

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1623

60th Legislature
2008 Regular Session

Passed by the House January 25, 2008
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 6, 2008
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1623** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1623

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Committee on Technology, Energy & Communications
(originally sponsored by Representative Morris)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to setting fees for utility easements on state-
2 owned aquatic lands; and amending RCW 79.110.230 and 79.110.240.

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

4 **Sec. 1.** RCW 79.110.230 and 2005 c 155 s 216 are each amended to
5 read as follows:

6 (1) The use of state-owned aquatic lands for public utility lines
7 owned by a governmental entity shall be granted by an agreement,
8 permit, or other instrument if the use is consistent with the purposes
9 of RCW 79.105.010, 79.105.030, 79.105.050, 79.105.210, 79.105.400, and
10 79.130.070 and does not obstruct navigation or other public uses. The
11 department may recover only its (~~reasonable-direct~~) administrative
12 costs incurred in processing and approving the request or application,
13 and reviewing plans for construction of public utility lines as
14 determined under RCW 79.110.240. (~~For purposes of this section,~~
15 ~~"direct administrative costs" means the cost of hours worked directly~~
16 ~~on an application or request, based on salaries and benefits, plus~~
17 ~~travel reimbursement and other actual out-of-pocket costs. Direct))
18 Administrative costs recovered by the department must be deposited into
19 the resource management cost account.~~

1 (2) The use of state-owned aquatic lands for local public utility
2 lines owned by a nongovernmental entity will be granted by easement if
3 the use is consistent with the purpose of RCW 79.105.010, 79.105.030,
4 79.105.050, 79.105.210, 79.105.400, and 79.130.070 and does not
5 obstruct navigation or other public uses. The total charge for the
6 easement will be determined under RCW 79.110.240.

7 (3) Nothing in this section limits the ability of the department to
8 obtain payment for commodity costs, such as lost revenue from renewable
9 resources, resulting from the granted use of state-owned aquatic lands
10 for public utility lines.

11 **Sec. 2.** RCW 79.110.240 and 2005 c 155 s 162 are each amended to
12 read as follows:

13 (1) Until July 1, (~~(2008)~~) 2017, the charge for the term of an
14 easement granted under RCW (~~(79.105.220(2))~~) 79.110.230(2) will be
15 determined as follows and will be paid in advance upon grant of the
16 easement:

17 (a) Five thousand dollars for individual easement crossings that
18 are no longer than one mile in length;

19 (b) Twelve thousand five hundred dollars for individual easement
20 crossings that are more than one mile but less than five miles in
21 length; or

22 (c) Twenty thousand dollars for individual easement crossings that
23 are five miles or more in length.

24 (2) The charge for easements under subsection (1) of this section
25 must be adjusted annually by the rate of yearly increase in the most
26 recently published consumer price index, all urban consumers, for the
27 Seattle-Everett SMSA, over the consumer price index for the preceding
28 year, as compiled by the bureau of labor statistics, United States
29 department of labor for the state of Washington rounded up to the
30 nearest fifty dollars.

31 (3) The term of the easement is thirty years or a period of less
32 than thirty years if requested by the person or entity seeking the
33 easement.

34 (4) In addition to the charge for the easement under subsection (1)
35 of this section, the department may recover its (~~(reasonable direct)~~)
36 administrative costs incurred in receiving an application for the
37 easement, approving the easement, and reviewing plans for and

1 construction of the public utility lines. For the purposes of this
2 subsection, "~~((direct))~~ administrative costs" ~~((means the cost of hours~~
3 ~~worked directly on an application, based on salaries and benefits, plus~~
4 ~~travel reimbursement and other actual out of pocket costs))~~ is
5 equivalent to twenty percent of the fee for the easement as determined
6 under subsection (1) of this section and adjusted under subsection (2)
7 of this section. For public utility lines owned by a governmental
8 entity, the administrative costs will be calculated based on the length
9 of the easement and the fee that it would be charged if it were subject
10 to the easement charges in this section. When multiple public utility
11 lines are owned by the same entity and are authorized under the same
12 easement, the administrative fee for the easement shall be equal to
13 twenty percent of the easement fee for the single longest public
14 utility line. ~~((Direct))~~ Administrative costs recovered by the
15 department must be deposited into the resource management cost account.

16 (5) Applicants under RCW ~~((79.105.220(2)))~~ 79.110.230(2) providing
17 a residence with an individual service connection for electrical,
18 natural gas, cable television, or telecommunications service are not
19 required to pay the charge for the easement under subsection (1) of
20 this section but shall pay administrative costs under subsection (4) of
21 this section.

22 (6) A final decision on applications for an easement must be made
23 within one hundred twenty days after the department receives the
24 completed application and after all applicable regulatory permits for
25 the aquatic easement have been acquired. This subsection applies to
26 applications submitted before June 13, 2002, as well as to applications
27 submitted on or after June 13, 2002. Upon request of the applicant,
28 the department may reach a decision on an application within sixty days
29 and charge an additional fee for an expedited processing. The fee for
30 an expedited processing is ~~((the greater of: (a)))~~ ten percent of the
31 combined total of the easement charge and ~~((direct))~~ administrative
32 ~~((; or (b) the cost of staff overtime, calculated at time and one-~~
33 ~~half, associated with the expedited processing)).~~

34 (7) By December 31, 2016, the legislature shall review the granting
35 of easements on state-owned aquatic lands under this chapter and
36 determine whether all applications for easements are processed within
37 one hundred twenty days for normal processing of applications and sixty

1 days for expedited processing of applications, and whether the granting
2 of easements on state-owned aquatic lands generates reasonable income
3 for the aquatic lands enhancement account.

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