

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5511

Chapter 365, Laws of 2019

66th Legislature
2019 Regular Session

BROADBAND INTERNET SERVICE ACCESS

EFFECTIVE DATE: July 28, 2019—Except for sections 11 through 18 and 20, which become effective May 13, 2019.

Passed by the Senate April 24, 2019
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 16, 2019
Yeas 97 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2019 3:39 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5511** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 16, 2019

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5511

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wellman, Sheldon, Carlyle, Short, McCoy, Nguyen, Takko, Cleveland, Darneille, Dhingra, Llias, Mullet, Saldaña, and Frockt; by request of Office of the Governor)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to expanding affordable, resilient broadband
2 service to enable economic development, public safety, health care,
3 and education in Washington's communities; amending RCW 54.16.330,
4 53.08.370, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680,
5 80.36.690, and 80.36.700; amending 2013 2nd sp.s. c 8 ss 212 and 303
6 (uncodified); reenacting and amending RCW 43.84.092; adding new
7 sections to chapter 43.330 RCW; adding new sections to chapter 43.155
8 RCW; creating new sections; repealing RCW 43.330.415, 43.330.418, and
9 80.36.620; providing expiration dates; and declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that:

12 (1) Access to broadband is critical to full participation in
13 society and the modern economy;

14 (2) Increasing broadband access to unserved areas of the state
15 serves a fundamental governmental purpose and function and provides a
16 public benefit to the citizens of Washington by enabling access to
17 health care, education, and essential services, providing economic
18 opportunities, and enhancing public health and safety;

19 (3) Achieving affordable and quality broadband access for all
20 Washingtonians will require additional and sustained investment,

1 research, local and community participation, and partnerships between
2 private, public, and nonprofit entities;

3 (4) The federal communications commission has adopted a national
4 broadband plan that includes recommendations directed to federal,
5 state, and local governments, including recommendations to:

6 (a) Design policies to ensure robust competition and maximize
7 consumer welfare, innovation, and investment;

8 (b) Ensure efficient allocation and management of assets that the
9 government controls or influences to encourage network upgrades and
10 competitive entry;

11 (c) Reform current universal service mechanisms to support
12 deployment in high-cost areas, ensuring that low-income Americans can
13 afford broadband, and supporting efforts to boost adoption and
14 utilization; and

15 (d) Reform laws, policies, standards, and incentives to maximize
16 the benefits of broadband in sectors that government influences
17 significantly, such as public education, health care, and government
18 operations;

19 (5) Extensive investments have been made by the
20 telecommunications industry and the public sector, as well as
21 policies and programs adopted to provide affordable broadband
22 services throughout the state, that will provide a foundation to
23 build a comprehensive statewide framework for additional actions
24 needed to advance the state's broadband goals; and

25 (6) Providing additional funding mechanisms to increase broadband
26 access in unserved areas is in the best interest of the state. To
27 that end, this act establishes a grant and loan program that will
28 support the extension of broadband infrastructure to unserved areas.
29 To ensure this program primarily serves the public interest, the
30 legislature intends that any grant or loan provided to a private
31 entity under this program must be conditioned on a guarantee that the
32 asset or infrastructure to be developed will be maintained for public
33 use for a period of at least fifteen years.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330
35 RCW to read as follows:

36 The definitions in this section apply throughout this section and
37 sections 3 through 6 of this act unless the context clearly requires
38 otherwise.

1 (1) "Board" means the public works board established in RCW
2 43.155.030.

3 (2) "Broadband" or "broadband service" means any service
4 providing advanced telecommunications capability and internet access
5 with transmission speeds that, at a minimum, provide twenty-five
6 megabits per second download and three megabits per second upload.

7 (3) "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 to end users.

11 (4) "Department" means the department of commerce.

12 (5) "Last mile infrastructure" means broadband infrastructure
13 that serves as the final connection from a broadband service
14 provider's network to the end-use customer's on-premises
15 telecommunications equipment.

16 (6) "Local government" includes cities, towns, counties,
17 municipal corporations, public port districts, public utility
18 districts, quasi-municipal corporations, special purpose districts,
19 and multiparty entities comprised of public entity members.

20 (7) "Middle mile infrastructure" means broadband infrastructure
21 that links a broadband service provider's core network infrastructure
22 to last mile infrastructure.

23 (8) "Office" means the governor's statewide broadband office
24 established in section 3 of this act.

25 (9) "Tribe" means any federally recognized Indian tribe whose
26 traditional lands and territories included parts of Washington.

27 (10) "Unserved areas" means areas of Washington in which
28 households and businesses lack access to broadband service, as
29 defined by the office, except that the state's definition for
30 broadband service may not be actual speeds less than twenty-five
31 megabits per second download and three megabits per second upload.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.330
33 RCW to read as follows:

34 (1) The governor's statewide broadband office is established. The
35 director of the office must be appointed by the governor. The office
36 may employ staff necessary to carry out the office's duties as
37 prescribed by this act, subject to the availability of amounts
38 appropriated for this specific purpose.

1 (2) The purpose of the office is to encourage, foster, develop,
2 and improve affordable, quality broadband within the state in order
3 to:

4 (a) Drive job creation, promote innovation, improve economic
5 vitality, and expand markets for Washington businesses;

6 (b) Serve the ongoing and growing needs of Washington's education
7 systems, health care systems, public safety systems, industries and
8 business, governmental operations, and citizens; and

9 (c) Improve broadband accessibility for unserved communities and
10 populations.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330
12 RCW to read as follows:

13 (1) The office has the power and duty to:

14 (a) Serve as the central broadband planning body for the state of
15 Washington;

16 (b) Coordinate with local governments, tribes, public and private
17 entities, nonprofit organizations, and consumer-owned and investor-
18 owned utilities to develop strategies and plans promoting deployment
19 of broadband infrastructure and greater broadband access, while
20 protecting proprietary information;

21 (c) Review existing broadband initiatives, policies, and public
22 and private investments;

23 (d) Develop, recommend, and implement a statewide plan to
24 encourage cost-effective broadband access and to make recommendations
25 for increased usage, particularly in rural and other unserved areas;

26 (e) Update the state's broadband goals and definitions for
27 broadband service in unserved areas as technology advances, except
28 that the state's definition for broadband service may not be actual
29 speeds less than twenty-five megabits per second download and three
30 megabits per second upload; and

31 (f) Encourage public-private partnerships to increase deployment
32 and adoption of broadband services and applications.

33 (2) When developing plans or strategies for broadband deployment,
34 the office must consider:

35 (a) Partnerships between communities, tribes, nonprofit
36 organizations, local governments, consumer-owned and investor-owned
37 utilities, and public and private entities;

38 (b) Funding opportunities that provide for the coordination of
39 public, private, state, and federal funds for the purposes of making

1 broadband infrastructure or broadband services available to rural and
2 unserved areas of the state;

3 (c) Barriers to the deployment, adoption, and utilization of
4 broadband service, including affordability of service; and

5 (d) Requiring minimum broadband service of twenty-five megabits
6 per second download and three megabits per second upload speed, that
7 is scalable to faster service.

8 (3) The office may assist applicants for the grant and loan
9 program created in section 7 of this act with seeking federal funding
10 or matching grants and other grant opportunities for deploying
11 broadband services.

12 (4) The office may take all appropriate steps to seek and apply
13 for federal funds for which the office is eligible, and other grants,
14 and accept donations, and must deposit these funds in the statewide
15 broadband account created in section 8 of this act.

16 (5) In carrying out its purpose, the office may collaborate with
17 the utilities and transportation commission, the office of the chief
18 information officer, the department of commerce, the community
19 economic revitalization board, the public works board, the state
20 librarian, and all other relevant state agencies.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330
22 RCW to read as follows:

23 It is a goal of the state of Washington that:

24 (1) By 2024, all Washington businesses and residences have access
25 to high-speed broadband that provides minimum download speeds of at
26 least twenty-five megabits per second and minimum upload speeds of at
27 least three megabits per second;

28 (2) By 2026, all Washington communities have access to at least
29 one gigabit per second symmetrical broadband service at anchor
30 institutions like schools, hospitals, libraries, and government
31 buildings; and

32 (3) By 2028, all Washington businesses and residences have access
33 to at least one provider of broadband with download speeds of at
34 least one hundred fifty megabits per second and upload speeds of at
35 least one hundred fifty megabits per second.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.330
37 RCW to read as follows:

1 (1) Beginning January 1, 2021, and biennially thereafter, the
2 office shall report to the legislative committees with jurisdiction
3 over broadband policy and finance on the office's activities during
4 the previous two years.

5 (2) The report must, at a minimum, contain:

6 (a) An analysis of the current availability and use of broadband,
7 including average broadband speeds, within the state;

8 (b) Information gathered from schools, libraries, hospitals, and
9 public safety facilities across the state, determining the actual
10 speed and capacity of broadband currently in use and the need, if
11 any, for increases in speed and capacity to meet current or
12 anticipated needs;

13 (c) An overview of incumbent broadband infrastructure within the
14 state;

15 (d) A summary of the office's activities in coordinating
16 broadband infrastructure development with the public works board,
17 including a summary of funds awarded under section 7 of this act;

18 (e) Suggested policies, incentives, and legislation designed to
19 accelerate the achievement of the goals under section 5 of this act;
20 and

21 (f) Any proposed legislative and policy initiatives.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.155
23 RCW to read as follows:

24 (1) The board, in collaboration with the office, shall establish
25 a competitive grant and loan program to award funding to eligible
26 applicants in order to promote the expansion of access to broadband
27 service in unserved areas of the state.

28 (2)(a) Grants and loans may be awarded under this section to
29 assist in funding acquisition, installation, and construction of
30 middle mile and last mile infrastructure that supports broadband
31 services and to assist in funding strategic planning for deploying
32 broadband service in unserved areas.

33 (b) The board may choose to fund all or part of an application
34 for funding, provided that the application meets the requirements of
35 subsection (9) of this section.

36 (3) Eligible applicants for grants and loans awarded under this
37 section include:

38 (a) Local governments;

39 (b) Tribes;

1 (c) Nonprofit organizations;

2 (d) Cooperative associations;

3 (e) Multiparty entities comprised of public entity members;

4 (f) Limited liability corporations organized for the purpose of
5 expanding broadband access; and

6 (g) Incorporated businesses or partnerships.

7 (4) (a) The board shall develop administrative procedures
8 governing the application and award process. The board shall act as
9 fiscal agent for the program and is responsible for receiving and
10 reviewing applications and awarding funds under this section.

11 (b) At least sixty days prior to the first day applications may
12 be submitted each fiscal year, the board must publish on its web site
13 the specific criteria and any quantitative weighting scheme or
14 scoring system that the board will use to evaluate or rank
15 applications and award funding.

16 (c) The board may maintain separate accounting in the statewide
17 broadband account created in section 8 of this act as the board deems
18 necessary to carry out the purposes of this section.

19 (d) The board must provide a method for the allocation of loans,
20 grants, provision of technical assistance, and interest rates under
21 this section.

22 (5) An applicant for a grant or loan under this section must
23 provide the following information on the application:

24 (a) The location of the project;

25 (b) Evidence regarding the unserved nature of the community in
26 which the project is to be located;

27 (c) Evidence that proposed infrastructure will be capable of
28 scaling to greater download and upload speeds;

29 (d) The number of households passed that will gain access to
30 broadband service as a result of the project or whose broadband
31 service will be upgraded as a result of the project;

32 (e) The estimated cost of retail services to end users
33 facilitated by a project;

34 (f) The proposed actual download and upload speeds experienced by
35 end users;

36 (g) Evidence of significant community institutions that will
37 benefit from the proposed project;

38 (h) Anticipated economic, educational, health care, or public
39 safety benefits created by the project;

40 (i) Evidence of community support for the project;

1 (j) If available, a description of the applicant's user adoption
2 assistance program and efforts to promote the use of newly available
3 broadband services created by the project;

4 (k) The estimated total cost of the project;

5 (l) Other sources of funding for the project that will supplement
6 any grant or loan award;

7 (m) A demonstration of the project's long-term sustainability,
8 including the applicant's financial soundness, organizational
9 capacity, and technical expertise;

10 (n) A strategic plan to maintain long-term operation of the
11 infrastructure;

12 (o) Evidence that no later than six weeks before submission of
13 the application, the applicant contacted, in writing, all entities
14 providing broadband service near the proposed project area to ask
15 each broadband service provider's plan to upgrade broadband service
16 in the project area to speeds that meet or exceed the state's
17 definition for broadband service as defined in section 2 of this act,
18 within the time frame specified in the proposed grant or loan
19 activities;

20 (p) If applicable, the broadband service providers' written
21 responses to the inquiry made under (o) of this subsection; and

22 (q) Any additional information requested by the board.

23 (6)(a) Within thirty days of the close of the grant and loan
24 application process, the board shall publish on its web site the
25 proposed geographic broadband service area and the proposed broadband
26 speeds for each application submitted.

27 (b) Any existing broadband service provider near the proposed
28 project area may, within thirty days of publication of the
29 information under (a) of this subsection, submit in writing to the
30 board an objection to an application. An objection must contain
31 information demonstrating that:

32 (i) The project would result in overbuild, meaning that the
33 objecting provider currently provides, or has begun construction to
34 provide, broadband service to end users in the proposed project area
35 at speeds equal to or greater than the state speed goals contained in
36 section 5 of this act; or

37 (ii) The objecting provider commits to complete construction of
38 broadband infrastructure and provide broadband service to end users
39 in the proposed project area at speeds equal to or greater than the
40 state speed goals contained in section 5 of this act, no later than

1 twenty-four months after the date awards are made under this section
2 for the grant and loan cycle under which the application was
3 submitted.

4 (c) Objections submitted to the board under this subsection must
5 be certified by affidavit.

6 (d) The board may evaluate the information submitted under this
7 section by the objecting provider and must consider it in making a
8 determination on the application objected to. The board may request
9 clarification or additional information. The board may choose to not
10 fund a project if the board determines that the objecting provider's
11 commitment to provide broadband service that meets the requirements
12 of (b) of this subsection in the proposed project area is credible.
13 In assessing the commitment, the board may consider whether the
14 objecting provider has or will provide a bond, letter of credit, or
15 other indicia of financial commitment guaranteeing the project's
16 completion.

17 (e) If the board denies funding to an applicant as a result of a
18 broadband service provider's objection made under this section, and
19 the broadband service provider does not fulfill its commitment to
20 provide broadband service in the project area, then for the following
21 two grant and loan cycles, the board is prohibited from denying
22 funding to an applicant on the basis of a challenge by the same
23 broadband service provider, unless the board determines that the
24 broadband service provider's failure to fulfill the provider's
25 commitment was the result of factors beyond the broadband service
26 provider's control. The board is not prohibited from denying funding
27 to an applicant for reasons other than an objection by the same
28 broadband service provider.

29 (f) An applicant or broadband service provider that objected to
30 the application may request a debriefing conference regarding the
31 board's decision on the application. Requests for debriefing must be
32 coordinated by the office and must be submitted in writing in
33 accordance with procedures specified by the office.

34 (g) Confidential business and financial information submitted by
35 an objecting provider under this subsection is exempt from disclosure
36 under chapter 42.56 RCW.

37 (7) (a) In evaluating applications and awarding funds, the board
38 shall give priority to applications that are constructed in areas
39 identified as unserved.

1 (b) In evaluating applications and awarding funds, the board may
2 give priority to applications that:

3 (i) Provide assistance to public-private partnerships deploying
4 broadband infrastructure from areas currently served with broadband
5 service to areas currently lacking access to broadband services;

6 (ii) Demonstrate project readiness to proceed;

7 (iii) Construct infrastructure that is open access, meaning that
8 during the useful life of the infrastructure, service providers may
9 use network services and facilities at rates, terms, and conditions
10 that are not discriminatory or preferential between providers, and
11 employing accountable interconnection arrangements published and
12 available publicly;

13 (iv) Are submitted by tribal governments whose reservations are
14 in rural and remote areas where reliable and efficient broadband
15 services are unavailable to many or most residents;

16 (v) Bring broadband service to tribal lands, particularly to
17 rural and remote tribal lands or areas servicing rural and remote
18 tribal entities;

19 (vi) Are submitted by tribal governments in rural and remote
20 areas that have spent significant amounts of tribal funds to address
21 the problem but cannot provide necessary broadband services without
22 either additional state support, additional federal support, or both;

23 (vii) Serve economically distressed areas of the state as the
24 term "distressed area" is defined in RCW 43.168.020;

25 (viii) Offer new or substantially upgraded broadband service to
26 important community anchor institutions including, but not limited
27 to, libraries, educational institutions, public safety facilities,
28 and health care facilities;

29 (ix) Facilitate the use of telemedicine and electronic health
30 records, especially in deliverance of behavioral health services and
31 services to veterans;

32 (x) Provide technical support and train residents, businesses,
33 and institutions in the community served by the project to utilize
34 broadband service;

35 (xi) Include a component to actively promote the adoption of
36 newly available broadband services in the community;

37 (xii) Provide evidence of strong support for the project from
38 citizens, government, businesses, and community institutions;

39 (xiii) Provide access to broadband service to a greater number of
40 unserved households and businesses, including farms;

1 (xiv) Utilize equipment and technology demonstrating greater
2 longevity of service;

3 (xv) Seek the lowest amount of state investment per new location
4 served and leverage greater amounts of funding for the project from
5 other private and public sources;

6 (xvi) Include evidence of a customer service plan;

7 (xvii) Consider leveraging existing broadband infrastructure and
8 other unique solutions;

9 (xviii) Benefit public safety and fire preparedness; or

10 (xix) Demonstrate other priorities as the board, in collaboration
11 with the office, may prescribe by rule.

12 (c) The board shall endeavor to award funds under this section to
13 qualified applicants in all regions of the state.

14 (d) The board shall consider affordability and quality of service
15 to end users in making a determination on any application.

16 (e) The board, in collaboration with the office, may develop
17 additional rules for eligibility, project applications, the
18 associated objection process, and funding priority, as provided under
19 this subsection and subsections (3), (5), and (6) of this section.

20 (f) The board, in collaboration with the office, may adopt rules
21 for a voluntary nonbinding mediation between incumbent providers and
22 applicants to the grant and loan program created in this section.

23 (8) To ensure a grant or loan to a private entity under this
24 section primarily serves the public interest and benefits the public,
25 any such grant or loan must be conditioned on a guarantee that the
26 asset or infrastructure to be developed will be maintained for public
27 use for a period of at least fifteen years.

28 (9)(a) No funds awarded under this section may fund more than
29 fifty percent of the total cost of the project, except as provided in
30 (b) of this subsection.

31 (b) The board may choose to fund up to ninety percent of the
32 total cost of a project in financially distressed areas as the term
33 "distressed area" is defined in RCW 43.168.020, and in areas
34 identified as Indian country as the term "Indian country" is defined
35 in WAC 458-20-192.

36 (c) Funds awarded to a single project under this section must not
37 exceed two million dollars, except that the board may choose to fund
38 projects qualifying for the exception in (b) of this subsection up
39 to, but not to exceed, five million dollars.

1 (10) Prior to awarding funds under this section, the board must
2 consult with the Washington utilities and transportation commission.
3 The commission must provide to the board an assessment of the
4 technical feasibility of a proposed application. The board must
5 consider the commission's assessment as part of its evaluation of a
6 proposed application.

7 (11) The board shall have such rights of recovery in the event of
8 default in payment or other breach of financing agreement as may be
9 provided in the agreement or otherwise by law.

10 (12) The community economic revitalization board shall facilitate
11 the timely transmission of information and documents from its
12 broadband program to the board in order to effectuate an orderly
13 transition.

14 (13) The definitions in section 2 of this act apply throughout
15 this section unless the context clearly requires otherwise.

16 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.155
17 RCW to read as follows:

18 (1) The statewide broadband account is created in the state
19 treasury. Moneys received from appropriations by the legislature, the
20 proceeds of bond sales when authorized by the legislature, repayment
21 of loans, or any other lawful source must be deposited into the
22 account for uses consistent with this section. Moneys in the account
23 may be spent only after appropriation.

24 (2) Expenditures from the account may be used only:

25 (a) For grant and loan awards made under section 7 of this act,
26 including costs incurred by the board to administer section 7 of this
27 act;

28 (b) To contract for data acquisition, a statewide broadband
29 demand assessment, or gap analysis;

30 (c) To supplement revenues raised by bonds sold by local
31 governments for broadband infrastructure development; or

32 (d) To provide for state match requirements under federal law.

33 (3) The board must maintain separate accounting for any federal
34 funds in the account.

35 (4) The definitions in section 2 of this act apply throughout
36 this section unless the context clearly requires otherwise.

37 **Sec. 9.** RCW 54.16.330 and 2004 c 158 s 1 are each amended to
38 read as follows:

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

6 ~~((a))~~ (i) For the district's internal telecommunications needs;
7 ~~((and~~

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

11 (b) Except as provided in subsection (8) of this section, nothing
12 in this ~~((subsection))~~ section shall be construed to authorize public
13 utility districts to provide telecommunications services to end
14 users.

15 (2) A public utility district providing wholesale or retail
16 telecommunications services 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 public utility district
20 offering rates, terms, and conditions to an entity for wholesale or
21 retail telecommunications services does not offer substantially
22 similar rates, terms, and conditions to all other entities seeking
23 substantially similar services.

24 (3) A public utility district providing wholesale or retail
25 telecommunications services shall not be required to, but may,
26 establish a separate utility system or function for such purpose. In
27 either case, a public utility district providing wholesale or retail
28 telecommunications services shall separately account for any revenues
29 and expenditures for those services according to standards
30 established by the state auditor pursuant to its authority in chapter
31 43.09 RCW and consistent with the provisions of this title. Any
32 revenues received from the provision of wholesale or retail
33 telecommunications services must be dedicated to costs incurred to
34 build and maintain any telecommunications facilities constructed,
35 installed, or acquired to provide such services, including payments
36 on debt issued to finance such services, until such time as any bonds
37 or other financing instruments executed after June 8, 2000, and used
38 to finance such telecommunications facilities are discharged or
39 retired.

1 (4) When a public utility district provides wholesale or retail
2 telecommunications services, all telecommunications services rendered
3 to the district for the district's internal telecommunications needs
4 shall be allocated or charged at its true and full value. A public
5 utility district may not charge its nontelecommunications operations
6 rates that are preferential or discriminatory compared to those it
7 charges entities purchasing wholesale or retail telecommunications
8 services.

9 (5) If a person or entity receiving retail telecommunications
10 services from a public utility district under this section has a
11 complaint regarding the reasonableness of the rates, terms,
12 conditions, or services provided, the person or entity may file a
13 complaint with the district commission.

14 (6) A public utility district shall not exercise powers of
15 eminent domain to acquire telecommunications facilities or
16 contractual rights held by any other person or entity to
17 telecommunications facilities.

18 ((+6)) (7) Except as otherwise specifically provided, a public
19 utility district may exercise any of the powers granted to it under
20 this title and other applicable laws in carrying out the powers
21 authorized under this section. Nothing in chapter 81, Laws of 2000
22 limits any existing authority of a public utility district under this
23 title.

24 (8) (a) If an internet service provider operating on
25 telecommunications facilities of a public utility district that
26 provides wholesale telecommunications services but does not provide
27 retail telecommunications services, ceases to provide access to the
28 internet to its end-use customers, and no other retail service
29 providers are willing to provide service, the public utility district
30 may provide retail telecommunications services to the end-use
31 customers of the defunct internet service provider in order for end-
32 use customers to maintain access to the internet until a replacement
33 internet service provider is, or providers are, in operation.

34 (b) Within thirty days of an internet service provider ceasing to
35 provide access to the internet, the public utility district must
36 initiate a process to find a replacement internet service provider or
37 providers to resume providing access to the internet using
38 telecommunications facilities of a public utility district.

39 (c) For a maximum period of five months, following initiation of
40 the process begun in (b) of this section, or, if earlier than five

1 months, until a replacement internet service provider is, or
2 providers are, in operation, the district commission may establish a
3 rate for providing access to the internet and charge customers to
4 cover expenses necessary to provide access to the internet.

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

10 **Sec. 10.** RCW 53.08.370 and 2018 c 169 s 2 are each amended to
11 read as follows:

12 (1) A port district in existence on June 8, 2000, may construct,
13 purchase, acquire, develop, finance, lease, license, handle, provide,
14 add to, contract for, interconnect, alter, improve, repair, operate,
15 and maintain any telecommunications facilities within or without the
16 district's limits for the following purposes:

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

18 (b) For the provision of wholesale telecommunications services
19 within or without the district's limits. Nothing in this subsection
20 shall be construed to authorize port districts to provide
21 telecommunications services to end users.

22 (2) Except as provided in subsection (9) of this section, a port
23 district providing wholesale telecommunications services under this
24 section shall ensure that rates, terms, and conditions for such
25 services are not unduly or unreasonably discriminatory or
26 preferential. Rates, terms, and conditions are discriminatory or
27 preferential when a port district offering such rates, terms, and
28 conditions to an entity for wholesale telecommunications services
29 does not offer substantially similar rates, terms, and conditions to
30 all other entities seeking substantially similar services.

31 (3) When a port district establishes a separate utility function
32 for the provision of wholesale telecommunications services, it shall
33 account for any and all revenues and expenditures related to its
34 wholesale telecommunications facilities and services separately from
35 revenues and expenditures related to its internal telecommunications
36 operations. Any revenues received from the provision of wholesale
37 telecommunications services must be dedicated to the utility function
38 that includes the provision of wholesale telecommunications services
39 for costs incurred to build and maintain the telecommunications

1 facilities until such time as any bonds or other financing
2 instruments executed after June 8, 2000, and used to finance the
3 telecommunications facilities are discharged or retired.

4 (4) When a port district establishes a separate utility function
5 for the provision of wholesale telecommunications services, all
6 telecommunications services rendered by the separate function to the
7 district for the district's internal telecommunications needs shall
8 be charged at its true and full value. A port district may not charge
9 its nontelecommunications operations rates that are preferential or
10 discriminatory compared to those it charges entities purchasing
11 wholesale telecommunications services.

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

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

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

29 (8) A port district with telecommunications facilities for use in
30 the provision of wholesale telecommunications in accordance with
31 subsection (1)(b) of this section may be subject to local leasehold
32 excise taxes under RCW 82.29A.040.

33 (9)(a) A port district under this section may select a
34 telecommunications company to operate all or a portion of the port
35 district's telecommunications facilities.

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

39 (c) Nothing in this subsection (9) is intended to limit or
40 otherwise restrict any other authority provided by law.

1 **Sec. 11.** RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each
2 amended to read as follows:

3 (1) The definitions in this section apply throughout this section
4 and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context
5 clearly requires otherwise.

6 (a) "Basic residential service" means those services set out in
7 47 C.F.R. Sec. 54.101(a) (2011), as it existed on the effective date
8 of this section, and mandatory extended area service approved by the
9 commission.

10 (b) "Basic telecommunications services" means the following
11 services:

12 (i) Single-party service;

13 (ii) Voice grade access to the public switched network;

14 (iii) Support for local usage;

15 (iv) Dual tone multifrequency signaling (touch-tone);

16 (v) Access to emergency services (911);

17 (vi) Access to operator services;

18 (vii) Access to interexchange services;

19 (viii) Access to directory assistance; and

20 (ix) Toll limitation services.

21 (c) "Broadband service" means any service providing advanced
22 telecommunications capability, including internet access and access
23 to high quality voice, data, graphics, or video.

24 (d) "Communications provider" means a provider of communications
25 services that assigns a working telephone number to a final consumer
26 for intrastate wireline or wireless communications services or
27 interconnected voice over internet protocol service, and includes
28 local exchange carriers.

29 (~~(d)~~) (e) "Communications services" includes telecommunications
30 services and information services and any combination thereof.

31 (~~(e)~~) (f) "Incumbent local exchange carrier" has the same
32 meaning as set forth in 47 U.S.C. Sec. 251(h).

33 (~~(f)~~) (g) "Incumbent public network" means the network
34 established by incumbent local exchange carriers for the delivery of
35 communications services to customers that is used by communications
36 providers for origination or termination of communications services
37 by or to customers.

38 (~~(g)~~) (h) "Interconnected voice over internet protocol service"
39 means an interconnected voice over internet protocol service that:

40 (~~(a)–(i)~~) (i) Enables real-time, two-way voice communications;

1 ~~((b) [(ii)])~~ (ii) requires a broadband connection from the user's
2 location; ~~((c) [(iii)])~~ (iii) requires internet protocol-compatible
3 customer premises equipment; and ~~((d) [(iv)])~~ (iv) permits users
4 generally to receive calls that originate on the public network and
5 to terminate calls to the public network.

6 ~~((h))~~ (i) "Program" means the state universal communications
7 services program created in RCW 80.36.650.

8 ~~((i))~~ (j) "Telecommunications" has the same meaning as defined
9 in 47 U.S.C. Sec. 153(43).

10 ~~((j))~~ (k) "Telecommunications act of 1996" means the
11 telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

12 ~~((k) "Working telephone number" means a north American numbering
13 plan telephone number, or successor dialing protocol, that is
14 developed for use in placing calls to or from the public network,
15 that enables a consumer to make or receive calls.)~~

16 (2) This section expires July 1, ~~((2020))~~ 2025.

17 **Sec. 12.** RCW 80.36.650 and 2016 c 145 s 1 are each amended to
18 read as follows:

19 (1) A state universal communications services program is
20 established. The program is established to protect public safety and
21 welfare under the authority of the state to regulate
22 telecommunications under Article XII, section 19 of the state
23 Constitution. The purpose of the program is to support continued
24 provision of basic telecommunications services under rates, terms,
25 and conditions established by the commission ~~((during the time over
26 which incumbent communications providers in the state are adapting to
27 changes in federal universal service fund and intercarrier
28 compensation support))~~ and the provision, enhancement, and
29 maintenance of broadband services, recognizing that, historically,
30 the incumbent public network functions to provide all communications
31 services including, but not limited to, voice and broadband services.

32 (2) Under the program, eligible communications providers may
33 receive distributions from the universal communications services
34 account created in RCW 80.36.690 in exchange for the affirmative
35 agreement to provide continued telecommunications services under the
36 rates, terms, and conditions established by the commission under this
37 chapter, and broadband services, for the period covered by the
38 distribution. The commission must implement and administer the
39 program under terms and conditions established in RCW 80.36.630

1 through 80.36.690. Expenditures for the program may not exceed five
2 million dollars per fiscal year; provided, however, that if less than
3 five million dollars is expended in any fiscal year, the unexpended
4 portion must be carried over to subsequent fiscal years and, unless
5 fully expended, must be available for program expenditures in such
6 subsequent fiscal years in addition to the five million dollars
7 allotted for each of those subsequent fiscal years.

8 (3) A communications provider is eligible to receive
9 distributions from the account if:

10 (a) (i) The communications provider is: ~~((+i))~~ (A) An incumbent
11 local exchange carrier serving fewer than forty thousand access lines
12 in the state; or ~~((+ii))~~ (B) a radio communications service company
13 providing wireless two-way voice communications service and broadband
14 services to less than the equivalent of forty thousand access lines
15 in the state. For purposes of determining the access line threshold
16 in this subsection, the access lines or equivalents of all wireline
17 affiliates must be counted as a single threshold, if the lines or
18 equivalents are located in Washington;

19 ~~((+b))~~ (ii) ~~The ((customers of the communications provider are~~
20 ~~at risk of rate instability or service interruptions or cessations~~
21 ~~absent a distribution to the provider that will allow the provider to~~
22 ~~maintain rates reasonably close to the benchmark))~~ communications
23 provider has adopted a plan to provide, enhance, or maintain
24 broadband services in its service area; and

25 ~~((+e))~~ (iii) The communications provider meets any other
26 requirements established by the commission pertaining to the
27 provision of communications services, including basic
28 telecommunications services; or

29 (b) The communications provider demonstrates to the commission
30 that the communications provider is able to provide the same or
31 comparable services at the same or similar service quality standards
32 at a lower price; and: (i) Will provide communications services to
33 all customers in the exchange or exchanges in which it will provide
34 service; and (ii) submits to the commission's regulation of its
35 service as if it were the incumbent local exchange company serving
36 the exchange or exchanges for which it seeks distribution from the
37 account.

38 (4) (a) Distributions to eligible communications providers are
39 based on ~~((a benchmark))~~ criteria established by the commission.
40 ~~((The benchmark is the rate the commission determines to be a~~

1 reasonable amount customers should pay for basic residential service
2 provided over the incumbent public network. However, if an incumbent
3 local exchange carrier is charging rates above the benchmark for the
4 basic residential service, that provider may not seek distributions
5 from the fund for the purpose of reducing those rates to the
6 benchmark.))

7 (b) If the program does not have sufficient funds to fully fund
8 the distribution formula set out in (a) of this subsection,
9 distributions must be reduced on a pro rata basis using the amounts
10 calculated for that year's program support as the basis of the pro
11 rata calculations.

12 (c) To receive a distribution under the program, an eligible
13 communications provider must affirmatively consent to continue
14 providing communications services to its customers under rates,
15 terms, and conditions established by the commission pursuant to this
16 chapter for the period covered by the distribution.

17 (5) The program is funded from amounts deposited by the
18 legislature in the universal communications services account
19 established in RCW 80.36.690. The commission must operate the program
20 within amounts appropriated for this purpose and deposited in the
21 account.

22 (6) The commission must periodically review the accounts and
23 records of any communications provider that receives distributions
24 under the program to ensure compliance with the program and monitor
25 the providers' use of the funds.

26 (7) The commission must establish an advisory board, consisting
27 of a reasonable balance of representatives from different types of
28 stakeholders, including but not limited to communications providers
29 and consumers, to advise the commission on any rules and policies
30 governing the operation of the program.

31 (8) The program terminates on June 30, ((2019)) 2024, and no
32 distributions may be made after that date.

33 (9) This section expires July 1, ((2020)) 2025.

34 **Sec. 13.** RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each
35 amended to read as follows:

36 (1) To implement the program, the commission must adopt rules for
37 the following purposes:

38 (a) Operation of the program, including criteria for: Eligibility
39 for distributions; use of the funds; identification of any reports or

1 data that must be filed with the commission, including, but not
2 limited to, how a communication provider used the distributed funds;
3 and the communications provider's infrastructure;

4 (b) Operation of the universal communications services account
5 established in RCW 80.36.690;

6 (c) Establishment of the (~~benchmark~~) criteria used to calculate
7 distributions; and

8 (d) Readoption, amendment, or repeal of any existing rules
9 adopted pursuant to RCW 80.36.610 (~~and 80.36.620~~) as necessary to
10 be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

11 (2) This section expires July 1, (~~2020~~) 2025.

12 **Sec. 14.** RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each
13 amended to read as follows:

14 (1) In addition to any other penalties prescribed by law, the
15 commission may impose penalties for failure to make or delays in
16 making or filing any reports required by the commission for
17 administration of the program. In addition, the commission may
18 recover amounts determined to have been improperly distributed under
19 RCW 80.36.650. For the purposes of this section, the provisions of
20 RCW 80.04.380 through 80.04.405, inclusive, apply to all companies
21 that receive support from the universal communications services
22 account created in RCW 80.36.690.

23 (2) Any action taken under this section must be taken only after
24 providing the affected communications provider with notice and an
25 opportunity for a hearing, unless otherwise provided by law.

26 (3) Any amounts recovered under this section must be deposited in
27 the universal communications services account created in RCW
28 80.36.690.

29 (4) This section expires July 1, (~~2020~~) 2025.

30 **Sec. 15.** RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each
31 amended to read as follows:

32 (1) The commission may delegate to the commission secretary or
33 other staff the authority to resolve disputes and make other
34 administrative decisions necessary to the administration and
35 supervision of the program consistent with the relevant statutes and
36 commission rules.

37 (2) This section expires July 1, (~~2020~~) 2025.

1 **Sec. 16.** RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each
2 amended to read as follows:

3 (1) The universal communications services account is created in
4 the custody of the state treasurer. Revenues to the account consist
5 of moneys deposited in the account by the legislature and any
6 penalties or other recoveries received pursuant to RCW 80.36.670.
7 Expenditures from the account may be used only for the purposes of
8 the universal communications services program established in RCW
9 80.36.650 and commission expenses related to implementation and
10 administration of the provisions of RCW 80.36.630 through 80.36.690
11 and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the
12 secretary of the commission or the secretary's designee may authorize
13 expenditures from the account. The account is subject to allotment
14 procedures under chapter 43.88 RCW, but an appropriation is not
15 required for expenditures.

16 (2) This section expires July 1, (~~2020~~) 2025.

17 **Sec. 17.** RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each
18 amended to read as follows:

19 (1) The universal communications services program established in
20 RCW 80.36.630 through 80.36.690 terminates on June 30, (~~2019~~) 2024.

21 (2) This section expires July 1, (~~2020~~) 2025.

22 **Sec. 18.** 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to
23 read as follows:

24 (1) By December 1, (~~2017~~) 2024, and in compliance with RCW
25 43.01.036, the Washington utilities and transportation commission
26 (~~must~~) may report to the appropriate committees of the legislature,
27 on the following: (~~(1)~~) (a) Whether funding levels for each small
28 telecommunications company have been adequate to maintain reliable
29 universal service; (~~(2)~~) (b) the future impacts on small
30 telecommunications companies from the elimination of funding under
31 this act; (~~(3)~~) (c) the impacts on customer rates from the current
32 level of funding and the future impacts when the funding terminates
33 under this act; and (~~(4)~~) (d) the impacts on line and service
34 delivery investments when the funding is terminated under this act.
35 The report may also include an analysis of the need for future
36 program funding and recommendations on potential funding mechanisms
37 to improve the availability of communications services, including
38 broadband service, in unserved areas. Commission expenses related to

1 conducting all analysis in preparation of this report must be
2 expended from the universal communications services account.

3 (2) The Washington utilities and transportation commission must
4 initiate a rule making to reform the state universal communications
5 services program no later than ninety days following the effective
6 date of this section. The rule making must address adding broadband
7 as a supported service and, consistent with the size of the fund,
8 establishing:

9 (a) Broadband provider eligibility;

10 (b) Service performance and buildout requirements for funding
11 recipients;

12 (c) Support amounts for maintaining systems that meet federal or
13 state broadband speed guidelines; and

14 (d) Methods to effectively and efficiently distribute program
15 support to eligible providers.

16 **Sec. 19.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
17 2018 c 203 s 14 are each reenacted and amended to read as follows:

18 (1) All earnings of investments of surplus balances in the state
19 treasury shall be deposited to the treasury income account, which
20 account is hereby established in the state treasury.

21 (2) The treasury income account shall be utilized to pay or
22 receive funds associated with federal programs as required by the
23 federal cash management improvement act of 1990. The treasury income
24 account is subject in all respects to chapter 43.88 RCW, but no
25 appropriation is required for refunds or allocations of interest
26 earnings required by the cash management improvement act. Refunds of
27 interest to the federal treasury required under the cash management
28 improvement act fall under RCW 43.88.180 and shall not require
29 appropriation. The office of financial management shall determine the
30 amounts due to or from the federal government pursuant to the cash
31 management improvement act. The office of financial management may
32 direct transfers of funds between accounts as deemed necessary to
33 implement the provisions of the cash management improvement act, and
34 this subsection. Refunds or allocations shall occur prior to the
35 distributions of earnings set forth in subsection (4) of this
36 section.

37 (3) Except for the provisions of RCW 43.84.160, the treasury
38 income account may be utilized for the payment of purchased banking
39 services on behalf of treasury funds including, but not limited to,

1 depository, safekeeping, and disbursement functions for the state
2 treasury and affected state agencies. The treasury income account is
3 subject in all respects to chapter 43.88 RCW, but no appropriation is
4 required for payments to financial institutions. Payments shall occur
5 prior to distribution of earnings set forth in subsection (4) of this
6 section.

7 (4) Monthly, the state treasurer shall distribute the earnings
8 credited to the treasury income account. The state treasurer shall
9 credit the general fund with all the earnings credited to the
10 treasury income account except:

11 (a) The following accounts and funds shall receive their
12 proportionate share of earnings based upon each account's and fund's
13 average daily balance for the period: The abandoned recreational
14 vehicle disposal account, the aeronautics account, the aircraft
15 search and rescue account, the Alaskan Way viaduct replacement
16 project account, the brownfield redevelopment trust fund account, the
17 budget stabilization account, the capital vessel replacement account,
18 the capitol building construction account, the Cedar River channel
19 construction and operation account, the Central Washington University
20 capital projects account, the charitable, educational, penal and
21 reformatory institutions account, the Chehalis basin account, the
22 cleanup settlement account, the Columbia river basin water supply
23 development account, the Columbia river basin taxable bond water
24 supply development account, the Columbia river basin water supply
25 revenue recovery account, the common school construction fund, the
26 community forest trust account, the connecting Washington account,
27 the county arterial preservation account, the county criminal justice
28 assistance account, the deferred compensation administrative account,
29 the deferred compensation principal account, the department of
30 licensing services account, the department of licensing tuition
31 recovery trust fund, the department of retirement systems expense
32 account, the developmental disabilities community trust account, the
33 diesel idle reduction account, the drinking water assistance account,
34 the drinking water assistance administrative account, the early
35 learning facilities development account, the early learning
36 facilities revolving account, the Eastern Washington University
37 capital projects account, the Interstate 405 express toll lanes
38 operations account, the education construction fund, the education
39 legacy trust account, the election account, the electric vehicle
40 charging infrastructure account, the energy freedom account, the

1 energy recovery act account, the essential rail assistance account,
2 The Evergreen State College capital projects account, the federal
3 forest revolving account, the ferry bond retirement fund, the freight
4 mobility investment account, the freight mobility multimodal account,
5 the grade crossing protective fund, the public health services
6 account, (~~the high capacity transportation account,~~) the state
7 higher education construction account, the higher education
8 construction account, the highway bond retirement fund, the highway
9 infrastructure account, the highway safety fund, the high occupancy
10 toll lanes operations account, the hospital safety net assessment
11 fund, the industrial insurance premium refund account, the judges'
12 retirement account, the judicial retirement administrative account,
13 the judicial retirement principal account, the local leasehold excise
14 tax account, the local real estate excise tax account, the local
15 sales and use tax account, the marine resources stewardship trust
16 account, the medical aid account, the mobile home park relocation
17 fund, the money-purchase retirement savings administrative account,
18 the money-purchase retirement savings principal account, the motor
19 vehicle fund, the motorcycle safety education account, the multimodal
20 transportation account, the multiuse roadway safety account, the
21 municipal criminal justice assistance account, the natural resources
22 deposit account, the oyster reserve land account, the pension funding
23 stabilization account, the perpetual surveillance and maintenance
24 account, the pollution liability insurance agency underground storage
25 tank revolving account, the public employees' retirement system plan
26 1 account, the public employees' retirement system combined plan 2
27 and plan 3 account, the public facilities construction loan revolving
28 account beginning July 1, 2004, the public health supplemental
29 account, the public works assistance account, the Puget Sound capital
30 construction account, the Puget Sound ferry operations account, the
31 Puget Sound taxpayer accountability account, the real estate
32 appraiser commission account, the recreational vehicle account, the
33 regional mobility grant program account, the resource management cost
34 account, the rural arterial trust account, the rural mobility grant
35 program account, the rural Washington loan fund, the sexual assault
36 prevention and response account, the site closure account, the
37 skilled nursing facility safety net trust fund, the small city
38 pavement and sidewalk account, the special category C account, the
39 special wildlife account, the state employees' insurance account, the
40 state employees' insurance reserve account, the state investment

1 board expense account, the state investment board commingled trust
2 fund accounts, the state patrol highway account, the state route
3 number 520 civil penalties account, the state route number 520
4 corridor account, the state wildlife account, the statewide broadband
5 account, the statewide tourism marketing account, the student
6 achievement council tuition recovery trust fund, the supplemental
7 pension account, the Tacoma Narrows toll bridge account, the
8 teachers' retirement system plan 1 account, the teachers' retirement
9 system combined plan 2 and plan 3 account, the tobacco prevention and
10 control account, the tobacco settlement account, the toll facility
11 bond retirement account, the transportation 2003 account (nickel
12 account), the transportation equipment fund, the transportation
13 future funding program account, the transportation improvement
14 account, the transportation improvement board bond retirement
15 account, the transportation infrastructure account, the
16 transportation partnership account, the traumatic brain injury
17 account, the tuition recovery trust fund, the University of
18 Washington bond retirement fund, the University of Washington
19 building account, the volunteer firefighters' and reserve officers'
20 relief and pension principal fund, the volunteer firefighters' and
21 reserve officers' administrative fund, the Washington judicial
22 retirement system account, the Washington law enforcement officers'
23 and firefighters' system plan 1 retirement account, the Washington
24 law enforcement officers' and firefighters' system plan 2 retirement
25 account, the Washington public safety employees' plan 2 retirement
26 account, the Washington school employees' retirement system combined
27 plan 2 and 3 account, the Washington state health insurance pool
28 account, the Washington state patrol retirement account, the
29 Washington State University building account, the Washington State
30 University bond retirement fund, the water pollution control
31 revolving administration account, the water pollution control
32 revolving fund, the Western Washington University capital projects
33 account, the Yakima integrated plan implementation account, the
34 Yakima integrated plan implementation revenue recovery account, and
35 the Yakima integrated plan implementation taxable bond account.
36 Earnings derived from investing balances of the agricultural
37 permanent fund, the normal school permanent fund, the permanent
38 common school fund, the scientific permanent fund, the state
39 university permanent fund, and the state reclamation revolving
40 account shall be allocated to their respective beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the state treasury
3 that deposits funds into a fund or account in the state treasury
4 pursuant to an agreement with the office of the state treasurer shall
5 receive its proportionate share of earnings based upon each account's
6 or fund's average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state
8 Constitution, no treasury accounts or funds shall be allocated
9 earnings without the specific affirmative directive of this section.

10 **Sec. 20.** 2013 2nd sp.s. c 8 s 303 (uncodified) is amended to
11 read as follows:

12 Section 209 of this act expires July 1, (~~2020~~) 2025.

13 NEW SECTION. **Sec. 21.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 43.330.415 (Washington community technology opportunity
16 account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262
17 s 8;

18 (2) RCW 43.330.418 (Broadband deployment and adoption—Governor's
19 actions—Oversight and implementation by the department) and 2011 1st
20 sp.s. c 43 s 609 & 2009 c 509 s 9; and

21 (3) RCW 80.36.620 (Universal service program—Rules) and 1998 c
22 337 s 3.

23 NEW SECTION. **Sec. 22.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 23.** Sections 11 through 18 and 20 of this act
28 are necessary for the immediate preservation of the public peace,
29 health, or safety, or support of the state government and its
30 existing public institutions, and take effect immediately.

31 NEW SECTION. **Sec. 24.** If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not
33 provided by June 30, 2019, in the omnibus appropriations act, this
34 act is null and void.

Passed by the Senate April 24, 2019.
Passed by the House April 16, 2019.
Approved by the Governor May 13, 2019.
Filed in Office of Secretary of State May 16, 2019.

--- **END** ---