
HOUSE BILL 2056

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Anderson and Grant

Read first time 02/24/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to transmission facilities; and adding a new
2 section to chapter 35.22 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.22 RCW
5 to read as follows:

6 (1) The construction, operation, and maintenance of broadband
7 transmission network facilities in all forms and by every possible
8 means is found and declared to be a public purpose of the highest
9 priority.

10 (2) First class cities shall have power and authority to
11 participate and enter into agreements for the use or undivided
12 ownership of broadband transmission network facilities and other
13 information transmission facilities, including, but not limited to,
14 transmission networks consisting of fiber optic, coaxial cable, and any
15 other communication cable or wire and combinations thereof, and capable
16 of transmitting data, sound, pictures, and other information in any
17 form; and for the planning, financing, acquisition, construction,
18 operation, and maintenance with: (a) Each other; (b) companies that
19 are subject to the jurisdiction of the Washington utilities and

1 transportation commission or the regulatory commission of any other
2 state, to be called "regulated utilities"; (c) municipal corporations,
3 utility districts, or other political subdivisions in a state; (d)
4 educational institutions; (e) persons and entities authorized to do
5 business in Washington; and (f) the United States or any agency
6 thereof. It shall be provided in the agreements that each city shall
7 use or own a percentage of an information transmission network facility
8 equal to the percentage of the money furnished or the value of property
9 supplied by it for the acquisition and construction of or additions or
10 improvements to the facility and shall own and control a like
11 percentage of the transmission capacity of the facility. A city using
12 or owning common facilities under this section may issue revenue bonds
13 or other obligations to finance the city's share of the use or
14 ownership of the common facilities.

15 (3) The agreement must provide that each participant shall defray
16 its own interest and other payments required to be made or deposited in
17 connection with financing undertaken by it to pay its percentage of the
18 money furnished or value of property supplied by it for the planning,
19 acquisition, and construction of an information transmission network
20 facility, or additions or betterments. The agreement shall provide a
21 uniform method of determining and allocating operation and maintenance
22 expenses of such a facility.

23 (4) Each city participating in the ownership, use, or operation of
24 an information transmission network facility shall pay all taxes
25 chargeable to its share of the facility and the use thereof under
26 applicable statutes.

27 (5) In carrying out the powers granted in this section, each city
28 shall be severally liable only for its own acts and not jointly or
29 severally liable for the acts, omissions, or obligations of others. No
30 money or property supplied by a city for the planning, financing,
31 acquisition, construction, operation, or maintenance of, or addition or
32 improvement to an information transmission network facility shall be
33 credited or otherwise applied to the account of any other participant
34 therein, nor shall the undivided share of a city in a facility be
35 charged, directly or indirectly, with a debt or obligation of any other
36 participant or be subject to a lien as a result thereof. No action in
37 connection with such a facility shall be binding upon a city unless

1 authorized or approved by resolution or ordinance of its governing
2 body.

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