

2 SSB 6111 - H COMM AMD  
3 By Committee on Finance

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. Sec. 1. (1) The legislature finds that:

8 (a) The state enhanced 911 excise tax imposed at the current rate  
9 of twenty cents per switched access line per month generates adequate  
10 tax revenues to enhance the 911 telephone system for switched access  
11 lines state-wide by December 31, 1998, as mandated in RCW 38.52.510;

12 (b) The tax revenues generated from the state enhanced 911 excise  
13 tax when the tax rate decreases to a maximum of ten cents per switched  
14 access line on January 1, 1999, will not be adequate to fund the  
15 long-term operation and equipment replacement costs for the enhanced  
16 911 telephone systems in the counties that receive financial assistance  
17 from the state enhanced 911 office;

18 (c) Some counties will need financial assistance from the state  
19 enhanced 911 office to implement and maintain enhanced 911 for radio  
20 access lines because the tax revenue generated from the county enhanced  
21 911 excise tax on radio access lines is not adequate;

22 (d) Some counties currently incur costs due to enhanced 911 calls  
23 from radio access lines that are not eligible for funding under chapter  
24 365-300 WAC;

25 (e) The tax revenues generated when the state enhanced 911 excise  
26 tax rate drops to a maximum of ten cents per switched access line on  
27 January 1, 1999, will not be adequate to implement and maintain  
28 enhanced 911 for radio access lines in counties that require financial  
29 assistance from the state;

30 (f) The state does not impose the state enhanced 911 excise tax on  
31 radio access lines;

32 (g) Counties should not request state financial assistance for  
33 implementation and maintenance of enhanced 911 for switched access  
34 lines or radio access lines unless the county has imposed the maximum  
35 enhanced 911 tax authorized in RCW 82.14B.030; and

1 (h) Counties that provide 911 service through intergovernmental  
2 agencies may not be eligible for county or city risk pools and must  
3 purchase insurance on an individual basis. Insurance costs are  
4 increasing for these counties. Insurance costs could be reduced if  
5 county 911 centers were granted immunity from civil liability except  
6 for an act or omission constituting gross negligence or wanton or  
7 willful misconduct.

8 (2) The intent of this act is to acknowledge the recommendations  
9 contained in the report the legislature dated July 1, 1995, entitled  
10 "Enhanced 911 Excise Taxes" to insure long-term funding of the enhanced  
11 911 emergency telephone systems.

12 **Sec. 2.** RCW 82.14B.030 and 1994 c 96 s 3 are each amended to read  
13 as follows:

14 (1) The legislative authority of a county may impose a county  
15 enhanced 911 excise tax on the use of switched access lines in an  
16 amount not exceeding fifty cents per month for each switched access  
17 line. The amount of tax shall be uniform for each switched access  
18 line. Each county shall provide notice of such tax to all local  
19 exchange companies serving in the county at least sixty days in advance  
20 of the date on which the first payment is due.

21 (2) The legislative authority of a county may also impose a county  
22 911 excise tax on the use of radio access lines located within the  
23 county in an amount not exceeding twenty-five cents per month for each  
24 radio access line. The amount of tax shall be uniform for each radio  
25 access line. The county shall provide notice of such tax to all radio  
26 communications service companies serving in the county at least sixty  
27 days in advance of the date on which the first payment is due. Any  
28 county imposing this tax shall include in its ordinance a refund  
29 mechanism whereby the amount of any tax ordered to be refunded by the  
30 judgment of a court of record, or as a result of the resolution of any  
31 appeal therefrom, shall be refunded to the radio communications service  
32 company or local exchange company that collected the tax, and those  
33 companies shall reimburse the users who paid the tax. The ordinance  
34 shall further provide that to the extent the users who paid the tax  
35 cannot be identified or located, the tax paid by those users shall be  
36 returned to the county.

37 (3) (~~Beginning January 1, 1992,~~) A state enhanced 911 excise tax  
38 is imposed on the use of all switched access lines and all radio access

1 lines in the state. ((For 1992, the tax shall be set at a rate of  
2 twenty cents per month for each switched access line. Until December  
3 31, 1998,)) The amount of tax shall not exceed twenty cents per month  
4 for each switched access line ((and thereafter shall not exceed ten  
5 cents per month for each switched access line)) or radio access line.  
6 The tax shall be uniform for each switched access line or radio access  
7 line. The tax imposed under this subsection shall be remitted to the  
8 state treasurer by local exchange companies and radio communications  
9 service companies on a tax return provided by the military department  
10 within thirty days after the end of the month in which the tax was  
11 collected. A local exchange company that serves less than two percent  
12 of the access lines in the state of Washington may remit the tax to the  
13 state treasurer thirty days after the last day of the calendar quarter  
14 in which the tax was due to the local exchange company. Tax proceeds  
15 shall be deposited by the treasurer in the enhanced 911 account created  
16 in RCW 38.52.540.

17 (4) By August 31st of each year the state enhanced 911 coordinator  
18 shall recommend the level for the next year of the state enhanced 911  
19 excise tax, based on a systematic cost and revenue analysis, to the  
20 utilities and transportation commission. The commission shall by the  
21 following October 31st determine the level of the state enhanced 911  
22 excise tax on switched access lines for the following year. The state  
23 enhanced 911 excise tax rate on radio access lines shall be the same as  
24 the state enhanced 911 excise tax rate on switched access lines.

25 **Sec. 3.** RCW 38.52.540 and 1994 c 96 s 7 are each amended to read  
26 as follows:

27 The enhanced 911 account is created in the state treasury. All  
28 receipts from the state enhanced 911 excise tax imposed by RCW  
29 82.14B.030 shall be deposited into the account. Moneys in the account  
30 shall be used only to help implement and operate enhanced 911 state-  
31 wide(~~(, and to conduct a study of the tax base and rate for the 911~~  
32 ~~excise tax)).~~ All receipts from the state enhanced 911 excise tax on  
33 radio access lines imposed by RCW 82.14B.030 shall be used to fund  
34 planning and implementation of enhanced 911 for radio access lines, and  
35 to assist counties that need additional resources to cover unfunded  
36 costs that can be shown to result from handling 911 calls from radio  
37 access line callers, until automatic location identification is  
38 operational for radio access line subscribers in all the counties in

1 Washington state. However, funds shall not be distributed to any  
2 county that has not imposed the maximum county enhanced 911 taxes  
3 allowed under RCW 82.14B.030 (1) and (2). The state enhanced 911  
4 coordinator, with the advice and assistance of the enhanced 911  
5 advisory committee, shall specify by rule the purposes for which moneys  
6 may be expended from this account.

7 NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall take  
8 effect January 1, 1997.

9 NEW SECTION. Sec. 5. This act shall be submitted to the people  
10 for their adoption and ratification, or rejection, at the next  
11 succeeding general election to be held in this state, in accordance  
12 with Article II, section 1 of the state Constitution, as amended, and  
13 the laws adopted to facilitate the operation thereof."

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17 On page 1, line 3 of the title, after "funding;" strike the  
18 remainder of the title and insert "amending RCW 82.14B.030 and  
19 38.52.540; creating a new section; providing an effective date; and  
20 providing for submission of this act to a vote of the people."

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