
HOUSE BILL 1140

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Pearson, Kristiansen, and Hudgins

Read first time 01/13/11. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to authorizing towns to provide high-speed internet
2 service; amending RCW 35.27.370; adding a new section to chapter 35.27
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that some small towns
6 lack access to high-speed internet services. This is often due to the
7 town's remote location and lack of existing telecommunications
8 infrastructure. Access to high-speed internet and wireless service is
9 an important element for ensuring economic vitality in all communities.
10 The legislature intends to authorize towns to provide high-speed
11 internet access when there is no other provider of such services
12 available in their town and surrounding community.

13 **Sec. 2.** RCW 35.27.370 and 2008 c 129 s 3 are each amended to read
14 as follows:

15 The council of said town shall have power:

16 (1) To pass ordinances not in conflict with the Constitution and
17 laws of this state, or of the United States;

1 (2) To purchase, lease or receive such real estate and personal
2 property as may be necessary or proper for municipal purposes, and to
3 control, dispose of and convey the same for the benefit of the town; to
4 acquire, own, and hold real estate for cemetery purposes either within
5 or without the corporate limits, to sell and dispose of such real
6 estate, to plat or replat such real estate into cemetery lots and to
7 sell and dispose of any and all lots therein, and to operate, improve
8 and maintain the same as a cemetery;

9 (3) To contract for supplying the town with water for municipal
10 purposes, or to acquire, construct, repair and manage pumps, aqueducts,
11 reservoirs, or other works necessary or proper for supplying water for
12 use of such town or its inhabitants, or for irrigating purposes
13 therein;

14 (4) To establish, build and repair bridges, to establish, lay out,
15 alter, widen, extend, keep open, improve, and repair streets,
16 sidewalks, alleys, squares and other public highways and places within
17 the town, and to drain, sprinkle and light the same; to remove all
18 obstructions therefrom; to establish the grades thereof; to grade,
19 pave, plank, macadamize, gravel and curb the same, in whole or in part,
20 and to construct gutters, culverts, sidewalks and crosswalks therein,
21 or on any part thereof; to cause to be planted, set out and cultivated
22 trees therein, and generally to manage and control all such highways
23 and places;

24 (5) To establish, construct and maintain drains and sewers, and
25 shall have power to compel all property owners on streets along which
26 sewers are constructed to make proper connections therewith, and to use
27 the same for proper purposes when such property is improved by the
28 erection thereon of a building or buildings; and in case the owners of
29 such improved property on such streets shall fail to make such
30 connections within the time fixed by such council, they may cause such
31 connections to be made, and to assess against the property in front of
32 which such connections are made the costs and expenses thereof;

33 (6) To provide fire engines and all other necessary or proper
34 apparatus for the prevention and extinguishment of fires;

35 (7) To impose and collect an annual license on every dog within the
36 limits of the town, to prohibit dogs running at large, and to provide
37 for the killing of all dogs found at large and not duly licensed;

1 (8) To levy and collect annually a property tax, for the payment of
2 current expenses and for the payment of indebtedness (if any
3 indebtedness exists) within the limits authorized by law;

4 (9) To license, for purposes of regulation and revenue, all and
5 every kind of business, authorized by law and transacted and carried on
6 in such town; and all shows, exhibitions and lawful games carried on
7 therein and within one mile of the corporate limits thereof; to fix the
8 rate of license tax upon the same, and to provide for the collection of
9 the same, by suit or otherwise; to regulate, restrain, or prohibit the
10 running at large of any and all domestic animals within the city
11 limits, or any part or parts thereof, and to regulate the keeping of
12 such animals within any part of the city; to establish, maintain and
13 regulate a common pound for estrays, and to appoint a poundkeeper, who
14 shall be paid out of the fines and fees imposed on, and collected from,
15 the owners of any impounded stock. A city may not require a business
16 to be licensed based solely upon registration under or compliance with
17 the streamlined sales and use tax agreement;

18 (10) To improve the rivers and streams flowing through such town or
19 adjoining the same; to widen, straighten and deepen the channels
20 thereof, and to remove obstructions therefrom; to prevent the pollution
21 of streams or water running through such town, and for this purpose
22 shall have jurisdiction for two miles in either direction; to improve
23 the waterfront of the town, and to construct and maintain embankments
24 and other works to protect such town from overflow;

25 (11) To erect and maintain buildings for municipal purposes;

26 (12) To grant franchises or permits to use and occupy the surface,
27 the overhead and the underground of streets, alleys and other public
28 ways, under such terms and conditions as it shall deem fit, for any and
29 all purposes, including but not being limited to the construction,
30 maintenance and operation of railroads, street railways, transportation
31 systems, water, gas and steam systems, telephone and telegraph systems,
32 electric lines, signal systems, surface, aerial and underground
33 tramways;

34 (13) To punish the keepers and inmates and lessors of houses of ill
35 fame, and keepers and lessors of gambling houses and rooms and other
36 places where gambling is carried on or permitted, gamblers and keepers
37 of gambling tables;

1 (14) To impose fines, penalties and forfeitures for any and all
2 violations of ordinances, and for any breach or violation of any
3 ordinance, to fix the penalty by fine or imprisonment, or both; but no
4 such fine shall exceed five thousand dollars, nor the term of
5 imprisonment exceed one year, except that the punishment for any
6 criminal ordinance shall be the same as the punishment provided in
7 state law for the same crime; or to provide that violations of
8 ordinances constitute a civil violation subject to a monetary penalty,
9 but no act which is a state crime may be made a civil violation;

10 (15) To operate ambulance service which may serve the town and
11 surrounding rural areas and, in the discretion of the council, to make
12 a charge for such service;

13 (16) Subject to the conditions in section 3 of this act, to
14 construct, purchase, acquire, develop, finance, lease, license,
15 provide, contract for, interconnect, alter, improve, repair, operate,
16 and maintain high-speed internet service or facilities for the
17 provision of high-speed internet service in circumstances where a
18 private provider does not offer such services;

19 (17) To make all such ordinances, bylaws, rules, regulations and
20 resolutions not inconsistent with the Constitution and laws of the
21 state of Washington, as may be deemed expedient to maintain the peace,
22 good government and welfare of the town and its trade, commerce and
23 manufacturers, and to do and perform any and all other acts and things
24 necessary or proper to carry out the provisions of this chapter.

25 NEW SECTION. Sec. 3. A new section is added to chapter 35.27 RCW
26 to read as follows:

27 (1) Except as provided in subsection (4) of this section, towns may
28 provide high-speed internet services as authorized in RCW 35.27.370(16)
29 after enacting an ordinance that establishes:

30 (a) There are no other high-speed internet service providers
31 available for the community;

32 (b) The proposed geographical area or areas that will be provided
33 service;

34 (c) The general business plan for providing high-speed internet
35 services, including the targeted users of the services, the type of
36 infrastructure, the technology or technologies to be used, and the
37 types of services that will be provided;

1 (d) The proposed funding source that will be used to pay for the
2 infrastructure, facilities, operations, and maintenance of any high-
3 speed internet services and the estimated cost to the taxpayers; and

4 (e) The establishment of a separate account for any revenues and
5 expenditures for those services according to standards established by
6 the state auditor pursuant to the auditor's authority in chapter 43.09
7 RCW and consistent with the provisions of this title. Any revenues
8 received from the provision of high-speed internet service must be
9 dedicated to costs incurred to build and maintain any high-speed
10 internet facilities constructed, installed, or acquired to provide such
11 services, including payments on debt issued to finance such services,
12 until such time as any bonds or other financing instruments executed
13 after the effective date of this section and used to finance such high-
14 speed internet facilities are discharged or retired.

15 (2) The ordinance is subject to referendum of the people if a
16 petition with the number of signatures of legal voters equal to or
17 exceeding four percent of the voters in the proposed high-speed
18 internet service area cast at the last regular gubernatorial election
19 is submitted to the county auditor's office no later than forty-five
20 days from the date the ordinance was passed.

21 (3) For purposes of RCW 35.27.370 and this section, high-speed
22 internet services means a high-speed, high capacity transmission
23 medium, using satellite, wireless, broadband, or any other mechanism
24 that can carry either signals or transmit data, or both, over long
25 distances by using a wide range of frequencies, but not to include
26 services commonly known as radio, television, or telephone services.

27 (4) The authority granted to a town under RCW 35.27.370(16) and
28 this section to provide high-speed internet service to consumers
29 expires one year after a determination by the department of information
30 services that high-speed internet service is offered in the town by a
31 private provider.

32 NEW SECTION. **Sec. 4.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

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