

SENATE BILL REPORT

SB 5697

AS PASSED SENATE, JANUARY 28, 1994

Brief Description: Preempting local regulation of amateur radios.

SPONSORS: Senator Bluechel

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass.

Signed by Senators Sutherland, Chairman; Ludwig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach and A. Smith.

Staff: David Danner (786-7784)

Hearing Dates: January 12, 1994; January 17, 1994

BACKGROUND:

Amateur radio operators seeking to erect antenna and support systems are often frustrated or delayed by restrictive local zoning ordinances. While local government actions have been partially preempted by the Federal Communications Commission, amateur radio operators seek to avoid time, expense, and delay challenging local actions that fail to conform to FCC policy.

SUMMARY:

No city, town, code city, or county shall enact or enforce regulation that fails to conform to the Federal Communications Commission's limited preemption statement, "Amateur Radio Preemption," 101 FCC 2d 952 (1985). Regulations involving placement, screening, or height of antennas shall be crafted to reasonably accommodate amateur communications, and shall represent the minimal practicable regulation to accomplish local governments' health, safety, and aesthetic concerns.

Appropriation: none

Revenue: none

Fiscal Note: requested January 10, 1994

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR:

Washington currently has some 20,000 amateur radio operators. Operators provide important communications services such as emergency response and traffic monitoring, working closely

with the Federal Emergency Management Agency, the Red Cross, and the Salvation Army. They also provide public services, such as communications services for parades, Special Olympics, and other events. To communicate effectively, operators require antennas of 35-70 feet, depending on terrain and other factors. These antennas must meet FCC-imposed technical standards.

Although the FCC issued a limited preemption statement in 1985, stating local governments must make reasonable accommodations for amateur radio, witnesses cited several examples of local zoning actions that delayed or prevent operators from installing antenna facilities on their properties.

TESTIMONY AGAINST: None

TESTIFIED: Joseph H. Bushnell (pro); Lee Chambers, Olympia Amateur Radio Society (pro); Charles Stroehler, Nils Hallstrom, E. Ralph Schumacher, Ray E. Leslie, Mike and Key ARC (pro); Dave Williams, Assoc. WA Cities