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HOUSE BILL 2351

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Ericks, Morris, McCoy, Seaquist, Green, Hunt, Van De Wege, Appleton, White, Williams, Kenney, and Nelson

Read first time 04/13/09. Referred to Committee on Finance.

1 AN ACT Relating to funding enhanced 911 emergency communication  
2 systems; amending RCW 82.14B.010, 82.14B.040, 82.14B.042, 82.14B.050,  
3 82.14B.060, 82.14B.061, 82.14B.150, 82.14B.160, 82.14B.200, 38.52.510,  
4 38.52.520, 38.52.532, 38.52.545, 38.52.550, and 38.52.561; reenacting  
5 and amending RCW 82.14B.020, 82.14B.030, 38.52.540, and 43.79A.040;  
6 adding new sections to chapter 82.14B RCW; creating a new section;  
7 repealing RCW 82.14B.070, 82.14B.090, and 82.14B.100; prescribing  
8 penalties; providing effective dates; and providing for submission of  
9 this act to a vote of the people.

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

11 **Sec. 1.** RCW 82.14B.010 and 1991 c 54 s 9 are each amended to read  
12 as follows:

13 The legislature finds that the state and counties should be  
14 provided with an additional revenue source to fund enhanced 911  
15 emergency communication systems throughout the state on a  
16 multicounty((7)) or countywide((7, ~~or district wide~~)) basis. The  
17 legislature further finds that the most efficient and appropriate  
18 method of deriving additional revenue for this purpose is to impose an

1 excise tax on the use of switched access lines, radio access lines, and  
2 interconnected voice over internet protocol service lines.

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

5 As used in this chapter:

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

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

22 ((+3)) (2) "Interconnected voice over internet protocol service"  
23 has the same meaning as provided by the federal communications  
24 commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent  
25 date determined by the department.

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

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

1 ((+4)) (5) "Local exchange company" has the meaning ascribed to it  
2 in RCW 80.04.010.

3 ((+5)) (6) "Radio access line" means the telephone number assigned  
4 to or used by a subscriber for two-way local wireless voice service  
5 available to the public for hire from a radio communications service  
6 company. Radio access lines include, but are not limited to, radio-  
7 telephone communications lines used in cellular telephone service,  
8 personal communications services, and network radio access lines, or  
9 their functional and competitive equivalent. Radio access lines do not  
10 include lines that provide access to one-way signaling service, such as  
11 paging service, or to communications channels suitable only for data  
12 transmission, or to nonlocal radio access line service, such as  
13 wireless roaming service, or to a private telecommunications system.

14 ((+6)) (7) "Radio communications service company" has the meaning  
15 ascribed to it in RCW 80.04.010, except that it does not include radio  
16 paging providers. It does include those persons or entities that  
17 provide commercial mobile radio services, as defined by Title 47 U.S.C.  
18 Sec. 332(d)(1), and both facilities-based and nonfacilities-based  
19 resellers.

20 ((+7)) (8) "Private telecommunications system" has the meaning  
21 ascribed to it in RCW 80.04.010.

22 ((+8)) (9) "Subscriber" means the retail purchaser of telephone  
23 service as telephone service is defined in RCW 82.16.010, or the retail  
24 purchaser of interconnected voice over internet protocol service.

25 ((+9)) (10) "Place of primary use" (~~((has the meaning ascribed to~~  
26 ~~it in RCW 82.04.065))~~ means the street address representative of where  
27 the subscriber's use of the radio access line or interconnected voice  
28 over internet protocol service line occurs, which must be:

29 (a) The residential street address or the primary business street  
30 address of the subscriber; and

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

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

35 (1) The legislative authority of a county may impose a county  
36 enhanced 911 excise tax on the use of switched access lines in an  
37 amount not exceeding ((fifty)) seventy cents per month for each

1 switched access line. The amount of tax shall be uniform for each  
2 switched access line. Each county shall provide notice of such tax to  
3 all local exchange companies serving in the county at least sixty days  
4 in advance of the date on which the first payment is due. The tax  
5 imposed under this subsection shall be remitted to the department of  
6 revenue by local exchange companies on a tax return provided by the  
7 department. The tax shall be deposited in the county enhanced 911  
8 excise tax account as provided in section 4 of this act.

9 (2) The legislative authority of a county may also impose a county  
10 enhanced 911 excise tax on the use of radio access lines whose place of  
11 primary use is located within the county in an amount not exceeding  
12 ~~((fifty))~~ seventy cents per month for each radio access line. The  
13 amount of tax shall be uniform for each radio access line. The county  
14 shall provide notice of such tax to all radio communications service  
15 companies serving in the county at least sixty days in advance of the  
16 date on which the first payment is due. Any county imposing this tax  
17 shall include in its ordinance a refund mechanism whereby the amount of  
18 any tax ordered to be refunded by the judgment of a court of record, or  
19 as a result of the resolution of any appeal therefrom, shall be  
20 refunded to the radio communications service company or local exchange  
21 company that collected the tax, and those companies shall reimburse the  
22 subscribers who paid the tax. The ordinance shall further provide that  
23 to the extent the subscribers who paid the tax cannot be identified or  
24 located, the tax paid by those subscribers shall be returned to the  
25 county. The tax imposed under this section shall be remitted to the  
26 department of revenue by radio communications service companies,  
27 including those companies that resell radio access lines, on a tax  
28 return provided by the department. The tax shall be deposited in the  
29 county enhanced 911 excise tax account as provided in section 4 of this  
30 act.

31 (3) The legislative authority of a county may impose a county  
32 enhanced 911 excise tax on the use of interconnected voice over  
33 internet protocol service lines in an amount not exceeding seventy  
34 cents per month for each interconnected voice over internet protocol  
35 service line. The amount of tax shall be uniform for each line and  
36 shall be levied on no more than the number of voice over internet  
37 protocol service lines on an account that are capable of simultaneous  
38 unrestricted outward calling to the public switched telephone network.

1 The interconnected voice over internet protocol service company shall  
2 use the place of primary use of the subscriber to determine which  
3 county's enhanced 911 excise tax applies to the service provided by the  
4 subscriber. Each county shall provide notice of such tax to all voice  
5 over internet protocol service companies serving in the county at least  
6 sixty days in advance of the date on which the first payment is due.  
7 The tax imposed under this section shall be remitted to the department  
8 of revenue by interconnected voice over internet protocol service  
9 companies on a tax return provided by the department. The tax shall be  
10 deposited in the county enhanced 911 excise tax account as provided in  
11 section 4 of this act. To the extent that a local exchange carrier and  
12 an interconnected voice over internet protocol service company jointly  
13 provide a single service line, only one service company will be  
14 responsible for remitting county enhanced 911 excise taxes, and nothing  
15 in this section shall preclude service companies who jointly provide  
16 service lines from agreeing by contract which of them shall remit the  
17 taxes collected.

18 (4) Counties imposing a county enhanced 911 excise tax must provide  
19 an annual update to the enhanced 911 coordinator detailing the  
20 proportion of their county enhanced 911 excise tax that is being spent  
21 on:

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

23 (b) Basic and enhanced 911 operational costs.

24 (5) A state enhanced 911 excise tax is imposed on all switched  
25 access lines in the state. The amount of tax shall not exceed twenty-  
26 five cents per month for each switched access line. The tax shall be  
27 uniform for each switched access line. The tax imposed under this  
28 subsection shall be remitted to the department of revenue by local  
29 exchange companies on a tax return provided by the department. Tax  
30 proceeds shall be deposited by the treasurer in the enhanced 911  
31 account created in RCW 38.52.540.

32 ((+4)) (6) A state enhanced 911 excise tax is imposed on all radio  
33 access lines whose place of primary use is located within the state in  
34 an amount of twenty-five cents per month for each radio access line.  
35 The tax shall be uniform for each radio access line. The tax imposed  
36 under this section shall be remitted to the department of revenue by  
37 radio communications service companies, including those companies that  
38 resell radio access lines, on a tax return provided by the department.

1 Tax proceeds shall be deposited by the treasurer in the enhanced 911  
2 account created in RCW 38.52.540. The tax imposed under this section  
3 is not subject to the state sales and use tax or any local tax.

4 ~~((+5))~~ (7) A state enhanced 911 excise tax is imposed on all  
5 interconnected voice over internet protocol service lines in the state.  
6 The amount of tax may not exceed twenty-five cents per month for each  
7 interconnected voice over internet protocol service line whose place of  
8 primary use is located in the state. The amount of tax must be uniform  
9 for each line and must be levied on no more than the number of voice  
10 over internet protocol service lines on an account that are capable of  
11 simultaneous unrestricted outward calling to the public switched  
12 telephone network. The tax imposed under this subsection must be  
13 remitted to the department of revenue by interconnected voice over  
14 internet protocol service companies on a tax return provided by the  
15 department. Tax proceeds must be deposited by the treasurer in the  
16 enhanced 911 account created in RCW 38.52.540. To the extent that a  
17 local exchange carrier and an interconnected voice over internet  
18 protocol service company jointly provide a single service line, only  
19 one service company will be responsible for remitting state enhanced  
20 911 excise taxes, and nothing in this section precludes service  
21 companies that jointly provide service lines from agreeing by contract  
22 which of them will remit the taxes collected.

23 (8) By August 31st of each year the state enhanced 911 coordinator  
24 shall recommend the level for the next year of the state enhanced 911  
25 excise tax imposed by subsections ~~((+3))~~ (5) and (7) of this section,  
26 based on a systematic cost and revenue analysis, to the utilities and  
27 transportation commission. The commission shall by the following  
28 October 31st determine the level of the state enhanced 911 excise  
29 ~~((tax))~~ taxes imposed by subsections (5) and (7) of this section for  
30 the following year.

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

33 (1) Counties imposing an enhanced 911 excise tax under RCW  
34 82.14B.030 must contract with the department for the administration and  
35 collection of the tax prior to the effective date of a resolution or  
36 ordinance imposing the tax. The department may deduct a percentage  
37 amount, as provided by contract, of no more than two percent of the

1 enhanced 911 excise taxes collected to cover administration and  
2 collection expenses incurred by the department. If a county imposes an  
3 enhanced 911 excise tax with an effective date of January 1, 2010, the  
4 county must contract with the department for the administration and  
5 collection of the tax by December 1, 2009.

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

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

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

23 (2) If a county imposes by resolution or ordinance an enhanced 911  
24 excise tax that is in excess of the maximum allowable county enhanced  
25 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution  
26 may not be considered void in its entirety, but only with respect to  
27 that portion of the enhanced 911 excise tax that is in excess of the  
28 maximum allowable tax.

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

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

1 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 internet  
4 protocol service company providing the interconnected voice over  
5 internet protocol service line to the subscriber. The amount of the  
6 tax shall be stated separately on the billing statement which is sent  
7 to the subscriber.

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

10 (1) The state and county enhanced 911 excise taxes imposed by this  
11 chapter must be paid by the subscriber to the local exchange company  
12 providing the switched access line ~~((or))~~, the radio communications  
13 service company providing the radio access line, or the interconnected  
14 voice over internet protocol service company providing interconnected  
15 voice over internet protocol service, and each local exchange company  
16 ~~((and))~~, each radio communications service company, and each  
17 interconnected voice over internet protocol service company shall  
18 collect from the subscriber the full amount of the taxes payable. The  
19 state and county enhanced 911 excise taxes required by this chapter to  
20 be collected by ~~((the local exchange company or the radio~~  
21 ~~communications service))~~ a company are deemed to be held in trust by  
22 the ~~((local exchange company or the radio communications service))~~  
23 company until paid to the department. Any local exchange company  
24 ~~((or))~~, radio communications service company, or interconnected voice  
25 over internet protocol service company that appropriates or converts  
26 the tax collected to its own use or to any use other than the payment  
27 of the tax 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 ~~((or))~~, radio communications  
31 service, or interconnected voice over internet protocol service company  
32 fails to collect the state or county enhanced 911 excise tax or, after  
33 collecting the tax, fails to pay it to the department in the manner  
34 prescribed by this chapter, whether such failure is the result of its  
35 own act or the result of acts or conditions beyond its control, the  
36 ~~((local exchange company or the radio communications service))~~ company  
37 is personally liable to the state for the amount of the tax, unless the



1 ((~~local exchange company or the radio communications service~~)) company  
2 has taken from the buyer in good faith a properly executed resale  
3 certificate under RCW 82.14B.200.

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

19 (4) If a subscriber has failed to pay to the local exchange company  
20 ((~~or~~)), the radio communications service company, or the interconnected  
21 voice over internet protocol service company the state or county  
22 enhanced 911 excise taxes imposed by this chapter and the ((~~local~~  
23 ~~exchange company or the radio communications service~~)) company has not  
24 paid the amount of the tax to the department, the department may, in  
25 its discretion, proceed directly against the subscriber for collection  
26 of the tax, in which case a penalty of ten percent may be added to the  
27 amount of the tax for failure of the subscriber to pay the tax to the  
28 ((~~local exchange company or the radio communications service~~)) company,  
29 regardless of when the tax is collected by the department. Tax under  
30 this chapter is due as provided under RCW 82.14B.061.

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

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

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

3       A county legislative authority imposing a tax under this chapter  
4 shall establish by ordinance all necessary and appropriate procedures  
5 for the (~~administration and collection of the tax, which ordinance~~  
6 ~~shall provide for reimbursement to the telephone companies for actual~~  
7 ~~costs of administration and collection of the tax imposed.~~ The  
8 ordinance shall also provide that the due date for remittance of the  
9 tax collected shall be on or before the last day of the month following  
10 the month in which the tax liability accrues)) acceptance of the county  
11 enhanced 911 excise taxes by the department.

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

14       (1) The department of revenue shall administer and shall adopt such  
15 rules as may be necessary to enforce and administer the state and  
16 county enhanced 911 excise taxes imposed by this chapter. Chapter  
17 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and  
18 82.32.380, applies to the administration, collection, and enforcement  
19 of the state and county enhanced 911 excise taxes.

20       (2) The state and county enhanced 911 excise taxes imposed by this  
21 chapter, along with reports and returns on forms prescribed by the  
22 department, are due at the same time the taxpayer reports other taxes  
23 under RCW 82.32.045. If no other taxes are reported under RCW  
24 82.32.045, the taxpayer shall remit tax on an annual basis in  
25 accordance with RCW 82.32.045.

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

30       (4) The state enhanced 911 excise taxes imposed by this chapter are  
31 in addition to any taxes imposed upon the same persons under chapters  
32 82.08 and 82.12 RCW.

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

35       (1) A local exchange company (~~(or)~~) radio communications service  
36 company, or interconnected voice over internet protocol service company

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

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

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

15 The taxes imposed or authorized by this chapter do not apply to any  
16 activity that the state or county is prohibited from taxing under the  
17 Constitution of this state or the Constitution or laws of the United  
18 States.

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

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

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

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

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

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

12 By December 31, 1998, each county, singly or in combination with  
13 adjacent counties, shall implement (~~(district-wide,~~) countywide(~~(,)~~)  
14 or multicountywide enhanced 911 emergency communications systems so  
15 that enhanced 911 is available throughout the state. The county shall  
16 provide funding for the enhanced 911 communication system in the county  
17 (~~(or district)~~) in an amount equal to the amount the maximum tax under  
18 RCW 82.14B.030(1) would generate in the county (~~(or district)~~) or the  
19 amount necessary to provide full funding of the system in the county  
20 (~~(or district)~~), whichever is less. The state enhanced 911  
21 coordination office established by RCW 38.52.520 shall assist and  
22 facilitate enhanced 911 implementation throughout the state.

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

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

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

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

32 (3) Recommending to the utilities and transportation commission by  
33 August 31st of each year the level of the state enhanced 911 excise tax  
34 for the following year;

35 (4) Considering base needs of individual counties for specific

1 assistance, specify rules defining the purposes for which available  
2 state enhanced 911 funding may be expended, with the advice and  
3 assistance of the enhanced 911 advisory committee; and

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

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

7 (b) Basic and enhanced 911 operational costs.

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

10 On an annual basis, the enhanced 911 advisory committee shall  
11 provide an update on the status of enhanced 911 service in the state to  
12 the appropriate committees in the legislature. The update must include  
13 progress by counties towards creating greater efficiencies in enhanced  
14 911 operations including, but not limited to, regionalization of  
15 facilities, centralization of equipment, and statewide purchasing.

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

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

35 (2) Funds generated by the enhanced 911 excise tax imposed by RCW  
36 82.14B.030(~~(+3))~~) (5) shall not be distributed to any county that has

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

6 (3) The state enhanced 911 coordinator, with the advice and  
7 assistance of the enhanced 911 advisory committee, is authorized to  
8 enter into statewide agreements to improve the efficiency of enhanced  
9 911 services for all counties and shall specify by rule the additional  
10 purposes for which moneys, if available, may be expended from this  
11 account.

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

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

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

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

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

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 of  
6 consolidated 911 or enhanced 911 emergency communication systems or  
7 services other than an act or omission constituting gross negligence or  
8 wanton or willful misconduct.

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

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

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

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

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

34 (3) The investment income account may be utilized for the payment  
35 of purchased banking services on behalf of treasurer's trust funds  
36 including, but not limited to, depository, safekeeping, and

1 disbursement functions for the state treasurer or affected state  
2 agencies. The investment income account is subject in all respects to  
3 chapter 43.88 RCW, but no appropriation is required for payments to  
4 financial institutions. Payments shall occur prior to distribution of  
5 earnings set forth in subsection (4) of this section.

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

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



1 (earnings from the Washington horse racing commission operating account  
2 must be credited to the Washington horse racing commission class C  
3 purse fund account), the life sciences discovery fund, the Washington  
4 state heritage center account, the reduced cigarette ignition  
5 propensity account, and the reading achievement account. However, the  
6 earnings to be distributed shall first be reduced by the allocation to  
7 the state treasurer's service fund pursuant to RCW 43.08.190.

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

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

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

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

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

27 (3) RCW 82.14B.100 (Emergency service communication districts--  
28 Application of RCW 82.14B.040 through 82.14B.060) and 1991 c 54 s 14 &  
29 1987 c 17 s 4.

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

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

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

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

5        NEW SECTION.    **Sec. 26.**    The secretary of state shall submit this  
6 act to the people for their adoption and ratification, or rejection, at  
7 a special election to be held in this state on the date specified in  
8 RCW 29A.04.321(2)(e), in accordance with Article II, section 1 of the  
9 state Constitution and the laws adopted to facilitate its operation.

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