



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 11, 2010

Ordinance 16946

Proposed No. 2010-0478.1

Sponsors Patterson

1 AN ORDINANCE changing the rate of the excise tax on
2 switched access lines and radio access lines and imposing
3 an excise tax on interconnected voice over Internet protocol
4 service lines in King County for the continued operations
5 of an enhanced 911 emergency telephone system; and
6 amending Ordinance 6875, Section 1, as amended, and
7 K.C.C. 4.34.010, Ordinance 6875, Section 2, as amended,
8 and K.C.C. 4.34.020, Ordinance 6875, Section 3, as
9 amended, and K.C.C. 4.34.030, Ordinance 6875, Section 4,
10 as amended, and K.C.C. 4.34.040 and Ordinance 11589,
11 Section 4, and K.C.C. 4.34.045.

12 PREAMBLE:

13 King County implemented an enhanced 911 emergency communications
14 system twenty-five years ago in 1985 and provides service to two million
15 911 callers each year. Funding for the enhanced 911 emergency
16 communications system has been provided through 911 excise taxes on
17 switched access lines and radio access lines, and the rate of the taxes has
18 been fifty cents per month since January 1, 2003. King County has
19 collected the taxes.

20 Changes in communications technology have enabled new types of
21 devices to access 911, and have created the need to upgrade the enhanced
22 911 emergency communications system to next generation 911 technology
23 in order to continue to meet the needs of the public.

24 The Washington state Legislature passed Substitute Senate Bill 6846,
25 which became Chapter 19, Laws of Washington 2010 1st Special Session,
26 to authorize counties to increase the 911 excise taxes on switched access
27 lines and radio access lines to seventy cents per month, and to extend the
28 911 excise tax of seventy cents per month to interconnected voice over
29 Internet protocol service lines, in order to provide funding for the
30 continued operation of the enhanced 911 emergency communications
31 system, including the upgrade to next generation 911 technology.

32 Additionally, Chapter 19, Laws of Washington 2010 1st Special Session
33 requires county 911 excise taxes to be remitted to the state of Washington
34 Department of Revenue for distribution to counties, and requires counties
35 to contract with the state of Washington Department of Revenue for the
36 administration and collection of the tax by October 15, 2010.

37 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

38 SECTION 1. Ordinance 6875, Section 1, as amended, and K.C.C. 4.34.010 are
39 hereby amended to read as follows:

40 A. There is hereby levied an excise tax on the use of all taxable switched access
41 lines in King County, as authorized by RCW 82.14B.030.

42 B. There is hereby levied an excise tax on the use of each radio access line whose
43 place of primary use as set forth in the records of the radio communications service
44 company providing such radio access lines is located within King County, as authorized
45 by RCW 82.14B.030.

46 C. There is hereby levied an excise tax on the use of each interconnected voice
47 over Internet protocol service line whose place of primary use as set forth in the records
48 of the company providing the interconnected voice over Internet protocol service lines is
49 located within King County, as authorized by RCW 82.14B.030.

50 SECTION 2. Ordinance 6875, Section 2, as amended, and K.C.C. 4.34.020 are
51 hereby amended to read as follows:

52 A. The rate of the tax imposed by K.C.C. 4.34.010_A_ shall be ~~((fifty))~~ seventy
53 cents per month per switched access line.

54 B. The rate of the tax imposed by K.C.C. 4.34.010_B_ shall be ~~((fifty))~~ seventy
55 cents per month per radio access line.

56 C. The rate of the tax imposed by K.C.C. 4.34.010.C. shall be seventy cents per
57 month per interconnected voice over Internet protocol service line.

58 SECTION 3. Ordinance 6875, Section 3, as amended, and K.C.C. 4.34.030 are
59 hereby amended to read as follows:

60 A. The proceeds of the tax imposed by this chapter before January 1, 2011, and
61 investment earnings therefrom shall be used only to pay for the implementation and
62 operation of an enhanced 911 emergency telephone system.

63 B. The proceeds of the tax imposed by this chapter on and after January 1, 2011,
64 and investment earnings therefrom shall be used only to pay for the implementation and

65 operation of an enhanced 911 emergency communications system and any applicable
66 administrative fee charged by the state of Washington Department of Revenue for the
67 administration and collection of the tax.

68 SECTION 4. Ordinance 6875, Section 4, as amended, and K.C.C. 4.34.040 are
69 hereby amended to read as follows:

70 A. For taxes imposed before January 1, 2011, and collected by the county, ((F))
71 the executive shall administer and collect the tax consistent with procedures approved in
72 Ordinance 6507. The tax imposed by this chapter shall be collected from the end user by
73 the telephone company providing the access line and by the radio communications
74 service company providing the radio access line, and the due date for remittance of the
75 tax collected shall be on or before the last day of the month following the month in which
76 the tax liability accrues. Telephone companies collecting the tax shall be reimbursed for
77 the actual costs of administration and collection of the tax. If a telephone company or
78 radio communications service company retains funds for tax administration and
79 collection, on each tax remittance statement, the company shall include a sworn statement
80 from its chief financial officer, or other authorized person, on behalf of itself and its
81 subsidiaries, that the funds retained for tax administration and collection comply with this
82 chapter and chapter 82.14B RCW.

83 B. Taxes imposed on and after January 1, 2011, shall be collected by the state of
84 Washington Department of Revenue as provided by state law.

85 SECTION 5. Ordinance 11589, Section 4, and K.C.C. 4.34.045 are hereby
86 amended to read as follows:

87 This section applies only to taxes imposed by this chapter and collected by the
88 county. In the event that the tax or any portion thereof imposed by K.C.C. 4.34.010.B, is
89 ordered to be refunded by final judgment of a court of record, the county shall, upon
90 presentation of a certified copy of the final judgment, pay to each radio communications
91 service company the portion of the ordered refund attributable to tax collected by the
92 company, in trust for the benefit of end users from whom the tax was collected. Each
93 company is required to promptly remit to each end user who paid tax for which refund is
94 ordered the duly allocable portion of the refund held in trust. To the extent end users
95 entitled to refund cannot be identified or located by the company with exercise of due
96 diligence within three (~~((3))~~) months of the date refund is received in trust by the
97 company, the company shall return the undistributed trust funds and accumulations to the
98 county, together with the last known name and address of each person entitled thereto,
99 and the portion to which each is entitled.

100 SECTION 6. Effective date. This ordinance takes effect January 1, 2011.

101 SECTION 7. Severability. If any provision of this ordinance or its application to

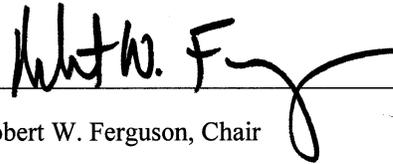
102 any person or circumstance is held invalid, the remainder of the ordinance or the
103 application of the provision to other persons or circumstances is not affected.

104

Ordinance 16946 was introduced on 8/30/2010 and passed by the Metropolitan King
County Council on 10/11/2010, by the following vote:

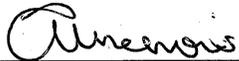
Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 12th day of October, 2010.



Dow Constantine, County Executive

Attachments: None

RECEIVED
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KING COUNTY CLERK
KING COUNTY COUNCIL