

VETO MESSAGE ON HB 2044-S

April 25, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 3, and 4, Substitute House Bill No. 2044 entitled:

"AN ACT Relating to revising definitions for personal wireless service facilities;"

SHB 2044 concerns the siting of personal wireless service facilities. Under current law, the siting of certain personal wireless service facilities is exempt from the Environmental Impact Statement (EIS) process under the State Environmental Protection Act (SEPA). Sections 1, 3, and 4 of this bill change the definition of "personal wireless service facility" in a way that arguably, though unintentionally, expands the definition to include radio transmission towers, the siting of which would then also be exempt, under certain conditions, from SEPA-EIS review. This is an unintended consequence that should not be risked. The current law, with its current definition, is preferable to the uncertainty created by the new definition in this bill.

I am approving the remainder of the bill, section 2, which was the primary focus of the participants in the legislative process this session. It encourages local governments to permit single applications and single administrative proceedings for the SEPA review of microcells with two or three antennas.

For these reasons, I have vetoed sections 1, 3, and 4 of Substitute House Bill No. 2044.

With the exception of sections 1, 3, and 4, Substitute House Bill No. 2044 is approved.

Respectfully submitted,
Gary Locke
Governor