
SENATE BILL 5202

State of Washington

58th Legislature

2003 Regular Session

By Senators Stevens, Esser, Swecker, Schmidt, Benton, Roach, Zarelli and Finkbeiner

Read first time 01/17/2003. Referred to Committee on Technology & Communications.

1 AN ACT Relating to use permits for telecommunications facilities on
2 state lands; amending RCW 79.01.392; adding a new section to chapter
3 79.01 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that advanced
6 telecommunications services are essential to our modern, information
7 society. The legislature further finds that telecommunications
8 companies, when constructing and upgrading the networks that provide
9 these services, must cross state lands to reach all state residents and
10 that, for the benefit of these residents, the state should permit such
11 crossings in a nondiscriminatory, economic, and timely manner.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.01 RCW
13 to read as follows:

14 (1) The use of state lands for telecommunications facilities must
15 be granted by use permit.

16 (2) The term of a use permit must be at least thirty years.

1 (3) The total charge for the use permit must be an amount equal to
2 the diminution in the property value of the land caused by the location
3 of the telecommunications facilities. The diminution in property value
4 must be based on the appraised value of the land in its current use at
5 the time of application of the use permit.

6 **Sec. 3.** RCW 79.01.392 and 2001 c 250 s 13 are each amended to read
7 as follows:

8 Upon the filing of the plat and field notes, as provided in RCW
9 79.01.388, the land applied for and the valuable materials on the right
10 of way applied for, and the marked danger trees to be felled off the
11 right of way, if any, and the improvements included in the right of way
12 applied for, if any, shall be appraised as in the case of an
13 application to purchase state lands. Upon full payment of the
14 appraised value of the land applied for, or upon payment of an annual
15 rental when the department of natural resources deems a rental to be in
16 the best interests of the state, and upon full payment of the appraised
17 value of the valuable materials and improvements, if any, the
18 commissioner of public lands shall issue to the applicant a certificate
19 of the grant of such right of way stating the terms and conditions
20 thereof and shall enter the same in the abstracts and records in his or
21 her office, and thereafter any sale or lease of the lands affected by
22 such right of way shall be subject to the easement of such right of
23 way. Should the corporation, company, association, individual, state
24 agency, political subdivision of the state, or the United States of
25 America, securing such right of way ever abandon the use of the same
26 for a period of sixty months or longer for the purposes for which it
27 was granted, the right of way shall revert to the state, or the state's
28 grantee.

29 Use permit payments for telecommunications facilities must be
30 calculated according to section 2 of this act.

--- END ---