
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4775.1/00

ATTY/TYPIST: ML:ads

BRIEF DESCRIPTION:

2 **HB 2923** - H AMD

3 By Representative Morris

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that local public
8 utilities provide essential service to all of the residents of the
9 state and that the construction and improvement of local utility
10 infrastructure is critical to the public health, safety, and welfare,
11 community and economic development, and installation of modern and
12 reliable communication and energy technology. The legislature further
13 finds that local utility lines must cross state-owned aquatic lands in
14 order to reach all state residents and that, for the benefit of such
15 residents, the state should permit such crossings, consistent with all
16 applicable state environmental laws, in a nondiscriminatory, economic,
17 and timely manner.

18 **Sec. 2.** RCW 79.90.470 and 1984 c 221 s 5 are each amended to read
19 as follows:

20 (1) The use of state-owned aquatic lands for public utility lines
21 owned by a governmental entity shall be granted without charge by an
22 agreement, permit, or other instrument if the use is consistent with
23 the purposes of RCW 79.90.450 through 79.90.460 and does not obstruct
24 navigation or other public uses. Use for public parks or public
25 recreation purposes shall be granted without charge if the aquatic
26 lands and improvements are available to the general public on a first-
27 come, first-served basis and are not managed to produce a profit for
28 the operator or a concessionaire. The department may lease state-owned
29 tidelands that are in front of state parks only with the approval of
30 the state parks and recreation commission. The department may lease
31 bedlands in front of state parks only after the department has
32 consulted with the state parks and recreation commission.

33 (2) The use of state-owned aquatic lands for public utility lines
34 owned by a nongovernmental entity shall be granted by lease if the use
35 is consistent with the purpose of RCW 79.90.450 through 79.90.460 and

1 does not obstruct navigation or other public uses. The total amount of
2 rent for the term of the lease shall be the larger of (a) an amount
3 equal to the diminution in the property value caused by locating the
4 utility lines on the aquatic land, based on the appraised value of the
5 land in its current use at the time of application for lease, or (b)
6 five thousand dollars. The rent shall be paid in advance upon grant of
7 the lease. The term of the lease shall be thirty years. In addition
8 to the rent, the department may charge a fee that recovers its actual
9 administrative expenses directly incurred in receiving an application
10 for lease, approving the lease, and reviewing plans for and
11 construction of the utility lines. A final decision on an application
12 for lease should be made within one hundred twenty days. Upon request
13 of the applicant, the department may reach a decision on an application
14 within sixty days and charge an additional fee for such an expedited
15 processing in the amount of ten percent of the total rent."

16 Correct the title.

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