
SUBSTITUTE HOUSE BILL 2029

State of Washington

61st Legislature

2009 Regular Session

By House Technology, Energy & Communications (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 02/20/09.

1 AN ACT Relating to enhanced 911 emergency communications service;
2 amending RCW 38.52.501, 38.52.510, 38.52.520, 38.52.530, 38.52.545, and
3 38.52.550; reenacting and amending RCW 38.52.540 and 43.84.092; adding
4 new sections to chapter 38.52 RCW; creating new sections; repealing RCW
5 82.14B.010, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060,
6 82.14B.061, 82.14B.070, 82.14B.090, 82.14B.100, 82.14B.150, 82.14B.160,
7 82.14B.200, and 82.14B.210; repealing 2007 c 6 s 1707 (uncodified);
8 prescribing penalties; and providing an effective date.

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

10 **Sec. 1.** RCW 38.52.501 and 2002 c 341 s 1 are each amended to read
11 as follows:

12 (1) The legislature finds that statewide enhanced 911 has proven to
13 be a lifesaving service and that routing a 911 call to the appropriate
14 public safety answering point with a display of the caller's
15 identification and location should be available for all users of
16 telecommunications services, regardless of the technology used to make
17 and transmit the 911 call. The legislature also finds that it is in
18 the best public interest to ensure that there is adequate ongoing
19 funding to support enhanced 911 service.

1 (2) The legislature further finds that some internet protocol-
2 enabled voice providers already meet the definition of a local exchange
3 company that provides switched access lines, resulting in these
4 providers having been responsible for collecting taxes under chapter
5 82.14 RCW prior to the repeal of this tax under this act. Therefore,
6 it is the intent of the legislature to establish enhanced 911 service
7 fees on a number of defined communications services, including, but not
8 limited to, internet protocol-enabled voice services to ensure that all
9 providers of internet protocol-enabled voice services will be
10 responsible for collecting the enhanced 911 service fees imposed under
11 this act in a consistent manner.

12 NEW SECTION. Sec. 2. The legislature finds that the state and
13 counties should be provided with revenue sources to fund enhanced 911
14 emergency communications service throughout the state on a countywide
15 or multicounty basis. The legislature further finds that the most
16 efficient and appropriate method of deriving revenues for this purpose
17 is to impose enhanced 911 service fees on wireline, wireless, internet
18 protocol-enabled voice, and other communications services capable of
19 transmitting voice or data to 911.

20 **Sec. 3.** RCW 38.52.510 and 1991 c 54 s 3 are each amended to read
21 as follows:

22 (~~By December 31, 1998,~~) Each county, singly or in combination
23 with one or more adjacent counties, shall implement (~~district-wide,~~)
24 countywide(~~(7)~~) or multicounty-wide enhanced 911 emergency
25 communications systems so that enhanced 911 is available throughout the
26 state. The county shall provide funding for the enhanced 911
27 communication system in the county (~~or district~~) in an amount equal
28 to the amount (~~the maximum tax under RCW 82.14B.030(1)~~) the enhanced
29 911 service fees under section 11 of this act would generate in the
30 county (~~or district~~) or the amount necessary to provide full funding
31 of the (~~system~~) services in the county (~~or district, whichever is~~
32 less). The state enhanced 911 coordination office established by RCW
33 38.52.520 shall assist and facilitate enhanced 911 implementation
34 throughout the state.

1 **Sec. 4.** RCW 38.52.520 and 1991 c 54 s 4 are each amended to read
2 as follows:

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

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

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

10 (3) ~~((Recommending to the utilities and transportation commission
11 by August 31st of each year the level of the state enhanced 911 excise
12 tax for the following year))~~ Considering base needs of individual
13 counties for specific assistance, specify rules defining the purposes
14 for which available state enhanced 911 funding may be extended, with
15 the advice and assistance of the enhanced 911 advisory committee.

16 **Sec. 5.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read
17 as follows:

18 (1) The enhanced 911 advisory committee is created to advise and
19 assist the state enhanced 911 coordinator in coordinating and
20 facilitating the implementation and operation of enhanced 911
21 throughout the state. The director shall appoint members of the
22 committee who represent diverse geographical areas of the state and
23 include state residents who are members of the national emergency
24 number association, the ~~((associated))~~ association of public
25 communications officers Washington chapter, the Washington state fire
26 chiefs association, the Washington association of sheriffs and police
27 chiefs, the Washington state council of firefighters, the Washington
28 state council of police officers, the Washington ambulance association,
29 the state fire protection policy board, the Washington fire
30 commissioners association, the Washington state patrol, ~~((the
31 association of Washington))~~ a representative of cities, the Washington
32 state association of counties, the utilities and transportation
33 commission or commission staff, a representative of a voice over
34 internet protocol service company, and an equal number of
35 representatives of large and small local exchange telephone companies
36 and large and small radio communications service companies offering
37 commercial mobile radio service in the state.

1 (2) This section expires December 31, 2011.

2 **Sec. 6.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are
3 each reenacted and amended to read as follows:

4 (1) The enhanced 911 account is created in the state treasury. All
5 receipts from the state enhanced 911 (~~excise taxes imposed by RCW~~
6 ~~82.14B.030~~) service fees imposed under section 12 of this act shall be
7 deposited into the account. Moneys in the account shall be used only
8 to support the statewide coordination and management of the enhanced
9 911 system, (~~for the implementation of wireless enhanced 911~~
10 ~~statewide,~~) for the modernization and operation of enhanced 911
11 emergency communications service statewide, including all
12 communications services capable of transmitting voice or data to 911,
13 and to help supplement, within available funds, the operational costs
14 of the system, including adequate funding of (~~counties to enable~~
15 ~~implementation of wireless enhanced 911 service and reimbursement of~~
16 ~~radio communications service companies for costs incurred in providing~~
17 ~~wireless enhanced 911 service pursuant to negotiated contracts between~~
18 ~~the counties or their agents and the radio communications service~~
19 ~~companies~~) counties' 911 operational costs.

20 (2) Funds generated by the state enhanced 911 (~~excise tax imposed~~
21 ~~by RCW 82.14B.030(3) shall~~) service fee imposed under section 12 of
22 this act may not be distributed to any county that has not imposed the
23 (~~maximum county enhanced 911 tax allowed under RCW 82.14B.030(1).~~
24 ~~Funds generated by the enhanced 911 excise tax imposed by RCW~~
25 ~~82.14B.030(4) shall not be distributed to any county that has not~~
26 ~~imposed the maximum county enhanced 911 tax allowed under RCW~~
27 ~~82.14B.030(2)) county enhanced 911 service fee allowed under section~~

28 11 of this act.
29 (3) The state enhanced 911 coordinator, with the advice and
30 assistance of the enhanced 911 advisory committee, is authorized to
31 enter into statewide agreements to improve the efficiency of enhanced
32 911 services for all counties and shall specify by rule the additional
33 purposes for which moneys, if available, may be expended from this
34 account.

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

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

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

14 **Sec. 8.** RCW 38.52.550 and 2002 c 341 s 5 are each amended to read
15 as follows:

16 A telecommunications company, ~~((or))~~ radio communications service
17 company, ~~((providing emergency communications systems or services))~~
18 internet protocol-enabled voice service provider, and providers of
19 other communications services capable of transmitting voice or data to
20 enhanced 911 emergency communications service or a business or
21 individual providing database information to enhanced 911 emergency
22 communication ~~((system))~~ service personnel shall not be liable for
23 civil damages caused by an act or omission of the company, business, or
24 individual in the:

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

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

33 NEW SECTION. **Sec. 9.** The state enhanced 911 coordinator, with the
34 advice and assistance of the enhanced 911 advisory committee, shall set
35 nondiscriminatory, uniform technical and operational standards
36 consistent with the rules of the federal communications commission for

1 the transmission of 911 calls from radio communications service
2 companies, internet protocol-enabled voice service providers, and
3 providers of other communications services capable of transmitting
4 voice or data to enhanced 911 emergency communications service. These
5 standards must not exceed the requirements set by the federal
6 communications commission. The authority given to the state enhanced
7 911 coordinator in this section is limited to setting standards as set
8 forth in this section and does not constitute authority to regulate
9 radio communications service companies or internet protocol-enabled
10 voice service providers or other providers capable of transmitting
11 voice or data to enhanced 911 emergency communications.

12 NEW SECTION. **Sec. 10.** For the purposes of sections 11 through 19
13 of this act, the following definitions apply:

14 (1) "Department" means the department of revenue.

15 (2) "Enhanced 911 emergency communications service" means a public
16 communications access system consisting of a network, database, and on-
17 premises equipment that is accessed by dialing or accessing 911 and
18 that enables reporting police, fire, medical, or other emergency
19 situations to a public safety answering point. The system includes the
20 capability to selectively route incoming 911 voice or data to the
21 appropriate public safety answering point that operates in a defined
22 911 service area and the capability to automatically display the name,
23 address, and telephone number of incoming 911 calls at the appropriate
24 public safety answering point. "Enhanced 911 emergency communications
25 service" includes the modernization to next generation 911 systems.

26 (3) "Switched access line" means the telephone service line which
27 connects a subscriber's main telephone(s) or equivalent main
28 telephone(s) to the local exchange company's switching office.

29 (4) "Local exchange company" has the meaning ascribed to it in RCW
30 80.04.010.

31 (5) "Radio access line" means the telephone number assigned to or
32 used by a subscriber for two-way local wireless voice service available
33 to the public for hire from a radio communications service company.
34 Radio access lines include, but are not limited to, radio-telephone
35 communications lines used in cellular telephone service, personal
36 communications services, and network radio access lines, or their
37 functional and competitive equivalent. Radio access lines do not

1 include lines that provide access to one-way signaling service, such as
2 paging service, or to communications channels suitable only for data
3 transmission, or to nonlocal radio access line service, such as
4 wireless roaming service, or to a private telecommunications system.

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

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

12 (8) "Subscriber" means the retail purchaser of telecommunications
13 service or a competitive telephone service.

14 (9) "Telecommunications service" and "competitive telephone
15 service" each have the meaning ascribed to those terms in RCW
16 82.04.065.

17 (10) "Place of primary use" means the street address representative
18 of where the subscriber's use of a communications service primarily
19 occurs, which must be: (a) The residential street address or the
20 primarily business street address of the subscriber; and (b) within the
21 licensed area of the home service provider if applicable.

22 (11) "Communications service" means any service that: (a) Uses
23 telephone numbers or internet protocol addresses or their functional
24 equivalents or successors; (b) is capable of accessing, connecting
25 with, or interfacing with the enhanced 911 emergency communications
26 service by dialing, initializing, or otherwise activating the enhanced
27 911 emergency communications service regardless of the transmission
28 medium or technology employed; and (c) provides or enables real-time or
29 interactive communications. "Communications service" includes but is
30 not limited to any telecommunications service that involves the
31 provision of switched access lines, radio access lines, or internet
32 protocol-enabled voice.

33 (12) "Communications service provider" means any entity that
34 provides communications service including, but not limited to, local
35 exchange companies, radio communications service companies, and
36 internet protocol-enabled voice providers.

37 (13) "Internet protocol-enabled voice" has the same meaning as

1 "interconnected VoIP services" provided by the federal communications
2 commission in 47 C.F.R. Sec. 64.601.

3 (14) "Person" has the same meaning as provided in RCW 82.04.030.

4 NEW SECTION. **Sec. 11.** (1) Effective January 1, 2010, the
5 legislative authority of a county may impose an enhanced 911 service
6 fee on the use of telecommunications and communications service to
7 switched access lines, radio access lines, internet protocol-enabled
8 voice or data services or other communications services capable of
9 transmitting voice or data to 911. The service provider shall use the
10 place of primary use of the subscriber to determine which county's fee
11 applies to the service provided to the subscriber. The county enhanced
12 911 service fee, if imposed, shall be:

13 (a) For the period beginning January 1, 2010, and extending through
14 December 31, 2011, the amount of the fee imposed shall be ninety cents
15 per month for each subscriber with active service;

16 (b) For the period beginning January 1, 2012, and extending through
17 December 31, 2013, the amount of the fee imposed shall be one dollar
18 and twenty cents per month for each subscriber with active service; and

19 (c) For the period beginning January 1, 2014, the amount of the fee
20 imposed shall be one dollar and fifty cents per month for each
21 subscriber with active service.

22 (2) The department shall administer any enhanced 911 service fee
23 imposed by counties. By November 1, 2009, each county imposing the fee
24 with an effective date of January 1, 2010, must contract with the
25 department for the administration of the fee. The department may
26 charge an administrative fee for revenues to cover the cost of
27 administering the county 911 service fee.

28 (3) Communications service providers must collect the fee imposed
29 by a county from the persons subscribing to the service provided by the
30 communications service provider and shall remit the collected fees to
31 the department in the form, manner, and frequency that the department
32 prescribes.

33 (4) Chapter 82.32 RCW applies to the administration, collection,
34 and enforcement of the county enhanced 911 service fees.

35 NEW SECTION. **Sec. 12.** (1) A state enhanced 911 service fee is
36 imposed on telecommunications and communications service to switched

1 access lines, radio access lines, internet protocol-enabled voice
2 services, and other communications services capable of transmitting
3 voice or data to 911 in the state. The amount of the fee shall be
4 twenty-five cents per month for each switched access line, radio access
5 line, internet protocol-enabled voice services, or other communications
6 services capable of transmitting voice or data to 911 with active
7 service during the month.

8 (2) The state enhanced 911 service fee and the county enhanced 911
9 service fee must be collected from the subscriber by the communications
10 service provider for telecommunications or communications services,
11 including but not limited to switched access lines, radio access lines,
12 internet protocol-enabled voice services, and all other communications
13 services capable of transmitting voice or data to 911. If the
14 communications service provider provides a billing statement to the
15 subscriber, any service fee imposed by a county and the state must be
16 separately stated on the billing statement sent to the subscriber.

17 (3) Chapter 82.32 RCW applies to the administration, collection,
18 and enforcement of the state enhanced 911 service fee.

19 NEW SECTION. **Sec. 13.** (1) The state and county enhanced 911
20 service fees imposed by this chapter must be paid by the subscriber to
21 the local exchange company providing the switched access line, the
22 radio communications company providing the radio access line, the
23 internet protocol-enabled voice service provider providing internet
24 protocol-enabled voice service, or the other communications service
25 provider providing other communications service capable of accessing
26 and transmitting voice or data to 911. Each local exchange company,
27 radio communications service company, internet protocol-enabled voice
28 service provider, and other communications service provider must
29 collect from the subscriber the full amount of the service fees
30 payable. The state and county enhanced 911 service fees required by
31 this chapter to be collected by the local exchange company, the radio
32 communications service company, the internet protocol-enabled voice
33 service provider, or other communications service provider are deemed
34 to be held in trust by the local exchange company, radio communications
35 service company, internet protocol-enabled voice service provider, or
36 other communications service provider until paid to the department.
37 Any local exchange company, radio communications service company,

1 internet protocol-enabled voice service provider, or other
2 communications service provider that appropriates or converts the fees
3 collected to its own use or to any use other than the payment of the
4 fees to the extent that the money collected is not available for
5 payment on the due date as prescribed in this chapter is guilty of a
6 gross misdemeanor.

7 (2) If any local exchange company, radio communications service
8 company, internet protocol-enabled voice service provider, or other
9 communications service provider fails to collect the state or county
10 enhanced 911 service fees or, after collecting the fees, fails to pay
11 it to the department in the manner prescribed by chapter 82.32 RCW,
12 whether such failure is the result of its own act or the result of acts
13 or conditions beyond its control, the local exchange company, radio
14 communications service company, internet protocol-enabled voice service
15 provider, or other communications service provider is personally liable
16 to the state for the amount of the fees.

17 (3) The amount of the state or county enhanced 911 service fees,
18 until paid by the subscriber to the local exchange company, the radio
19 communications service company, the internet protocol-enabled voice
20 service provider, or other communications service provider or to the
21 department, constitutes a debt from the subscriber to the local
22 exchange company, radio communications service company, internet
23 protocol-enabled voice service provider, or other communications
24 service provider. Any local exchange company, radio communications
25 service company, internet protocol-enabled voice service provider, or
26 other communications service provider that fails or refuses to collect
27 the state or county enhanced 911 service fees as required with intent
28 to violate the provisions of this chapter or to gain some advantage or
29 benefit, either direct or indirect, and any subscriber who refuses to
30 pay any fee due under this chapter is guilty of a misdemeanor.

31 (4) If a subscriber has failed to pay to the local exchange
32 company, radio communications service company, internet protocol-
33 enabled voice service provider, or other communications service
34 provider the state or county enhanced 911 service fee authorized by
35 this chapter and the local exchange company, radio communications
36 service company, internet protocol-enabled voice service provider, or
37 other communications service provider has not paid the amount of the
38 state or county enhanced 911 service fees to the department, the

1 department may, in its discretion, proceed directly against the
2 subscriber for collection of the state or county enhanced 911 service
3 fees, in which case a penalty of ten percent may be added to the amount
4 of the fees for failure of the subscriber to pay the fees to the local
5 exchange company, radio communications service company, internet
6 protocol-enabled voice service provider, or other communications
7 service provider regardless of when the fees are collected by the
8 department.

9 NEW SECTION. **Sec. 14.** The department may adopt any administrative
10 rules necessary to enforce and administer the state and county enhanced
11 911 service fees imposed by this chapter.

12 NEW SECTION. **Sec. 15.** The proceeds of any county enhanced 911
13 service fees collected under this chapter shall be used by the county
14 only for enhanced 911 emergency communications services.

15 NEW SECTION. **Sec. 16.** A county legislative authority must
16 establish by ordinance all necessary and appropriate procedures for the
17 acceptance of the county enhanced 911 service fees by the department.

18 NEW SECTION. **Sec. 17.** The state and county enhanced 911 service
19 fees authorized by this chapter do not apply to any activity that the
20 state or county is prohibited from taxing under the Constitution of
21 this state or the Constitution or laws of the United States.

22 NEW SECTION. **Sec. 18.** (1) Upon termination, dissolution, or
23 abandonment of a corporate or limited liability company business, any
24 officer, member, manager, or other person having control or supervision
25 of state or county enhanced 911 service fee funds collected and held in
26 trust under sections 11, 12, and 13 of this act, or who is charged with
27 the responsibility for the filing of returns or the payment of state or
28 county enhanced 911 service fee funds collected and held in trust under
29 sections 11, 12, and 13 of this act, is personally liable for any
30 unpaid service fees and interest and penalties on those service fees,
31 if such officer or other person willfully fails to pay or to cause to
32 be paid any state or county enhanced 911 service fees due from the
33 corporation under this chapter. For purposes of this subsection

1 "willfully fails to pay or to cause to be paid" means that the failure
2 was the result of an intentional, conscious, and voluntary course of
3 action.

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

9 (3) Any person having been issued a notice of assessment under this
10 section is entitled to the appeal procedures under chapter 82.32 RCW.

11 (4) This section does not relieve the corporation or limited
12 liability company of other tax liabilities or otherwise impair other
13 tax collection remedies afforded by law.

14 (5) Collection authority and procedures prescribed in chapter 82.32
15 RCW apply to collections under this section.

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

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

21 (2) The treasury income account shall be utilized to pay or receive
22 funds associated with federal programs as required by the federal cash
23 management improvement act of 1990. The treasury income account is
24 subject in all respects to chapter 43.88 RCW, but no appropriation is
25 required for refunds or allocations of interest earnings required by
26 the cash management improvement act. Refunds of interest to the
27 federal treasury required under the cash management improvement act
28 fall under RCW 43.88.180 and shall not require appropriation. The
29 office of financial management shall determine the amounts due to or
30 from the federal government pursuant to the cash management improvement
31 act. The office of financial management may direct transfers of funds
32 between accounts as deemed necessary to implement the provisions of the
33 cash management improvement act, and this subsection. Refunds or
34 allocations shall occur prior to the distributions of earnings set
35 forth in subsection (4) of this section.

36 (3) Except for the provisions of RCW 43.84.160, the treasury income
37 account may be utilized for the payment of purchased banking services

1 on behalf of treasury funds including, but not limited to, depository,
2 safekeeping, and disbursement functions for the state treasury and
3 affected state agencies. The treasury income account is subject in all
4 respects to chapter 43.88 RCW, but no appropriation is required for
5 payments to financial institutions. Payments shall occur prior to
6 distribution of earnings set forth in subsection (4) of this section.

7 (4) Monthly, the state treasurer shall distribute the earnings
8 credited to the treasury income account. The state treasurer shall
9 credit the general fund with all the earnings credited to the treasury
10 income account except:

11 The following accounts and funds shall receive their proportionate
12 share of earnings based upon each account's and fund's average daily
13 balance for the period: The aeronautics account, the aircraft search
14 and rescue account, the budget stabilization account, the capitol
15 building construction account, the Cedar River channel construction and
16 operation account, the Central Washington University capital projects
17 account, the charitable, educational, penal and reformatory
18 institutions account, the cleanup settlement account, the Columbia
19 river basin water supply development account, the common school
20 construction fund, the county arterial preservation account, the county
21 criminal justice assistance account, the county sales and use tax
22 equalization account, the data processing building construction
23 account, the deferred compensation administrative account, the deferred
24 compensation principal account, the department of licensing services
25 account, the department of retirement systems expense account, the
26 developmental disabilities community trust account, the drinking water
27 assistance account, the drinking water assistance administrative
28 account, the drinking water assistance repayment account, the Eastern
29 Washington University capital projects account, the education
30 construction fund, the education legacy trust account, the election
31 account, the energy freedom account, the enhanced 911 account, the
32 essential rail assistance account, The Evergreen State College capital
33 projects account, the federal forest revolving account, the ferry bond
34 retirement fund, the freight congestion relief account, the freight
35 mobility investment account, the freight mobility multimodal account,
36 the grade crossing protective fund, the health services account, the
37 public health services account, the health system capacity account, the
38 personal health services account, the high capacity transportation

1 account, the state higher education construction account, the higher
2 education construction account, the highway bond retirement fund, the
3 highway infrastructure account, the highway safety account, the high
4 occupancy toll lanes operations account, the industrial insurance
5 premium refund account, the judges' retirement account, the judicial
6 retirement administrative account, the judicial retirement principal
7 account, the local leasehold excise tax account, the local real estate
8 excise tax account, the local sales and use tax account, the medical
9 aid account, the mobile home park relocation fund, the motor vehicle
10 fund, the motorcycle safety education account, the multimodal
11 transportation account, the municipal criminal justice assistance
12 account, the municipal sales and use tax equalization account, the
13 natural resources deposit account, the oyster reserve land account, the
14 pension funding stabilization account, the perpetual surveillance and
15 maintenance account, the public employees' retirement system plan 1
16 account, the public employees' retirement system combined plan 2 and
17 plan 3 account, the public facilities construction loan revolving
18 account beginning July 1, 2004, the public health supplemental account,
19 the public transportation systems account, the public works assistance
20 account, the Puget Sound capital construction account, the Puget Sound
21 ferry operations account, the Puyallup tribal settlement account, the
22 real estate appraiser commission account, the recreational vehicle
23 account, the regional mobility grant program account, the resource
24 management cost account, the rural arterial trust account, the rural
25 Washington loan fund, the safety and education account, the site
26 closure account, the small city pavement and sidewalk account, the
27 special category C account, the special wildlife account, the state
28 employees' insurance account, the state employees' insurance reserve
29 account, the state investment board expense account, the state
30 investment board commingled trust fund accounts, the state patrol
31 highway account, the supplemental pension account, the Tacoma Narrows
32 toll bridge account, the teachers' retirement system plan 1 account,
33 the teachers' retirement system combined plan 2 and plan 3 account, the
34 tobacco prevention and control account, the tobacco settlement account,
35 the transportation 2003 account (nickel account), the transportation
36 equipment fund, the transportation fund, the transportation improvement
37 account, the transportation improvement board bond retirement account,
38 the transportation infrastructure account, the transportation

1 partnership account, the traumatic brain injury account, the tuition
2 recovery trust fund, the University of Washington bond retirement fund,
3 the University of Washington building account, the urban arterial trust
4 account, the volunteer firefighters' and reserve officers' relief and
5 pension principal fund, the volunteer firefighters' and reserve
6 officers' administrative fund, the Washington fruit express account,
7 the Washington judicial retirement system account, the Washington law
8 enforcement officers' and firefighters' system plan 1 retirement
9 account, the Washington law enforcement officers' and firefighters'
10 system plan 2 retirement account, the Washington public safety
11 employees' plan 2 retirement account, the Washington school employees'
12 retirement system combined plan 2 and 3 account, the Washington state
13 health insurance pool account, the Washington state patrol retirement
14 account, the Washington State University building account, the
15 Washington State University bond retirement fund, the water pollution
16 control revolving fund, and the Western Washington University capital
17 projects account. Earnings derived from investing balances of the
18 agricultural permanent fund, the normal school permanent fund, the
19 permanent common school fund, the scientific permanent fund, and the
20 state university permanent fund shall be allocated to their respective
21 beneficiary accounts. All earnings to be distributed under this
22 subsection (4)(a) shall first be reduced by the allocation to the state
23 treasurer's service fund pursuant to RCW 43.08.190.

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

27 NEW SECTION. **Sec. 20.** The following acts or parts of acts, as now
28 existing or hereafter amended, are each repealed, effective January 1,
29 2010:

30 (1) RCW 82.14B.010 (Findings) and 1991 c 54 s 9 & 1981 c 160 s 1;

31 (2) RCW 82.14B.030 (County enhanced 911 excise tax on use of
32 switched access lines and radio access lines authorized--Amount--State
33 enhanced 911 excise tax--Amount.) and 2007 c 54 s 17 & 2007 c 6 s 1024;

34 (3) RCW 82.14B.040 (Collection of tax) and 2002 c 341 s 9, 1998 c
35 304 s 4, 1994 c 96 s 4, 1991 c 54 s 12, & 1981 c 160 s 4;

36 (4) RCW 82.14B.042 (Payment and collection of taxes--Penalties for
37 violations) and 2002 c 341 s 10, 2000 c 106 s 2, & 1998 c 304 s 9;

- 1 (5) RCW 82.14B.050 (Use of proceeds) and 1981 c 160 s 5;
- 2 (6) RCW 82.14B.060 (Administration and collection by county--
- 3 Ordinance) and 1998 c 304 s 5 & 1981 c 160 s 6;
- 4 (7) RCW 82.14B.061 (Administration by department--Extending
- 5 reporting periods) and 2002 c 341 s 11, 2000 c 106 s 3, & 1998 c 304 s
- 6 6;
- 7 (8) RCW 82.14B.070 (Emergency service communication districts--
- 8 Authorized--Consolidation--Dissolution) and 1994 c 54 s 1 & 1987 c 17
- 9 s 1;
- 10 (9) RCW 82.14B.090 (Emergency service communication districts--
- 11 Emergency service communication system--Financing--Excise tax) and 1991
- 12 c 54 s 13 & 1987 c 17 s 3;
- 13 (10) RCW 82.14B.100 (Emergency service communication districts--
- 14 Application of RCW 82.14B.040 through 82.14B.060) and 1991 c 54 s 14 &
- 15 1987 c 17 s 4;
- 16 (11) RCW 82.14B.150 (Filing of tax returns--Credit or refund for
- 17 bad debts) and 2004 c 153 s 309 & 1998 c 304 s 7;
- 18 (12) RCW 82.14B.160 (Exemption--Activities immune from taxation
- 19 under constitutions) and 1998 c 304 s 8;
- 20 (13) RCW 82.14B.200 (Burden of proof that sale is not to
- 21 subscriber--Effect of resale certificate--Liability if no retail
- 22 certificate--Penalties--Exceptions) and 2002 c 341 s 12 & 1998 c 304 s
- 23 10; and
- 24 (14) RCW 82.14B.210 (Personal liability upon termination,
- 25 dissolution, or abandonment of business--Exemptions--Notice--
- 26 Applicability--Collections) and 1998 c 304 s 11.

27 NEW SECTION. **Sec. 21.** 2007 c 6 s 1707 (uncodified) is repealed.

28 NEW SECTION. **Sec. 22.** Sections 10 through 18 of this act are each

29 added to chapter 38.52 RCW.

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.

1 NEW SECTION. **Sec. 24.** The repeals in section 20 of this act do
2 not affect any existing right acquired or liability or obligation
3 incurred under the statutes repealed or under any rule or order adopted
4 under those statutes, nor do they affect any proceeding instituted
5 under them.

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