



Legislation Text

File #: 2010-0478, **Version:** 1

Clerk 08/25/2010

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

PREAMBLE:

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

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

The Washington state Legislature passed Substitute Senate Bill 6846, which became Chapter 19, Laws of Washington 2010 1st Special Session, to authorize counties to increase the 911 excise

taxes on switched access lines and radio access lines to seventy cents per month, and to extend the 911 excise tax of seventy cents per month to interconnected voice over Internet protocol service lines, in order to provide funding for the continued operation of the enhanced 911 emergency communications system, including the upgrade to next generation 911 technology. Additionally, Chapter 19, Laws of Washington 2010 1st Special Session requires county 911 excise taxes to be remitted to the state of Washington Department of Revenue for distribution to counties, and requires counties to contract with the state of Washington Department of Revenue for the administration and collection of the tax by October 15, 2010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

B. The rate of the tax imposed by K.C.C. 4.34.010.B shall be ~~((fifty))~~ seventy cents per month per

radio access line.

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

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

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

B. The proceeds of the tax imposed by this chapter on and after January 1, 2011, and investment earnings therefrom shall be used only to pay for the implementation and operation of an enhanced 911 emergency communications system and any applicable administrative fee charged by the state of Washington Department of Revenue for the administration and collection of the tax.

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

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

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

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

This section applies only to taxes imposed by this chapter and collected by the county. In the event that the tax or any portion thereof imposed by K.C.C. 4.34.010~~B~~₂ is ordered to be refunded by final judgment of a court of record, the county shall, upon presentation of a certified copy of the final judgment, pay to each radio communications service company the portion of the ordered refund attributable to tax collected by the company, in trust for the benefit of end users from whom the tax was collected. Each company is required to promptly remit to each end user who paid tax for which refund is ordered the duly allocable portion of the refund held in trust. To the extent end users entitled to refund cannot be identified or located by the company with exercise of due diligence within three (~~(3)~~) months of the date refund is received in trust by the company, the company shall return the undistributed trust funds and accumulations to the county, together with the last known name and address of each person entitled thereto, and the portion to which each is entitled.

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

SECTION 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

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