

"I am returning herewith, without my approval as to sections 1 and 3, Substitute Senate Bill No. 5474 entitled:

"AN ACT Relating to interpreters in legal proceedings."

Section 9 requires the Office of the Administrator for the Courts to create a new statutory advisory committee for certification of interpreters. The committee would advise the office regarding procedures and standards for certification of foreign language interpreters in legal proceedings. The recommendations of this committee would affect the use and availability of interpreters for state agencies, boards and commissions, courts, counties, cities, towns, and other political subdivisions covered by the act.

Section 9 limits the membership of the committee to representatives of county prosecutors, public defenders, the Bar Association, judges, and groups representing non-English-speaking persons. By precluding state agency and city and town participation on the advisory committee, the procedures and standards adopted for this new program may not adequately address the special needs of these entities.

I have asked the Administrator for the Courts to administratively create an advisory group to perform these tasks and to have representatives of all affected groups included. I believe it to be in the best interests of the program to veto section 9 and thereby allow creation of such a group under the authority of the Administrator for the Courts.

With the exception of section 9, Substitute Senate Bill No. 5474 is approved."

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## CHAPTER 359

[Substitute Senate Bill No. 5827]

### PETS—THEFT FOR SALE FOR BIOMEDICAL RESEARCH

AN ACT Relating to pet theft prevention, pet protection, and certification to minimize theft or unintentional sale for biomedical research purposes and nonimpairment of biomedical research; amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.

(2) "Research institution" means a facility licensed by the United States department of agriculture to use animals in biomedical or product research.

(3) "U.S.D.A. licensed dealer" means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals.

Sec. 2. Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor

and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:

~~((1))~~ (a) Takes, leads away, confines, secretes or converts any ((dog)) pet animal, except in cases in which the value of the ((dog)) pet animal exceeds two hundred fifty dollars;

~~((2))~~ (b) Conceals the identity of any ((dog)) pet animal or its owner by obscuring, altering, or removing from the ((dog)) pet animal any collar, tag, license, tattoo, or other identifying device or mark((; or)).

~~((3))~~ (c) Willfully or recklessly kills or injures any ((dog)) pet animal, unless excused by law.

~~((Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.))~~

(d) Nothing in this subsection or subsection (2) of this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

(2) (a) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.

(b) The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(3) (a) It is unlawful for any person, who knows or has reason to know that a pet animal has been stolen or fraudulently obtained, to sell or otherwise transfer the pet animal to another who the person knows or has reason to know has previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive with intent to sell, or sell or transfer directly or through a third party, to a research institution in the state of Washington, a pet animal that the dealer knows or has reason to know has been stolen or fraudulently obtained.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(5) The sale, receipt, or transfer of each individual pet animal in violation of subsections (1), (2), (3), and (4) of this section constitutes a separate offense.

(6) The provisions of subsections (1), (2), (3), and (4) of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION. Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and, except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

- (a) All information required by federal law;
- (b) The certification required by this section; and

(c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution. The written policies shall be binding on all employees, agents, or contractors of the institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, "research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION. Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION. Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher education or biomedical research. The

provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 22, 1989.

Passed the House April 21, 1989.

Approved by the Governor May 12, 1989.

Filed in Office of Secretary of State May 12, 1989.

## CHAPTER 360

[Substitute House Bill No. 1635]

### SUPPORT ENFORCEMENT—REVISED PROVISIONS

AN ACT Relating to support enforcement; amending RCW 4.16.020, 4.56.210, 6.17.020, 74.20A.220, 74.20A.100, 26.23.030, 74.20.101, 74.20A.040, 74.20A.060, 74.20A.080, 74.20.040, 74.20.330, 26.23.050, 26.23.110, 26.23.120, 26.26.130, 4.56.110, 6.27.360, 6.15.020, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.24.240, 41.40.380, 41.44.240, 74.20A.120, 26.23.100, 26.23.060, 74.20A.270, 26.26.160, 26.09.060, 26.09.100, 26.23.040, and 26.19.030; reenacting and amending RCW 26.09.120, 74.20A.030, and 43.43.310; adding new sections to chapter 26.23 RCW; repealing RCW 74.20A.190 and 26.26.131; prescribing penalties; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 2, page 363, Laws of 1854 as last amended by section 1, chapter 76, Laws of 1984 and RCW 4.16.020 are each amended to read as follows:

The period prescribed for the commencement of actions shall be as follows:

Within ten years:

(1) For actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it appears that the plaintiff, his ancestor, predecessor or grantor was seized or possessed of the premises in question within ten years before the commencement of the action.

(2) For an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States.

(3) Of the eighteenth birthday of the youngest child named in the order for whom support is ordered for an action to collect past due child support that has accrued under an order entered after the effective date of this act by any of the above-named courts or that has accrued under an administrative order as defined in RCW 74.20A.020(6), which is issued after the effective date of this act.