if the county legislative authority finds the
4 action to be in the public interest and adopts a resolution providing
5 for the action. The county legislative authority shall specify the
6 manner in which dissolution is to be accomplished and shall supervise
7 the liquidation of any assets and the satisfaction of any outstanding
8 indebtedness.

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 38.52 RCW
10 to read as follows:

11 An emergency service communication district is authorized to
12 finance and provide an emergency service communication system and to
13 finance the system by charging the service fee authorized in section 3
14 of this act.

15 NEW SECTION. **Sec. 12.** A new section is added to chapter 38.52 RCW
16 to read as follows:

17 Sections 4 through 7 of this act apply to any emergency service
18 communication district established under sections 10 and 11 of this
19 act.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 38.52 RCW
21 to read as follows:

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

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

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 38.52 RCW
2 to read as follows:

3 The enhanced 911 service fees charged under this chapter do not
4 apply to any activity that the state or county is prohibited from
5 taxing under the Constitution of this state or the Constitution or laws
6 of the United States.

7 NEW SECTION. **Sec. 15.** A new section is added to chapter 38.52 RCW
8 to read as follows:

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

16 (2) If a local exchange company, a radio communications service
17 company, or interconnected voice over internet protocol service company
18 does not receive a resale certificate at the time of the sale, have a
19 resale certificate on file at the time of the sale, or obtain a resale
20 certificate from the buyer within a reasonable time after the sale, the
21 local exchange company or the radio communications service company
22 remains liable for the service fee as provided in section 5 of this
23 act, unless the local exchange company, the radio communications
24 service company, or the interconnected voice over internet protocol
25 service company can demonstrate facts and circumstances according to
26 rules adopted by the department of revenue that show the sale was
27 properly made without payment of the state enhanced 911 service fee.

28 (3) The penalty imposed by RCW 82.32.291 may not be assessed on
29 state enhanced 911 service fees due but not paid as a result of the
30 improper use of a resale certificate. This subsection does not
31 prohibit or restrict the application of other penalties authorized by
32 law.

33 NEW SECTION. **Sec. 16.** A new section is added to chapter 38.52 RCW
34 to read as follows:

35 (1) Upon termination, dissolution, or abandonment of a corporate or
36 limited liability company business, any officer, member, manager, or

1 other person having control or supervision of state enhanced 911
2 service fee funds collected and held in trust under section 5 of this
3 act, or who is charged with the responsibility for the filing of
4 returns or the payment of state enhanced 911 service fee funds
5 collected and held in trust under section 5 of this act, is personally
6 liable for any unpaid service fees and interest and penalties on those
7 service fees, if such officer or other person willfully fails to pay or
8 to cause to be paid any state enhanced 911 service fees due from the
9 corporation under this chapter. For the purposes of this section, any
10 state enhanced 911 service fees that have been paid but not collected
11 are deductible from the state enhanced 911 service fees collected but
12 not paid. For purposes of this subsection "willfully fails to pay or
13 to cause to be paid" means that the failure was the result of an
14 intentional, conscious, and voluntary course of action.

15 (2) The officer, member, manager, or other person is liable only
16 for service fees collected that became due during the period he or she
17 had the control, supervision, responsibility, or duty to act for the
18 corporation described in subsection (1) of this section, plus interest
19 and penalties on those service fees.

20 (3) Persons liable under subsection (1) of this section are exempt
21 from liability if nonpayment of the state enhanced 911 service fee
22 funds held in trust is due to reasons beyond their control as
23 determined by the department by rule.

24 (4) Any person having been issued a notice of assessment under this
25 section is entitled to the appeal procedures under RCW 82.32.160
26 through 82.32.200.

27 (5) This section applies only if the department has determined that
28 there is no reasonable means of collecting the state enhanced 911
29 service fee funds held in trust directly from the corporation.

30 (6) This section does not relieve the corporation or limited
31 liability company of other service fee liabilities or otherwise impair
32 other service fee collection remedies afforded by law.

33 (7) Collection authority and procedures prescribed in chapter 82.32
34 RCW apply to collections under this section.

35 NEW SECTION. **Sec. 17.** A county legislative authority must
36 establish by ordinance all necessary and appropriate procedures for the
37 acceptance of the county enhanced 911 service fees by the department.

1 **Sec. 18.** RCW 38.52.510 and 1991 c 54 s 3 are each amended to read
2 as follows:

3 By December 31, 1998, each county, singly or in combination with
4 adjacent counties, shall implement district-wide, county-wide, or
5 multicounty-wide enhanced 911 emergency communications systems so that
6 enhanced 911 is available throughout the state. The county shall
7 provide funding for the enhanced 911 communication system in the county
8 or district in an amount equal to the amount the maximum (~~tax under~~
9 ~~RCW 82.14B.030(1)~~) service fee under section 3(1) of this act would
10 generate in the county or district or the amount necessary to provide
11 full funding of the system in the county or district, whichever is
12 less. The state enhanced 911 coordination office established by RCW
13 38.52.520 shall assist and facilitate enhanced 911 implementation
14 throughout the state.

15 **Sec. 19.** RCW 38.52.520 and 1991 c 54 s 4 are each amended to read
16 as follows:

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

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

22 (2) Seeking advice and assistance from, and providing staff support
23 for, the enhanced 911 advisory committee; (~~and~~)

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

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

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

33 (b) Basic and enhanced 911 operational costs.

34 **Sec. 20.** RCW 38.52.532 and 2006 c 210 s 2 are each amended to read
35 as follows:

36 On an annual basis, the enhanced 911 advisory committee (~~shall~~)

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

7 **Sec. 21.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are
8 each reenacted and amended to read as follows:

9 (1) The enhanced 911 account is created in the state treasury. All
10 receipts from the state enhanced 911 (~~(excise taxes imposed by RCW~~
11 ~~82.14B.030 shall)) service fees charged under section 3 of this act
12 must be deposited into the account. Moneys in the account (~~shall~~)
13 may be used only to support the statewide coordination and management
14 of the enhanced 911 system, for the implementation of wireless enhanced
15 911 statewide, for the modernization of enhanced 911 systems statewide,
16 and to help supplement, within available funds, the operational costs
17 of the system, including adequate funding of counties to enable
18 implementation of wireless enhanced 911 service and reimbursement of
19 radio communications service companies for costs incurred in providing
20 wireless enhanced 911 service pursuant to negotiated contracts between
21 the counties or their agents and the radio communications service
22 companies.~~

23 (2) Funds generated by the enhanced 911 (~~(excise tax imposed by RCW~~
24 ~~82.14B.030(3) shall)) service fees charged under section 3(5) of this
25 act may not be distributed to any county that has not imposed the
26 maximum county enhanced 911 (~~tax~~) service fee allowed under (~~RCW~~
27 ~~82.14B.030(1)) section 3(1) of this act. Funds generated by the
28 enhanced 911 (~~(excise tax imposed by RCW 82.14B.030(4) shall)) service
29 fee charged under section 3(6) of this act may not be distributed to
30 any county that has not imposed the maximum county enhanced 911 (~~tax~~)
31 service fee allowed under (~~RCW 82.14B.030(2)) section 3(2) of this
32 act.~~~~~~~~

33 (3) The state enhanced 911 coordinator, with the advice and
34 assistance of the enhanced 911 advisory committee, is authorized to
35 enter into statewide agreements to improve the efficiency of enhanced
36 911 services for all counties and (~~shall~~) must specify by rule the

1 additional purposes for which moneys, if available, may be expended
2 from this account.

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

6 **Sec. 22.** RCW 38.52.545 and 2001 c 128 s 3 are each amended to read
7 as follows:

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

19 **Sec. 23.** RCW 38.52.550 and 2002 c 341 s 5 are each amended to read
20 as follows:

21 A telecommunications company, ~~((or))~~ radio communications service
22 company, ~~((providing emergency communications systems or services))~~ or
23 interconnected voice over internet protocol provider, or a business or
24 individual providing database information to enhanced 911 emergency
25 communication ~~((system))~~ service personnel ~~((shall))~~ is not ~~((be))~~
26 liable for civil damages caused by an act or omission of the company,
27 business, or individual in the:

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

32 (2) Design, development, installation, maintenance, or provision of
33 consolidated 911 or enhanced 911 emergency communication systems or
34 services other than an act or omission constituting gross negligence or
35 wanton or willful misconduct.

1 **Sec. 24.** RCW 38.52.561 and 2002 c 341 s 6 are each amended to read
2 as follows:

3 The state enhanced 911 coordinator, with the advice and assistance
4 of the enhanced 911 advisory committee, (~~shall~~) must set
5 nondiscriminatory, uniform technical and operational standards
6 consistent with the rules of the federal communications commission for
7 the transmission of 911 calls from radio communications service
8 companies or interconnected voice over internet protocol service
9 companies to enhanced 911 emergency communications systems. These
10 standards must not exceed the requirements set by the federal
11 communications commission. The authority given to the state enhanced
12 911 coordinator in this section is limited to setting standards as set
13 forth in this section and does not constitute authority to regulate
14 radio communications service companies or interconnected voice over
15 internet protocol service companies.

16 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
17 each repealed:

- 18 (1) RCW 82.14B.010 (Findings) and 1991 c 54 s 9 & 1981 c 160 s 1;
- 19 (2) RCW 82.14B.020 (Definitions) and 2007 c 54 s 16, 2007 c 6 s
20 1009, 2002 c 341 s 7, 1998 c 304 s 2, 1994 c 96 s 2, 1991 c 54 s 10, &
21 1981 c 160 s 2;
- 22 (3) RCW 82.14B.030 (County enhanced 911 excise tax on use of
23 switched access lines and radio access lines authorized--Amount--State
24 enhanced 911 excise tax--Amount) and 2007 c 54 s 17 & 2007 c 6 s 1024;
- 25 (4) RCW 82.14B.040 (Collection of tax) and 2002 c 341 s 9, 1998 c
26 304 s 4, 1994 c 96 s 4, 1991 c 54 s 12, & 1981 c 160 s 4;
- 27 (5) RCW 82.14B.042 (Payment and collection of taxes--Penalties for
28 violations) and 2002 c 341 s 10, 2000 c 106 s 2, & 1998 c 304 s 9;
- 29 (6) RCW 82.14B.050 (Use of proceeds) and 1981 c 160 s 5;
- 30 (7) RCW 82.14B.060 (Administration and collection by county--
31 Ordinance) and 1998 c 304 s 5 & 1981 c 160 s 6;
- 32 (8) RCW 82.14B.061 (Administration by department--Extending
33 reporting periods) and 2002 c 341 s 11, 2000 c 106 s 3, & 1998 c 304 s
34 6;
- 35 (9) RCW 82.14B.070 (Emergency service communication districts--
36 Authorized--Consolidation--Dissolution) and 1994 c 54 s 1 & 1987 c 17
37 s 1;

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

4 (11) RCW 82.14B.100 (Emergency service communication districts--
5 Application of RCW 82.14B.040 through 82.14B.060) and 1991 c 54 s 14 &
6 1987 c 17 s 4;

7 (12) RCW 82.14B.150 (Filing of tax returns--Credit or refund for
8 bad debts) and 2004 c 153 s 309 & 1998 c 304 s 7;

9 (13) RCW 82.14B.160 (Exemption--Activities immune from taxation
10 under constitutions) and 1998 c 304 s 8;

11 (14) RCW 82.14B.200 (Burden of proof that sale is not to
12 subscriber--Effect of resale certificate--Liability if no retail
13 certificate--Penalties--Exceptions) and 2002 c 341 s 12 & 1998 c 304 s
14 10;

15 (15) RCW 82.14B.210 (Personal liability upon termination,
16 dissolution, or abandonment of business--Exemptions--Notice--
17 Applicability--Collections) and 1998 c 304 s 11; and

18 (16) RCW 82.14B.900 (Severability--1981 c 160) and 1981 c 160 s 7.

19 NEW SECTION. **Sec. 26.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 27.** Section 25 of this act takes effect January
24 1, 2010.

25 NEW SECTION. **Sec. 28.** The repeals in section 25 of this act do
26 not affect any existing right acquired or liability or obligation
27 incurred under the statutes repealed or under any rule or order adopted
28 under those statutes, nor do they affect any proceeding instituted
29 under them.

30 **Sec. 29.** RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are
31 each reenacted and amended to read as follows:

32 (1) All earnings of investments of surplus balances in the state
33 treasury shall be deposited to the treasury income account, which
34 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or receive
2 funds associated with federal programs as required by the federal cash
3 management improvement act of 1990. The treasury income account is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required for refunds or allocations of interest earnings required by
6 the cash management improvement act. Refunds of interest to the
7 federal treasury required under the cash management improvement act
8 fall under RCW 43.88.180 and shall not require appropriation. The
9 office of financial management shall determine the amounts due to or
10 from the federal government pursuant to the cash management improvement
11 act. The office of financial management may direct transfers of funds
12 between accounts as deemed necessary to implement the provisions of the
13 cash management improvement act, and this subsection. Refunds or
14 allocations shall occur prior to the distributions of earnings set
15 forth in subsection (4) of this section.

16 (3) Except for the provisions of RCW 43.84.160, the treasury income
17 account may be utilized for the payment of purchased banking services
18 on behalf of treasury funds including, but not limited to, depository,
19 safekeeping, and disbursement functions for the state treasury and
20 affected state agencies. The treasury income account is subject in all
21 respects to chapter 43.88 RCW, but no appropriation is required for
22 payments to financial institutions. Payments shall occur prior to
23 distribution of earnings set forth in subsection (4) of this section.

24 (4) Monthly, the state treasurer shall distribute the earnings
25 credited to the treasury income account. The state treasurer shall
26 credit the general fund with all the earnings credited to the treasury
27 income account except:

28 The following accounts and funds shall receive their proportionate
29 share of earnings based upon each account's and fund's average daily
30 balance for the period: The aeronautics account, the aircraft search
31 and rescue account, the budget stabilization account, the capitol
32 building construction account, the Cedar River channel construction and
33 operation account, the Central Washington University capital projects
34 account, the charitable, educational, penal and reformatory
35 institutions account, the cleanup settlement account, the Columbia
36 river basin water supply development account, the common school
37 construction fund, the county arterial preservation account, the county
38 criminal justice assistance account, the county sales and use tax

1 equalization account, the data processing building construction
2 account, the deferred compensation administrative account, the deferred
3 compensation principal account, the department of licensing services
4 account, the department of retirement systems expense account, the
5 developmental disabilities community trust account, the drinking water
6 assistance account, the drinking water assistance administrative
7 account, the drinking water assistance repayment account, the Eastern
8 Washington University capital projects account, the education
9 construction fund, the education legacy trust account, the election
10 account, the energy freedom account, the enhanced 911 account, the
11 essential rail assistance account, The Evergreen State College capital
12 projects account, the federal forest revolving account, the ferry bond
13 retirement fund, the freight congestion relief account, the freight
14 mobility investment account, the freight mobility multimodal account,
15 the grade crossing protective fund, the health services account, the
16 public health services account, the health system capacity account, the
17 personal health services account, the high capacity transportation
18 account, the state higher education construction account, the higher
19 education construction account, the highway bond retirement fund, the
20 highway infrastructure account, the highway safety account, the high
21 occupancy toll lanes operations account, the industrial insurance
22 premium refund account, the judges' retirement account, the judicial
23 retirement administrative account, the judicial retirement principal
24 account, the local leasehold excise tax account, the local real estate
25 excise tax account, the local sales and use tax account, the medical
26 aid account, the mobile home park relocation fund, the motor vehicle
27 fund, the motorcycle safety education account, the multimodal
28 transportation account, the municipal criminal justice assistance
29 account, the municipal sales and use tax equalization account, the
30 natural resources deposit account, the oyster reserve land account, the
31 pension funding stabilization account, the perpetual surveillance and
32 maintenance account, the public employees' retirement system plan 1
33 account, the public employees' retirement system combined plan 2 and
34 plan 3 account, the public facilities construction loan revolving
35 account beginning July 1, 2004, the public health supplemental account,
36 the public transportation systems account, the public works assistance
37 account, the Puget Sound capital construction account, the Puget Sound
38 ferry operations account, the Puyallup tribal settlement account, the

1 real estate appraiser commission account, the recreational vehicle
2 account, the regional mobility grant program account, the resource
3 management cost account, the rural arterial trust account, the rural
4 Washington loan fund, the safety and education account, the site
5 closure account, the small city pavement and sidewalk account, the
6 special category C account, the special wildlife account, the state
7 employees' insurance account, the state employees' insurance reserve
8 account, the state investment board expense account, the state
9 investment board commingled trust fund accounts, the state patrol
10 highway account, the supplemental pension account, the Tacoma Narrows
11 toll bridge account, the teachers' retirement system plan 1 account,
12 the teachers' retirement system combined plan 2 and plan 3 account, the
13 tobacco prevention and control account, the tobacco settlement account,
14 the transportation 2003 account (nickel account), the transportation
15 equipment fund, the transportation fund, the transportation improvement
16 account, the transportation improvement board bond retirement account,
17 the transportation infrastructure account, the transportation
18 partnership account, the traumatic brain injury account, the tuition
19 recovery trust fund, the University of Washington bond retirement fund,
20 the University of Washington building account, the urban arterial trust
21 account, the volunteer firefighters' and reserve officers' relief and
22 pension principal fund, the volunteer firefighters' and reserve
23 officers' administrative fund, the Washington fruit express account,
24 the Washington judicial retirement system account, the Washington law
25 enforcement officers' and firefighters' system plan 1 retirement
26 account, the Washington law enforcement officers' and firefighters'
27 system plan 2 retirement account, the Washington public safety
28 employees' plan 2 retirement account, the Washington school employees'
29 retirement system combined plan 2 and 3 account, the Washington state
30 health insurance pool account, the Washington state patrol retirement
31 account, the Washington State University building account, the
32 Washington State University bond retirement fund, the water pollution
33 control revolving fund, and the Western Washington University capital
34 projects account. Earnings derived from investing balances of the
35 agricultural permanent fund, the normal school permanent fund, the
36 permanent common school fund, the scientific permanent fund, and the
37 state university permanent fund shall be allocated to their respective

1 beneficiary accounts. All earnings to be distributed under this
2 subsection (4)(a) shall first be reduced by the allocation to the state
3 treasurer's service fund pursuant to RCW 43.08.190.

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

7 **Sec. 30.** RCW 43.79A.040 and 2008 c 208 s 9, 2008 c 128 s 20, and
8 2008 c 122 s 24 are each reenacted and amended to read 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 service fee 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, and the reading achievement account.
24 However, the earnings to be distributed shall first be reduced by the
25 allocation to the state treasurer's service fund pursuant to RCW
26 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 **Sec. 31.** RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008
2 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read
3 as follows:

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

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

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

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

22 (b) The following accounts and funds shall receive their
23 proportionate share of earnings based upon each account's or fund's
24 average daily balance for the period: The Washington promise
25 scholarship account, the college savings program account, the
26 Washington advanced college tuition payment program account, the
27 agricultural local fund, the American Indian scholarship endowment
28 fund, the foster care scholarship endowment fund, the foster care
29 endowed scholarship trust fund, the students with dependents grant
30 account, the basic health plan self-insurance reserve account, the
31 contract harvesting revolving account, the Washington state combined
32 fund drive account, the commemorative works account, the county
33 enhanced 911 service fee account, the Washington international exchange
34 scholarship endowment fund, the toll collection account, the
35 developmental disabilities endowment trust fund, the energy account,
36 the fair fund, the family leave insurance account, the food animal
37 veterinarian conditional scholarship account, the fruit and vegetable
38 inspection account, the future teachers conditional scholarship

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

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

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

32 **Sec. 32.** RCW 43.20A.725 and 2004 c 254 s 1 are each amended to
33 read as follows:

34 (1) The department, through the sole authority of the office or its
35 successor organization, shall maintain a program whereby an individual
36 of school age or older who possesses a hearing or speech impairment is
37 provided with telecommunications equipment, software, and/or peripheral

1 devices, digital or otherwise, that is determined by the office to be
2 necessary for such a person to access and use telecommunications
3 transmission services effectively.

4 (2) The department, through the sole authority of the office or its
5 successor organization, shall maintain a program where
6 telecommunications relay services of a human or electronic nature will
7 be provided to connect hearing impaired, deaf-blind, or speech impaired
8 persons with persons who do not have a hearing or speech impairment.
9 Such telecommunications relay services shall provide the ability for an
10 individual who has a hearing or speech impairment to engage in voice,
11 tactile, or visual communication by wire or radio with a hearing
12 individual in a manner that is functionally equivalent to the ability
13 of an individual who does not have a hearing or speech impairment to
14 communicate using voice or visual communication services by wire or
15 radio subject to subsection (4)(b) of this section.

16 (3) The telecommunications relay service and equipment distribution
17 program may operate in such a manner as to provide communications
18 transmission opportunities that are capable of incorporating new
19 technologies that have demonstrated benefits consistent with the intent
20 of this chapter and are in the best interests of the citizens of this
21 state.

22 (4) The office shall administer and control the award of money to
23 all parties incurring costs in implementing and maintaining
24 telecommunications services, programs, equipment, and technical support
25 services according to this section. The relay service contract shall
26 be awarded to an individual company registered as a telecommunications
27 company by the utilities and transportation commission, to a group of
28 registered telecommunications companies, or to any other company or
29 organization determined by the office as qualified to provide relay
30 services, contingent upon that company or organization being approved
31 as a registered telecommunications company prior to final contract
32 approval. The relay system providers and telecommunications equipment
33 vendors shall be selected on the basis of cost-effectiveness and
34 utility to the greatest extent possible under the program and technical
35 specifications established by the office.

36 (a) To the extent funds are available under the then-current rate
37 and not otherwise held in reserve or required for other purposes
38 authorized by this chapter, the office may award contracts for

1 communications and related services and equipment for hearing impaired
2 or speech impaired individuals accessing or receiving services provided
3 by, or contracted for, the department to meet access obligations under
4 Title 2 of the federal Americans with disabilities act or related
5 federal regulations.

6 (b) The office shall perform its duties under this section with the
7 goal of achieving functional equivalency of access to and use of
8 telecommunications services similar to the enjoyment of access to and
9 use of such services experienced by an individual who does not have a
10 hearing or speech impairment only to the extent that funds are
11 available under the then-current rate and not otherwise held in reserve
12 or required for other purposes authorized by this chapter.

13 (5) The program shall be funded by a telecommunications relay
14 service (TRS) excise tax applied to each switched access line provided
15 by the local exchange companies. The office shall determine, in
16 consultation with the office's program advisory committee, the budget
17 needed to fund the program on an annual basis, including both
18 operational costs and a reasonable amount for capital improvements such
19 as equipment upgrade and replacement. The budget proposed by the
20 office, together with documentation and supporting materials, shall be
21 submitted to the office of financial management for review and
22 approval. The approved budget shall be given by the department in an
23 annual budget to the department of revenue no later than March 1st
24 prior to the beginning of the fiscal year. The department of revenue
25 shall then determine the amount of telecommunications relay service
26 excise tax to be placed on each switched access line and shall inform
27 local exchange companies and the utilities and transportation
28 commission of this amount no later than May 1st. The department of
29 revenue shall determine the amount of telecommunications relay service
30 excise tax to be collected in the following fiscal year by dividing the
31 total of the program budget, as submitted by the office, by the total
32 number of switched access lines in the prior calendar year, as reported
33 to the department of revenue (~~under chapter 82.14B RCW~~) in the course
34 of its administration of section 3 of this act, and shall not exercise
35 any further oversight of the program under this subsection other than
36 administering the collection of the telecommunications relay service
37 excise tax as provided in RCW 82.72.010 through 82.72.090. The
38 telecommunications relay service excise tax shall not exceed nineteen

1 cents per month per access line. The telecommunications relay service
2 excise tax shall be separately identified on each ratepayer's bill with
3 the following statement: "Funds federal ADA requirement." All
4 proceeds from the telecommunications relay service excise tax shall be
5 put into a fund to be administered by the office through the
6 department. "Switched access line" has the meaning provided in ((RCW
7 ~~82.14B.020~~)) section 2 of this act.

8 (6) The telecommunications relay service program and equipment
9 vendors shall provide services and equipment consistent with the
10 requirements of federal law for the operation of both interstate and
11 intrastate telecommunications services for the hearing impaired or
12 speech impaired. The department and the utilities and transportation
13 commission shall be responsible for ensuring compliance with federal
14 requirements and shall provide timely notice to the legislature of any
15 legislation that may be required to accomplish compliance.

16 (7) The department shall adopt rules establishing eligibility
17 criteria, ownership obligations, financial contributions, and a program
18 for distribution to individuals requesting and receiving such
19 telecommunications devices distributed by the office, and other rules
20 necessary to administer programs and services consistent with this
21 chapter.

22 **Sec. 33.** RCW 80.36.430 and 2004 c 254 s 2 are each amended to read
23 as follows:

24 (1) The Washington telephone assistance program shall be funded by
25 a telephone assistance excise tax on all switched access lines and by
26 funds from any federal government or other programs for this purpose.
27 Switched access lines are defined in ((RCW ~~82.14B.020~~)) section 2 of
28 this act. The telephone assistance excise tax shall be applied equally
29 to all residential and business access lines not to exceed fourteen
30 cents per month. The department shall submit an approved annual budget
31 for the Washington telephone assistance program to the department of
32 revenue no later than March 1st prior to the beginning of each fiscal
33 year. The department of revenue shall then determine the amount of
34 telephone assistance excise tax to be placed on each switched access
35 line and shall inform local exchange companies and the utilities and
36 transportation commission of this amount no later than May 1st. The
37 department of revenue shall determine the amount of telephone

1 assistance excise tax by dividing the total of the program budget
2 funded by the telephone assistance excise tax, as submitted by the
3 department, by the total number of switched access lines in the prior
4 calendar year. The telephone assistance excise tax shall be separately
5 identified on each ratepayer's bill as the "Washington telephone
6 assistance program." All money collected from the telephone assistance
7 excise tax shall be transferred to a telephone assistance fund
8 administered by the department.

9 (2) Local exchange companies shall bill the fund for their expenses
10 incurred in offering the telephone assistance program, including
11 administrative and program expenses. The department shall disburse the
12 money to the local exchange companies. The department is exempted from
13 having to conclude a contract with local exchange companies in order to
14 effect this reimbursement. The department shall recover its
15 administrative costs from the fund. The department may specify by rule
16 the range and extent of administrative and program expenses that will
17 be reimbursed to local exchange companies.

18 (3) The department shall enter into an agreement with the
19 department of community, trade, and economic development for an amount
20 not to exceed eight percent of the prior fiscal year's total revenue
21 for the administrative and program expenses of providing community
22 service voice mail services. The community service voice mail service
23 may include toll-free lines in community action agencies through which
24 recipients can access their community service voice mailboxes at no
25 charge.

--- END ---