

(c) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530 (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

((d)) (e) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 23, 1988.

Filed in Office of Secretary of State March 23, 1988.

CHAPTER 209

[Engrossed House Bill No. 1346]

AMATEUR RADIO ELECTRONIC REPEATER SITES—LEASE OF STATE LANDS

AN ACT Relating to leasing communication sites on state lands for emergency and public service communications; adding new sections to chapter 79.12 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The department of natural resources leases state lands and space on towers located on state lands to amateur radio operators for their repeater stations. These sites are necessary to maintain

emergency communications for public safety and for use in disaster relief and search and rescue support.

The licensed amateur radio operators of the state provide thousands of hours of public communications service to the state every year. Their communication network spans the entire state, based in individual residences and linked across the state through a series of mountain-top repeater stations. The amateur radio operators install and maintain their radios and the electronic repeater stations at their own expense. The amateur radio operators who use their equipment to perform public services should not bear the sole responsibility for supporting the electronic repeater stations.

In recognition of the essential role performed by the amateur radio operators in emergency communications, the legislature intends to reduce the rental fee paid by the amateur radio operators while assuring the department of natural resources full market rental for the use of state-owned property.

NEW SECTION. Sec. 2. The department of natural resources shall determine the lease rate for amateur radio electronic repeater sites and units available for public service communication. For the first repeater unit placed at a department communication site by an amateur radio lessee eligible for a reduced rate under this section, the lessee shall pay fifty percent of the amateur radio rental established by the department. For any subsequent repeater unit placed at the same facility by an eligible amateur radio lessee, the lessee shall pay twenty-five percent of the rental established by the department.

The amateur radio regulatory authority approved by the federal communication commission shall assign the radio frequencies used by amateur radio lessees. The department shall develop guidelines to determine which lessees are to receive reduced rental fees as moneys are available by legislative appropriation to pay a portion of the rent for electronic repeaters operated by amateur radio operators.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each added to chapter 79.12 RCW.

NEW SECTION. Sec. 4. There is appropriated from the state general fund to the department of natural resources for the biennium ending June 30, 1989, the sum of two thousand eight hundred dollars, or so much thereof as may be necessary, to pay that portion of the rent not paid by the lessees for electronic repeaters operated by amateur radio operators.

Passed the House March 7, 1988.

Passed the Senate March 4, 1988.

Approved by the Governor March 23, 1988.

Filed in Office of Secretary of State March 23, 1988.