
HOUSE BILL 1001

State of Washington 65th Legislature 2017 Regular Session

By Representatives Morris, Smith, and Tarleton

Prefiled 12/05/16.

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

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

4 **Sec. 1.** RCW 79.110.240 and 2008 c 55 s 2 are each amended to
5 read as follows:

6 (1) Until July 1, (~~(2017)~~) 2030, the charge for the term of an
7 easement granted under RCW 79.110.230(2) will be determined as
8 follows and will be paid in advance upon grant of the easement:

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

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

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

16 (2) The charge for easements under subsection (1) of this section
17 must be adjusted annually by the rate of yearly (~~(increase)~~) change
18 in the most recently published Seattle-Tacoma-Bremerton consumer
19 price index, all urban consumers (CPI-U), (~~(for the Seattle-Everett~~
20 ~~SMSA,)~~) over the consumer price index for the same period of the
21 preceding year, as compiled by the bureau of labor statistics, United

1 States department of labor for the state of Washington rounded up to
2 the nearest fifty dollars.

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

6 (4) In addition to the charge for the easement under subsection
7 (1) of this section, the department may recover its administrative
8 costs incurred in receiving an application for the easement,
9 approving the easement, and reviewing plans for and construction of
10 the public utility lines. For the purposes of this subsection,
11 "administrative costs" is equivalent to twenty percent of the fee for
12 the easement as determined under subsection (1) of this section and
13 adjusted under subsection (2) of this section. For public utility
14 lines owned by a governmental entity, the administrative costs will
15 be calculated based on the length of the easement and the fee that it
16 would be charged if it were subject to the easement charges in this
17 section. When multiple public utility lines are owned by the same
18 entity and are authorized under the same easement, the administrative
19 fee for the easement shall be equal to twenty percent of the easement
20 fee for the single longest public utility line. Administrative costs
21 recovered by the department must be deposited into the resource
22 management cost account.

23 (5) Applicants under RCW 79.110.230(2) providing a residence with
24 an individual service connection for electrical, natural gas, cable
25 television, or telecommunications service are not required to pay the
26 charge for the easement under subsection (1) of this section but
27 shall pay administrative costs under subsection (4) of this section.

28 (6) A final decision on applications for an easement must be made
29 within one hundred twenty days after the department receives the
30 completed application and after all applicable regulatory permits for
31 the aquatic easement have been acquired. This subsection applies to
32 applications submitted before June 13, 2002, as well as to
33 applications submitted on or after June 13, 2002. Upon request of the
34 applicant, the department may reach a decision on an application
35 within sixty days and charge an additional fee for an expedited
36 processing. The fee for an expedited processing is ten percent of the
37 combined total of the easement charge and administrative costs.

38 (7) ((By)) Beginning December 31, ((2016)) 2021, every four years
39 the legislature shall review the granting of easements on state-owned
40 aquatic lands under this chapter and determine whether all

1 applications for easements are processed within one hundred twenty
2 days for normal processing of applications and sixty days for
3 expedited processing of applications, and whether the granting of
4 easements on state-owned aquatic lands generates reasonable income
5 for the aquatic lands enhancement account.

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