

(2) Section 22, chapter 222, Laws of 1951 and RCW 18.85.163.

Passed the Senate April 21, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 12, 1987.

Filed in Office of Secretary of State May 12, 1987.

CHAPTER 333

[Substitute House Bill No. 458]

MEASURED TELECOMMUNICATIONS SERVICES

AN ACT Relating to measured telecommunications service; reenacting and amending RCW 80.04.130; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 80.04.130, chapter 14, Laws of 1961 as last amended by section 2, chapter 161, Laws of 1985 and by section 1, chapter 206, Laws of 1985 and by section 12, chapter 450, Laws of 1985 and RCW 80.04.130 are each reenacted and amended to read as follows:

(1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured ~~((telephone))~~ telecommunications service is a major policy change in available ~~((telephone))~~ telecommunications service. The commission shall not accept for

filing or approve, prior to June 1, (~~(1987)~~) 1990, a tariff filed by a (~~(telephone)~~) telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1987.

Passed the House March 11, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 12, 1987.

Filed in Office of Secretary of State May 12, 1987.

CHAPTER 334

[Substitute Senate Bill No. 5978]
TRIBUTYLTIN REGULATED

AN ACT Relating to prohibiting the sale or use of tributyltin in paints; adding new sections to chapter 70.54 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) A person shall not sell, offer to sell, or use in this state any tributyltin-based marine antifouling paint or coating unless a method of using such paint or coating exists that does not result in the release of tributyltin or derivative of organotin into the marine waters of the state.

(2) Subsection (1) of this section does not apply to the sale or use in this state of a tributyltin-based marine antifouling paint or coating that is (a) used on aluminum hulls and (b) that has a steady release rate of not more than five micrograms per square centimeter per day.

(3) Subsection (1) of this section does not apply to the sale, use, distribution, or possession of a tributyltin-based marine antifouling paint or coating if the paint or coating (a) is in a spray can containing sixteen ounces or less of paint or coating; (b) is commonly referred to as an outboard or lower drive unit paint; and (c) the steady release rate of not more than five micrograms per square centimeter per day.

(4) The department of agriculture shall enforce this section and shall adopt any rules necessary to implement this section.