
HOUSE BILL 2109

State of Washington 61st Legislature 2009 Regular Session

By Representatives Upthegrove and Chase

Read first time 02/10/09. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to state parks and recreation funding; amending RCW
2 79A.05.085; adding a new section to chapter 90.74 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the state parks
6 and recreation commission administers important public park lands that
7 are both economically and aesthetically important to Washington. The
8 legislature further finds that in times of economic hardship, park
9 lands should be maintained for Washington's citizens and visitors.

10 Therefore, it is the intent of the legislature to implement
11 programs that will allow park lands to remain open and accessible to
12 all citizens and visitors through times of economic hardship.

13 **Sec. 2.** RCW 79A.05.085 and 1974 ex.s. c 151 s 1 are each amended
14 to read as follows:

15 (1) The commission shall ~~((determine the fair market value for~~
16 ~~television station leases based upon independent appraisals and~~
17 ~~existing leases for television stations shall be extended at said fair~~
18 ~~market rental for at least one period of not more than twenty years;~~

1 ~~PROVIDED, That the rates in said leases shall be renegotiated at five~~
2 ~~year intervals: PROVIDED FURTHER, That said stations shall permit the~~
3 ~~attachment of antennae of publicly operated broadcast and microwave~~
4 ~~stations where electronically practical to combine the towers:~~
5 ~~PROVIDED FURTHER, That))~~ review and determine the fair market value for
6 all existing leases for telecommunications services facilities based
7 upon independent appraisals and existing leases for telecommunications
8 services facilities. These leases must be extended at the fair market
9 rental for at least one period of not more than twenty years. Leases
10 must be renegotiated every five years.

11 (2) Telecommunications services facilities must permit the
12 attachment of antennae of publicly operated broadcast and microwave
13 stations to combine the towers if technically feasible and in
14 compliance with applicable safety standards.

15 (3) Notwithstanding any term to the contrary in any lease, this
16 section ((shall)) does not preclude the commission from prescribing new
17 and reasonable lease terms relating to the modification, placement, or
18 design of facilities operated by or for a ((station)) telecommunication
19 service, and any extension of a lease granted under this section
20 ((shall be)) is subject to this ((proviso: PROVIDED FURTHER, That
21 notwithstanding any other provision of law the director in his
22 discretion may waive any requirement that any environmental impact
23 statement or environmental assessment be submitted as to any lease
24 negotiated and signed between January 1, 1974 and December 31, 1974))
25 subsection.

26 (4) The definitions in this section apply throughout this section
27 unless the context clearly requires otherwise.

28 (a) "Facilities" means all of the plant, equipment, fixtures,
29 appurtenances, antennas, and other facilities necessary to furnish and
30 deliver telecommunications services and cable television services,
31 including but not limited to poles with crossarms, poles without
32 crossarms, wires, lines, conduits, cables, communication and signal
33 lines and equipment, braces, guys, anchors, vaults, and all
34 attachments, appurtenances, and appliances necessary or incidental to
35 the distribution and use of telecommunications services and cable
36 television services.

37 (b) "Telecommunications service" means the transmission of
38 information by wire, radio, optical cable, electromagnetic, or other

1 similar means for hire, sale, or resale to the general public. For the
2 purpose of this subsection, "information" means knowledge or
3 intelligence represented by any form of writing, signs, signals,
4 pictures, sounds, or any other symbols.

5 NEW SECTION. Sec. 3. A new section is added to chapter 90.74 RCW
6 to read as follows:

7 (1) Approved wetland mitigation sites found on state parks and
8 recreation land must be utilized first if the project requiring
9 mitigation and the approved wetland mitigation site found on state
10 parks and recreation land are located in the same water resource
11 inventory area (WRIA), as established under chapter 173-500 WAC.

12 (2) The department of ecology is empowered to adopt rules as
13 necessary to administer the provisions of this section.

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