
HOUSE BILL 1185

State of Washington

61st Legislature

2009 Regular Session

By Representative Chase

Read first time 01/14/09. Referred to Committee on Education.

1 AN ACT Relating to the siting of new personal wireless service
2 facilities on school property; amending RCW 28A.335.040; and adding a
3 new section to chapter 28A.335 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.335
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section, the board
8 of directors of any school district may not rent or lease school
9 property to a telecommunications company for the siting or placement of
10 personal wireless service facilities.

11 (2) Existing contracts for the rental or lease of school property
12 for the placement of personal wireless service facilities that are
13 properly executed prior to July 1, 2009, are not impaired by this
14 section.

15 (3) For purposes of this section, "personal wireless service" has
16 the same meaning as in RCW 35.99.010.

17 **Sec. 2.** RCW 28A.335.040 and 1991 c 116 s 12 are each amended to
18 read as follows:

1 (1) Except as provided in section 1 of this act, every school
2 district board of directors is authorized to permit the rental, lease,
3 or occasional use of all or any portion of any surplus real property
4 owned or lawfully held by the district to any person, corporation, or
5 government entity for profit or nonprofit, commercial or noncommercial
6 purposes: PROVIDED, That the leasing or renting or use of such
7 property is for a lawful purpose and does not interfere with conduct of
8 the district's educational program and related activities: PROVIDED
9 FURTHER, That the lease or rental agreement entered into shall include
10 provisions which permit the recapture of the leased or rented surplus
11 property of the district should such property be needed for school
12 purposes in the future except in such cases where, due to proximity to
13 an international airport, land use has been so permanently altered as
14 to preclude the possible use of the property for a school housing
15 students and the school property has been heavily impacted by
16 surrounding land uses so that a school housing students would no longer
17 be appropriate in that area.

18 (2) Authorization to rent, lease or permit the occasional use of
19 surplus school property under this section, RCW 28A.335.050 and
20 28A.335.090 is conditioned on the establishment by each school district
21 board of directors of a policy governing the use of surplus school
22 property.

23 (3) The board of directors of any school district desiring to rent
24 or lease any surplus real property owned by the school district shall
25 publish a written notice in a newspaper of general circulation in the
26 school district for rentals or leases totalling ten thousand dollars or
27 more in value. School districts shall not rent or lease the property
28 for at least forty-five days following the publication of the newspaper
29 notice.

30 (4) Private schools shall have the same rights as any other person
31 or entity to submit bids for the rental or lease of surplus real
32 property and to have such bids considered along with all other bids:
33 PROVIDED, That the school board may establish reasonable conditions for
34 the use of such real property to assure the safe and proper operation
35 of the property in a manner consistent with board policies.

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