

government and its existing public institutions, and shall take effect July 1, 1981.

Passed the Senate March 10, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 8, 1981.

Filed in Office of Secretary of State May 8, 1981.

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## CHAPTER 116

[Senate Bill No. 3589]

### RAIL CARRIER RATES—EFFECTIVE DATES

AN ACT Relating to transportation tariffs; amending section 81.28.050, chapter 14, Laws of 1961 and RCW 81.28.050; and amending section 81.80.150, chapter 14, Laws of 1961 as amended by section 11, chapter 115, Laws of 1973 and RCW 81.80.150.

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

Section 1. Section 81.28.050, chapter 14, Laws of 1961 and RCW 81.28.050 are each amended to read as follows:

Unless the commission otherwise orders, no change shall be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier other than a rail carrier, except after thirty days' notice to the commission and to the public published as provided in RCW 81.28.040 which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, classification, fare, or charge will go into effect; and all proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. In the case of a change proposed by a rail carrier, a proposal resulting in a rate increase or a new rate shall not become effective for twenty days after the notice is published, and a proposal resulting in a rate decrease shall not become effective for ten days after the notice is published. The commission, for good cause shown, may by order allow changes in rates without requiring the (~~thirty days'~~) notice and the publication time periods specified in this section. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to such change by some character on the schedule, such character and its placement to be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

Sec. 2. Section 81.80.150, chapter 14, Laws of 1961 as amended by section 11, chapter 115, Laws of 1973 and RCW 81.80.150 are each amended to read as follows:

The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules, and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the commission: PROVIDED, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes which may be made permanent only after publication in an applicable tariff for not less than sixty days, and determination by the commission thereafter that the rates, charges or classifications are just, fair, and reasonable: PROVIDED FURTHER, That temporary rates shall not be made permanent except upon notice and hearing if within sixty days from date of publication, a shipper or common carrier, or representative of either, shall file with the commission a protest alleging such temporary rates to be unjust, unfair, or unreasonable. For purposes of this proviso, the publication of temporary rates in the tariff shall be deemed adequate public notice. Nothing herein shall be construed to prevent the commission from proceeding on its own motion, upon notice and hearing, to fix and determine just, fair, and reasonable rates, charges, and classifications. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for a fee to be determined annually and not to exceed ((ten dollars for each tariff)) the cost of this service. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements, or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee ((of)) not to exceed ((ten dollars per tariff to cover)) the cost of issuing corrections or supplements and mailing them to subscribers: PROVIDED, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: PROVIDED FURTHER, That the commission may by order authorize common carriers to publish and file tariffs with the commission and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct,

compile, publish, and distribute tariffs covering such commodities and services.

Passed the Senate March 30, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 8, 1981.

Filed in Office of Secretary of State May 8, 1981.

CHAPTER 117

[Engrossed Senate Bill No. 3595]

PUBLIC SERVICE COMPANIES—SALE APPROVAL—GOVERNMENTAL PURCHASERS

AN ACT Relating to public utilities; and amending section 80.12.020, chapter 14, Laws of 1961 and RCW 80.12.020.

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

Section 1. Section 80.12.020, chapter 14, Laws of 1961 and RCW 80.12.020 are each amended to read as follows:

No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, and no public service company shall, by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the commission an order authorizing it so to do: PROVIDED, That this section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a ~~((public utility district))~~ special purpose district as defined in RCW 36.96.010, city, county, or town.

Passed the Senate March 30, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 8, 1981.

Filed in Office of Secretary of State May 8, 1981.

CHAPTER 118

[Senate Bill No. 3626]

FOREST PRACTICES APPEALS BOARD—TERMINATION DATE

AN ACT Relating to the forest practices appeals board; adding a new section to chapter 76.09 RCW; repealing section 3, chapter 99, Laws of 1979 and RCW 43.131.153; repealing section 45, chapter 99, Laws of 1979 and RCW 43.131.154; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 76.09 RCW a new section to read as follows: