

such property as is exempt from execution by law. Such liens for rent shall be paramount to, and have preference over, all other liens except liens for taxes, general and special liens of labor, and liens of mortgages duly recorded prior to the tenancy. Such liens shall not be for more than two months' rent due (~~(or to become due)~~), (~~(nor)~~) except that a lien for up to four months' rent due may be established when the tenant is renting a mobile home lot in a mobile home park as defined in RCW 59.20.030. No lien may be enforced for any rent or any installment thereof which has been due for more than two months at the time of the commencement of an action to foreclose such liens(;), except that a lien may be enforced for rent due for up to four months at the time of the commencement of an action to foreclose the lien when the tenant is renting a mobile home lot in a mobile home park as defined in RCW 59.20.030. No writing or recording shall be necessary to create such lien; and if such property be removed from the rented premises and not returned to the owner, agent, executor, administrator, or assign, ((said)) the lien shall continue and be a superior lien on the property so removed for ten days from the date of its removal, and ((said)) the lien may be enforced against the property wherever found. In the event the property contained in the rented premises be destroyed by fire or other elements, the lien shall extend to any money that may be received by the tenant as indemnity for the destruction of ((said)) the property, nor shall the lien be lost by the sale of the ((said)) property, except merchandise sold in the usual course of trade or to purchasers without notice of the tenancy. The provisions of this chapter shall not apply to, nor shall it be enforced against, the property of tenants in dwelling houses or apartments or any other place that is used exclusively as a home or residence of the tenant and his or her family.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

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CHAPTER 170

[House Bill No. 2546]

TELEPHONE ASSISTANCE PROGRAM

AN ACT Relating to continuation of the Washington telephone assistance program; amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.440, 80.36.460, and 80.36.470; amending section 12, chapter 229, Laws of 1987 (uncodified); adding a new section to chapter 80.36 RCW; repealing RCW 80.36.480; and providing an expiration date.

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

Sec. 1. Section 13, chapter 101, Laws of 1989 and RCW 80.04.130 are each 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 shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

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 telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing or approve, prior to June 1, 1993, a tariff filed by a 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.

(4) The implementation of ~~((lifeline))~~ Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of ~~((lifeline))~~ Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

Sec. 2. Section 4, chapter 229, Laws of 1987 and RCW 80.36.420 are each amended to read as follows:

~~((Lifeline assistance))~~ The Washington telephone assistance program shall be available to participants of department programs set forth in RCW 80.36.470. ~~((Lifeline))~~ Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate ~~((lifeline))~~ service ~~((rate))~~ for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single ~~((lifeline service))~~ telephone assistance rate for all local exchange companies operating in the state of Washington. The ~~((lifeline service))~~ telephone assistance rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the ~~((lifeline service))~~ telephone assistance rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The ~~((lifeline service))~~ telephone assistance rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the ~~((lifeline service))~~ telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the ~~((lifeline))~~ service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the ~~((lifeline))~~ telephone assistance fund created by RCW 80.36.430.

Sec. 3. Section 5, chapter 229, Laws of 1987 and RCW 80.36.430 are each amended to read as follows:

~~((Costs associated with lifeline telephone service))~~ The Washington telephone assistance program shall be ((recovered through)) funded by a ((lifeline surcharge)) telephone assistance excise tax on all ((other)) switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82-.14B.020. The ((lifeline surcharge)) telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed ((sixteen)) fourteen cents per month. ((The surcharge collected by the telecommunications companies shall not be construed as gross income or gross receipts for purposes of state, county or municipal public utility taxes.)) The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the ((lifeline surcharge)) telephone assistance excise tax shall be transferred to a ((lifeline)) telephone assistance fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering ((lifeline telecommunications services)) the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

Sec. 4. Section 6, chapter 229, Laws of 1987 and RCW 80.36.440 are each amended to read as follows:

The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through ~~((80.36.480))~~ 80.36.470.

Sec. 5. Section 8, chapter 229, Laws of 1987 and RCW 80.36.460 are each amended to read as follows:

Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from

the ~~((lifeline))~~ telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

Sec. 6. Section 9, chapter 229, Laws of 1987 and RCW 80.36.470 are each amended to read as follows:

~~((Participants in the following department programs are eligible for lifeline assistance: Aid to families with dependent children, chore services, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPEs).))~~ Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

NEW SECTION. Sec. 7. A new section is added to chapter 80.36 RCW to read as follows:

The department shall report to the energy and utilities committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

Sec. 8. Section 12, chapter 229, Laws of 1987 (uncodified) is amended to read as follows:

RCW 80.36.410 through ~~((80.36.480))~~ 80.36.470 shall expire June 30, ~~((+1990))~~ 1993, unless extended by the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 229, Laws of 1987 and RCW 80.36.480 are each repealed.

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Approved by the Governor March 26, 1990.

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CHAPTER 171

[Substitute House Bill No. 2907]

MOBILE HOME RELOCATION ASSISTANCE

AN ACT Relating to mobile home relocation; amending RCW 59.21.010, 59.21.020, 59.21.030, 59.21.050, 59.21.060, 82.45.090, 82.08.065, 59.21.080, and 59.22.060; adding a new section to chapter 59.21 RCW; repealing RCW 59.21.090; and providing an effective date.

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