

ESHB 1336 - S COMM AMD

By Committee on Environment, Energy & Technology

ADOPTED AS AMENDED 04/11/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 54.16.005 and 2000 c 81 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Broadband infrastructure" means networks of deployed
8 telecommunications equipment and technologies necessary to provide
9 high-speed internet access and other advanced telecommunications
10 services.

11 (2) "Commission" means the Washington utilities and
12 transportation commission.

13 ~~((2))~~ (3) "District commission" means the governing board of a
14 public utility district.

15 (4) "Retail telecommunications services" means the sale, lease,
16 license, or indivisible right of use of telecommunications services
17 or telecommunications facilities directly to end users.

18 (5) "Telecommunications" has the same meaning as ~~((that~~
19 ~~contained))~~ defined in RCW 80.04.010.

20 ~~((3))~~ (6) "Telecommunications facilities" means lines,
21 conduits, ducts, poles, wires, cables, crossarms, receivers,
22 transmitters, instruments, machines, appliances, instrumentalities
23 and all devices, real estate, easements, apparatus, property, and
24 routes used, operated, owned, or controlled by any entity to
25 facilitate the provision of telecommunications services.

26 ~~((4))~~ (7) "Wholesale telecommunications services" means the
27 provision of telecommunications services or telecommunications
28 facilities for resale ((by)) to an entity ((authorized to provide))
29 that provides retail telecommunications services ((to the general
30 public and internet service providers)).

1 **Sec. 2.** RCW 54.16.330 and 2019 c 365 s 9 are each amended to
2 read as follows:

3 (1) ~~((a))~~ A public utility district in existence on June 8,
4 2000, may construct, purchase, acquire, develop, finance, lease,
5 license, handle, provide, add to, contract for, interconnect, alter,
6 improve, repair, operate, and maintain any telecommunications
7 facilities within or ~~((without))~~ outside of the district's limits for
8 any or all of the following purposes:

9 ~~((i))~~ (a) For the district's internal telecommunications needs;

10 ~~((ii) For the provision of wholesale telecommunications services~~
11 ~~within the district and by contract with another public utility~~
12 ~~district.~~

13 ~~(b) Except as provided in subsection (8) of this section, nothing~~
14 ~~in this section shall be construed to authorize public utility~~
15 ~~districts to provide telecommunications services to end users))~~ (b)
16 For the provision of either retail or wholesale, or both,
17 telecommunications services and telecommunications facilities within
18 the district; or

19 (c) For the provision of either retail or wholesale, or both,
20 telecommunications services or telecommunications facilities outside
21 of the district by contract with another public utility district, any
22 political subdivision of the state authorized to provide retail
23 telecommunications services in the state, or with any federally
24 recognized tribe located in the state of Washington.

25 (2) A public utility district providing wholesale or retail
26 telecommunications services shall ensure that rates, terms, and
27 conditions for such services are not unduly or unreasonably
28 discriminatory or preferential. Rates, terms, and conditions are
29 discriminatory or preferential when a public utility district
30 offering rates, terms, and conditions to an entity for wholesale or
31 retail telecommunications services does not offer substantially
32 similar rates, terms, and conditions to all other entities seeking
33 substantially similar services.

34 (3) A public utility district providing wholesale or retail
35 telecommunications services shall not be required to, but may,
36 establish a separate utility system or function for such purpose. In
37 either case, a public utility district providing wholesale or retail
38 telecommunications services shall separately account for any revenues
39 and expenditures for those services according to standards
40 established by the state auditor pursuant to its authority in chapter

1 43.09 RCW and consistent with the provisions of this title. Any
2 revenues received from the provision of wholesale or retail
3 telecommunications services must be dedicated to costs incurred to
4 build and maintain any telecommunications facilities constructed,
5 installed, or acquired to provide such services, including payments
6 on debt issued to finance such services, until such time as any bonds
7 or other financing instruments executed after June 8, 2000, and used
8 to finance such telecommunications facilities are discharged or
9 retired.

10 (4) When a public utility district provides wholesale or retail
11 telecommunications services, all telecommunications services rendered
12 to the district for the district's internal telecommunications needs
13 shall be allocated or charged at its true and full value. A public
14 utility district may not charge its nontelecommunications operations
15 rates that are preferential or discriminatory compared to those it
16 charges entities purchasing wholesale or retail telecommunications
17 services.

18 (5) If a person or entity receiving retail telecommunications
19 services from a public utility district under this section has a
20 complaint regarding the reasonableness of the rates, terms,
21 conditions, or services provided, the person or entity may file a
22 complaint with the district commission.

23 (6) A public utility district shall not exercise powers of
24 eminent domain to acquire telecommunications facilities or
25 contractual rights held by any other person or entity to
26 telecommunications facilities.

27 (7) Except as otherwise specifically provided, a public utility
28 district may exercise any of the powers granted to it under this
29 title and other applicable laws in carrying out the powers authorized
30 under this section. Nothing in chapter 81, Laws of 2000 limits any
31 existing authority of a public utility district under this title.

32 ~~((8) (a) If an internet service provider operating on~~
33 ~~telecommunications facilities of a public utility district that~~
34 ~~provides wholesale telecommunications services but does not provide~~
35 ~~retail telecommunications services, ceases to provide access to the~~
36 ~~internet to its end-use customers, and no other retail service~~
37 ~~providers are willing to provide service, the public utility district~~
38 ~~may provide retail telecommunications services to the end-use~~
39 ~~customers of the defunct internet service provider in order for end-~~

1 ~~use customers to maintain access to the internet until a replacement~~
2 ~~internet service provider is, or providers are, in operation.~~

3 ~~(b) Within thirty days of an internet service provider ceasing to~~
4 ~~provide access to the internet, the public utility district must~~
5 ~~initiate a process to find a replacement internet service provider or~~
6 ~~providers to resume providing access to the internet using~~
7 ~~telecommunications facilities of a public utility district.~~

8 ~~(c) For a maximum period of five months, following initiation of~~
9 ~~the process begun in (b) of this section, or, if earlier than five~~
10 ~~months, until a replacement internet service provider is, or~~
11 ~~providers are, in operation, the district commission may establish a~~
12 ~~rate for providing access to the internet and charge customers to~~
13 ~~cover expenses necessary to provide access to the internet.~~

14 ~~(9) The tax treatment of the retail telecommunications services~~
15 ~~provided by a public utility district to the end-use customers during~~
16 ~~the period specified in subsection (8) of this section must be the~~
17 ~~same as if those retail telecommunications services were provided by~~
18 ~~the defunct internet service provider.)~~

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16
20 RCW to read as follows:

21 (1) Before providing retail telecommunications services, a public
22 utility district is encouraged to examine and report to its governing
23 body the following about the area to be served by the public utility
24 district:

25 (a) An assessment of the current availability of broadband
26 infrastructure and its adequacy to provide high-speed internet access
27 and other advanced telecommunications services to end users;

28 (b) The location of where retail telecommunications services will
29 be provided;

30 (c) Evidence relating to the unserved or underserved nature of
31 the community in which retail telecommunications services will be
32 provided;

33 (d) Expected costs of providing retail telecommunications
34 services to customers to be served by the public utility district;
35 and

36 (e) Evidence that proposed telecommunications infrastructure will
37 be capable of scaling to greater download and upload speeds to meet
38 state broadband goals under RCW 43.330.536.

1 (2) For purposes of this section, "unserved" means a census block
2 in which no provider has the capacity to deliver internet access
3 service at speeds of a minimum of twenty-five megabits download and
4 three megabits upload.

5 **Sec. 4.** RCW 54.16.425 and 2018 c 186 s 3 are each amended to
6 read as follows:

7 (1) Property owned by a public utility district that is exempt
8 from property tax under RCW 84.36.010 is subject to an annual payment
9 in lieu of property taxes if the property consists of a broadband
10 (~~network~~) infrastructure used in providing retail (~~internet~~
11 ~~service~~) telecommunications services.

12 (2) (a) The amount of the payment must be determined jointly and
13 in good faith negotiation between the public utility district that
14 owns the property and the county or counties in which the property is
15 located.

16 (b) The amount agreed upon may not exceed the property tax amount
17 that would be owed on the property comprising the broadband
18 (~~network~~) infrastructure used in providing retail (~~internet~~
19 ~~service~~) telecommunications services as calculated by the department
20 of revenue. The public utility district must provide information
21 necessary for the department of revenue to make the required
22 valuation under this subsection. The department of revenue must
23 provide the amount of property tax that would be owed on the property
24 to the county or counties in which the broadband (~~network~~)
25 infrastructure is located on an annual basis.

26 (c) If the public utility district and a county cannot agree on
27 the amount of the payment in lieu of taxes, either party may invoke
28 binding arbitration by providing written notice to the other party.
29 In the event that the amount of payment in lieu of taxes is submitted
30 to binding arbitration, the arbitrators must consider the government
31 services available to the public utility district's broadband
32 (~~network~~) infrastructure used in providing retail (~~internet~~
33 ~~service~~) telecommunications services. The public utility district
34 and county must each select one arbitrator, the two of whom must pick
35 a third arbitrator. Costs of the arbitration, including compensation
36 for the arbitrators' services, must be borne equally by the parties
37 participating in the arbitration.

38 (3) By April 30th of each year, a public utility district must
39 remit the annual payment to the county treasurer of each county in

1 which the public utility district's broadband ((network))
2 infrastructure used in providing retail ((internet—service))
3 telecommunications services is located in a form and manner required
4 by the county treasurer.

5 (4) The county must distribute the amounts received under this
6 section to all property taxing districts, including the state, in
7 appropriate tax code areas in the same proportion as it would
8 distribute property taxes from taxable property.

9 (5) By December 1, 2019, and annually thereafter, the department
10 of revenue must submit a report to the appropriate legislative
11 committees detailing the amount of payments made under this section
12 and the amount of property tax that would be owed on the property
13 comprising the broadband ((network)) infrastructure used in providing
14 retail ((internet—service)) telecommunications services.

15 ~~((6) The definitions in RCW 54.16.420 apply to this section.))~~

16 NEW SECTION. Sec. 5. A new section is added to chapter 35.27
17 RCW to read as follows:

18 (1) A town may construct, purchase, acquire, develop, finance,
19 lease, license, provide, contract for, interconnect, alter, improve,
20 repair, operate, and maintain telecommunications services or
21 telecommunications facilities for the purpose of furnishing the town
22 and its inhabitants with telecommunications services. The town has
23 full authority to regulate and control the use, distribution, and
24 price of the services.

25 (2) For purposes of this section, "telecommunications" has the
26 same meaning as defined in RCW 80.04.010.

27 NEW SECTION. Sec. 6. A new section is added to chapter 35.23
28 RCW to read as follows:

29 (1) A second-class city may construct, purchase, acquire,
30 develop, finance, lease, license, provide, contract for,
31 interconnect, alter, improve, repair, operate, and maintain
32 telecommunications services or telecommunications facilities for the
33 purpose of furnishing the second-class city and its inhabitants with
34 telecommunications services. The second-class city has full authority
35 to regulate and control the use, distribution, and price of the
36 services.

37 (2) For purposes of this section, "telecommunications" has the
38 same meaning as defined in RCW 80.04.010.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01
2 RCW to read as follows:

3 (1) A county may construct, purchase, acquire, develop, finance,
4 lease, license, provide, contract for, interconnect, alter, improve,
5 repair, operate, and maintain telecommunications services or
6 telecommunications facilities for the purpose of furnishing the
7 county and its inhabitants with telecommunications services. The
8 county has full authority to regulate and control the use,
9 distribution, and price of the services.

10 (2) For purposes of this section, "telecommunications" has the
11 same meaning as defined in RCW 80.04.010.

12 **Sec. 8.** RCW 53.08.005 and 2018 c 169 s 1 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Commission" means the Washington utilities and
17 transportation commission.

18 (2) "Retail telecommunications services" means the sale, lease,
19 license, or indivisible right of use of telecommunications services
20 or telecommunications facilities directly to end users.

21 (3) "Telecommunications" has the same meaning as contained in RCW
22 80.04.010.

23 ((+3)) (4) "Telecommunications facilities" means lines,
24 conduits, ducts, poles, wires, cables, crossarms, receivers,
25 transmitters, instruments, machines, appliances, instrumentalities
26 and all devices, real estate, easements, apparatus, property, and
27 routes used, operated, owned, or controlled by any entity to
28 facilitate the provision of telecommunications services.

29 ((+4)) (5) "Wholesale telecommunications services" means the
30 provision of telecommunications services or telecommunications
31 facilities for resale ((by)) to an entity authorized to provide
32 telecommunications services ((to the general public and internet
33 service providers)). Wholesale telecommunications services includes
34 the provision of unlit or dark optical fiber for resale, but not the
35 provision of lit optical fiber.

36 **Sec. 9.** RCW 53.08.370 and 2019 c 365 s 10 are each amended to
37 read as follows:

1 (1) A port district in existence on June 8, 2000, may construct,
2 purchase, acquire, develop, finance, lease, license, handle, provide,
3 add to, contract for, interconnect, alter, improve, repair, operate,
4 and maintain any telecommunications facilities within or ~~((without))~~
5 outside the district's limits for any or all of the following
6 purposes:

7 (a) For the district's own use; ~~((and))~~

8 (b) For the provision of wholesale telecommunications services
9 within or ~~((without))~~ outside the district's limits ~~((Nothing in~~
10 ~~this subsection shall be construed to authorize port districts to~~
11 ~~provide telecommunications services to end users))~~; or

12 (c) For the provision of retail telecommunications services
13 within or outside the district's limits.

14 (2) Except as provided in subsection ~~((+9))~~ (8) of this section,
15 a port district providing wholesale or retail telecommunications
16 services under this section shall ensure that rates, terms, and
17 conditions for such services are not unduly or unreasonably
18 discriminatory or preferential. Rates, terms, and conditions are
19 discriminatory or preferential when a port district offering such
20 rates, terms, and conditions to an entity for wholesale or retail
21 telecommunications services does not offer substantially similar
22 rates, terms, and conditions to all other entities seeking
23 substantially similar services.

24 (3) When a port district establishes a separate utility function
25 for the provision of wholesale or retail telecommunications services,
26 it shall account for any and all revenues and expenditures related to
27 its wholesale or retail telecommunications facilities and services
28 separately from revenues and expenditures related to its internal
29 telecommunications operations. Any revenues received from the
30 provision of wholesale or retail telecommunications services must be
31 dedicated to the utility function that includes the provision of
32 wholesale or retail telecommunications services for costs incurred to
33 build and maintain the telecommunications facilities until such time
34 as any bonds or other financing instruments executed after June 8,
35 2000, and used to finance the telecommunications facilities are
36 discharged or retired.

37 (4) When a port district establishes a separate utility function
38 for the provision of wholesale or retail telecommunications services,
39 all telecommunications services rendered by the separate function to
40 the district for the district's internal telecommunications needs

1 shall be charged at its true and full value. A port district may not
2 charge its nontelecommunications operations rates that are
3 preferential or discriminatory compared to those it charges entities
4 purchasing wholesale or retail telecommunications services.

5 (5) A port district shall not exercise powers of eminent domain
6 to acquire telecommunications facilities or contractual rights held
7 by any other person or entity to telecommunications facilities.

8 (6) Except as otherwise specifically provided, a port district
9 may exercise any of the powers granted to it under this title and
10 other applicable laws in carrying out the powers authorized under
11 this section. Nothing in chapter 81, Laws of 2000 limits any existing
12 authority of a port district under this title.

13 ~~(7) ((A port district that has not exercised the authorities
14 provided in this section prior to June 7, 2018, must develop a
15 business case plan before exercising the authorities provided in this
16 section. The port district must procure an independent qualified
17 consultant to review the business case plan, including the use of
18 public funds in the provision of wholesale telecommunications
19 services. Any recommendations or adjustments to the business case
20 plan made during third-party review must be received and either
21 rejected or accepted by the port commission in an open meeting.~~

22 ~~(8))~~ A port district with telecommunications facilities for use
23 in the provision of wholesale or retail telecommunications in
24 accordance with subsection (1) ~~((b))~~ of this section may be subject
25 to local leasehold excise taxes under RCW 82.29A.040.

26 ~~((9))~~ (8)(a) A port district under this section may select a
27 telecommunications company to operate all or a portion of the port
28 district's telecommunications facilities.

29 (b) For the purposes of this section "telecommunications company"
30 means any for-profit entity owned by investors that sells
31 telecommunications services to end users.

32 (c) Nothing in this subsection ~~((9))~~ (8) is intended to limit
33 or otherwise restrict any other authority provided by law.

34 NEW SECTION. **Sec. 10.** A new section is added to chapter 53.08
35 RCW to read as follows:

36 (1) Before providing retail telecommunications services, a port
37 district is encouraged to examine and report to its governing body
38 the following about the area to be served by the port district:

1 (a) An assessment of the current availability of broadband
2 infrastructure and its adequacy to provide high-speed internet access
3 and other advanced telecommunications services to end users;

4 (b) The location of where retail telecommunications services will
5 be provided;

6 (c) Evidence relating to the unserved or underserved nature of
7 the community in which retail telecommunications services will be
8 provided;

9 (d) Expected costs of providing retail telecommunications
10 services to customers to be served by the port district; and

11 (e) Evidence that proposed telecommunications infrastructure will
12 be capable of scaling to greater download and upload speeds to meet
13 state broadband goals under RCW 43.330.536.

14 (2) For purposes of this section, "unserved" means a census block
15 in which no provider has the capacity to deliver internet access
16 service at speeds of a minimum of twenty-five megabits download and
17 three megabits upload.

18 **Sec. 11.** RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each
19 amended to read as follows:

20 (1) To qualify for financial assistance under this chapter the
21 board must determine that a local government meets all of the
22 following conditions:

23 (a) The city or county must be imposing a tax under chapter 82.46
24 RCW at a rate of at least one-quarter of one percent;

25 (b) The local government must have developed a capital facility
26 plan; and

27 (c) The local government must be using all local revenue sources
28 which are reasonably available for funding public works, taking into
29 consideration local employment and economic factors.

30 (2) Except where necessary to address a public health need or
31 substantial environmental degradation, or increase access to
32 broadband, a county, city, or town planning under RCW 36.70A.040 may
33 not receive financial assistance under this chapter unless it has
34 adopted a comprehensive plan, including a capital facilities plan
35 element, and development regulations as required by RCW 36.70A.040.
36 This subsection does not require any county, city, or town planning
37 under RCW 36.70A.040 to adopt a comprehensive plan or development
38 regulations before requesting or receiving financial assistance under
39 this chapter if such request is made before the expiration of the

1 time periods specified in RCW 36.70A.040. A county, city, or town
2 planning under RCW 36.70A.040 that has not adopted a comprehensive
3 plan and development regulations within the time periods specified in
4 RCW 36.70A.040 may apply for and receive financial assistance under
5 this chapter if the comprehensive plan and development regulations
6 are adopted as required by RCW 36.70A.040 before executing a
7 contractual agreement for financial assistance with the board.

8 (3) In considering awarding financial assistance for public
9 facilities to special districts requesting funding for a proposed
10 facility located in a county, city, or town planning under RCW
11 36.70A.040, the board must consider whether the county, city, or town
12 planning under RCW 36.70A.040 in whose planning jurisdiction the
13 proposed facility is located has adopted a comprehensive plan and
14 development regulations as required by RCW 36.70A.040.

15 (4) (a) The board must develop a process to prioritize
16 applications and funding of loans and grants for public works
17 projects submitted by local governments. The board must consider, at
18 a minimum and in any order, the following factors in prioritizing
19 projects:

20 (i) Whether the project is critical in nature and would affect
21 the health and safety of many people;

22 (ii) The extent to which the project leverages other funds;

23 (iii) The extent to which the project is ready to proceed to
24 construction;

25 (iv) Whether the project is located in an area of high
26 unemployment, compared to the average state unemployment;

27 (v) Whether the project promotes the sustainable use of resources
28 and environmental quality, as applicable;

29 (vi) Whether the project consolidates or regionalizes systems;

30 (vii) Whether the project encourages economic development through
31 mixed-use and mixed income development consistent with chapter 36.70A
32 RCW;

33 (viii) Whether the system is being well-managed in the present
34 and for long-term sustainability;

35 (ix) Achieving equitable distribution of funds by geography and
36 population;

37 (x) The extent to which the project meets the following state
38 policy objectives:

39 (A) Efficient use of state resources;

40 (B) Preservation and enhancement of health and safety;

1 (C) Abatement of pollution and protection of the environment;
2 (D) Creation of new, family-wage jobs, and avoidance of shifting
3 existing jobs from one Washington state community to another;
4 (E) Fostering economic development consistent with chapter 36.70A
5 RCW;
6 (F) Efficiency in delivery of goods and services and
7 transportation; and
8 (G) Reduction of the overall cost of public infrastructure;
9 (xi) Whether the applicant sought or is seeking funding for the
10 project from other sources; and
11 (xii) Other criteria that the board considers necessary to
12 achieve the purposes of this chapter.
13 (b) Before September 1, 2018, and each year thereafter, the board
14 must develop and submit a report regarding the construction loans and
15 grants to the office of financial management and appropriate fiscal
16 committees of the senate and house of representatives. The report
17 must include:
18 (i) The total number of applications and amount of funding
19 requested for public works projects;
20 (ii) A list and description of projects approved in the preceding
21 fiscal year with project scores against the board's prioritization
22 criteria;
23 (iii) The total amount of loan and grants disbursements made from
24 the public works assistance account in the preceding fiscal year;
25 (iv) The total amount of loan repayments in the preceding fiscal
26 year for outstanding loans from the public works assistance account;
27 (v) The total amount of loan repayments due for outstanding loans
28 for each fiscal year over the following ten-year period; and
29 (vi) The total amount of funds obligated and timing of when the
30 funds were obligated in the preceding fiscal year.
31 (c) The maximum amount of funding that the board may provide for
32 any jurisdiction is ten million dollars per biennium.
33 (5) Existing debt or financial obligations of local governments
34 may not be refinanced under this chapter. Each local government
35 applicant must provide documentation of attempts to secure additional
36 local or other sources of funding for each public works project for
37 which financial assistance is sought under this chapter.
38 (6) Before September 1st of each year, the board must develop and
39 submit to the appropriate fiscal committees of the senate and house

1 of representatives a description of the loans and grants made under
2 RCW 43.155.065 and 43.155.068.

3 (7) The board may not sign contracts or otherwise financially
4 obligate funds from the public works assistance account before the
5 legislature has appropriated funds to the board for the purpose of
6 funding public works projects under this chapter.

7 (8) To qualify for loans, grants, or pledges for solid waste or
8 recycling facilities under this chapter, a city or county must
9 demonstrate that the solid waste or recycling facility is consistent
10 with and necessary to implement the comprehensive solid waste
11 management plan adopted by the city or county under chapter ((70.95))
12 70A.205 RCW.

13 (9) After January 1, 2010, any project designed to address the
14 effects of stormwater or wastewater on Puget Sound may be funded
15 under this section only if the project is not in conflict with the
16 action agenda developed by the Puget Sound partnership under RCW
17 90.71.310.

18 (10) For projects involving repair, replacement, or improvement
19 of a wastewater treatment plant or other public works facility for
20 which an investment grade efficiency audit is reasonably obtainable,
21 the public works board must require as a contract condition that the
22 project sponsor undertake an investment grade efficiency audit. The
23 project sponsor may finance the costs of the audit as part of its
24 public works assistance account program loan or grant.

25 (11) The board must implement policies and procedures designed to
26 maximize local government consideration of other funds to finance
27 local infrastructure.

28 (12) The relevant sections of the Washington Administrative Code
29 must be amended by January 1, 2022, in accordance with the provisions
30 of this section.

31 NEW SECTION. **Sec. 12.** This act may be known and cited as the
32 public broadband act.

33 NEW SECTION. **Sec. 13.** RCW 54.16.420 (Retail internet service—
34 Definitions—Authority—Requirements) and 2018 c 186 s 1 are each
35 repealed."

ESHB 1336 - S COMM AMD

By Committee on Environment, Energy & Technology

ADOPTED AS AMENDED 04/11/2021

1 On page 1, line 3 of the title, after "users;" strike the
2 remainder of the title and insert "amending RCW 54.16.005, 54.16.330,
3 54.16.425, 53.08.005, 53.08.370, and 43.155.070; adding a new section
4 to chapter 54.16 RCW; adding a new section to chapter 35.27 RCW;
5 adding a new section to chapter 35.23 RCW; adding a new section to
6 chapter 36.01 RCW; adding a new section to chapter 53.08 RCW;
7 creating a new section; and repealing RCW 54.16.420."

EFFECT: (1) Adds an exception for increasing access to broadband to the provision that a county, city, or town planning under the Growth Management Act may not receive financial assistance for a public works project unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by the Growth Management Act.

(2) Requires the relevant sections of the Washington Administrative Code to be amended by January 1, 2022, accordingly.

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