

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.

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## 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.

(5) For purposes of this section "tributyltin-based marine antifouling paint or coating" means a paint, coating, or treatment that contains tributyltin or a triorganotin compound used as a substitute for tributyltin and that is intended to control fouling organisms in a marine environment.

NEW SECTION. Sec. 2. This act shall take effect April 1, 1988.

NEW SECTION. Sec. 3. Section (1) of this act shall only remain in effect until the U.S. environmental protection agency promulgates standards for the use of tributyltin-based marine antifouling paint or coating.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 12, 1987.

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

## CHAPTER 335

[Engrossed Substitute Senate Bill No. 5608]

### CRUELTY TO AND NEGLECT OF DOMESTIC ANIMALS

AN ACT Relating to abused and injured animals; amending RCW 16.52.085, 16.52.010, and 46.61.660; adding new sections to chapter 16.52 RCW; creating a new section; and prescribing penalties.

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

Sec. 1. Section 2, chapter 12, Laws of 1974 ex. sess. and RCW 16.52-.085 are each amended to read as follows:

(1) If the county sheriff or other law enforcement officer shall find that said domestic animal has been neglected by its owner, he or she may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health.

(2) If a law enforcement officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of an allegedly neglected domestic animal by a veterinarian to determine whether the level of neglect is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed to a suitable place pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. In making the decision to remove an animal pursuant to this chapter, the law enforcement officer shall make a good faith effort to contact the animal's owner before removal unless the animal is in a life-threatening condition or unless the officer reasonably believes that the owner would remove the animal from the jurisdiction.

(4) If no criminal case is filed within seventy-two hours of the removal of the animal, the owner may petition the district court of the county where