

CHAPTER 144.

[H. B. 321.]

SHELLFISH—SANITARY CONTROL.

AN ACT relating to the sanitary control of shellfish for human consumption, and providing penalties.

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

Definitions: SECTION 1. When used in this act, the following terms shall have the following meanings:

"Shellfish." (1) "Shellfish" means all varieties of fresh and frozen oysters and clams, either shucked or in the shell, and any fresh or frozen edible products thereof.

"Sale." (2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

"Shellfish growing areas." (3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting for sale for human consumption.

"Establishment." (4) "Establishment" means the buildings together with the necessary equipment and appurtenances used for the storage, culling, shucking, packing and/or shipping of shellfish for sale for human consumption.

"Person." (5) "Person" means any individual, partnership, firm, company, corporation and/or association.

"Department." (6) "Department" means the state department of health.

"Director." (7) "Director" means the state director of health or his authorized representatives.

Certificate necessary before sale. SEC. 2. Only shellfish bearing a certificate of compliance with the sanitary requirements of this state or a state, territory, province or country of origin whose requirements are equal or comparable to those established pursuant to this act may be sold or offered for sale in the state of Washington.

SEC. 3. The state board of health shall cause such investigations to be made as are necessary to determine reasonable requirements governing the sanitation of shellfish growing areas and shellfish plant facilities and operations, in order to protect public health and carry out the provisions of this act; and shall adopt such requirements as rules and regulations of the state board of health. Such rules and regulations may include reasonable sanitary requirements relative to the quality of shellfish growing waters and areas, boat and barge sanitation, building construction, water supply, sewage and waste water disposal, lighting and ventilation, insect and rodent control, shell disposal, garbage and waste disposal, cleanliness of establishment, the handling, storage, construction and maintenance of equipment, the handling, storage and refrigeration of shellfish and the identification of containers.

State board of health; duties.

Rules and regulations.

SEC. 4. There is hereby created a shellfish sanitation advisory committee composed of seven members to be appointed by the state director of health. Members shall be appointed within thirty days after the effective date of this act and shall be selected from lists submitted by the industries concerned. At least four of the seven members shall represent the oyster industry, including oyster growers, shuckers, packers and wholesale distributors, and at least one member to represent the public.

Advisory committee.

The shellfish sanitation advisory committee shall choose one of its members to act as chairman and shall meet at times and places designated by the chairman: *Provided, however,* That the chairman shall, at the written request of three members of the committee, call a special meeting of the committee.

The director may remove any member of the committee for good cause or when he is no longer connected with that segment of industry from which

he was appointed. All advisory sanitation committee members shall serve without pay. The advisory sanitation committee shall have the responsibility to:

(1) Advise on rules and regulations to be adopted under this act.

(2) Consider and render its advice on such other matters relating to the sanitary control of shellfish submitted to it by the state board of health, by the director, or chairman of the committee.

Certification of shellfish growing areas.

SEC. 5. Shellfish growing areas, from which shellfish are removed for sale for human consumption shall be in a safe and sanitary condition, meeting the requirements of the state board of health; and such shellfish growing areas shall be so certified by the department. Any person desiring to remove shellfish for sale for human consumption from a growing area in the state of Washington shall first apply to the department for a certificate of approval of the growing area. The department shall cause the shellfish growing area to be inspected and if the area meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval for that area. Such certificates shall be issued for a period not to exceed twelve months and may be revoked at any time the area is found not to be in compliance with the sanitary requirements of the state board of health.

Certification of establishments.

SEC. 6. No person shall cull, shuck, or pack shellfish in the state of Washington for sale for human consumption unless the establishment in which such operations are conducted has been certified by the department as meeting the requirements of the state board of health. Any person desiring to cull, shuck, or pack shellfish within the state of Washington for sale for human consumption, shall apply to the department for a certificate of approval for the establishment in which such operations will be done.

The department shall cause such establishment to be inspected, and if the establishment meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval. Such certificates of approval shall be issued for a period not to exceed twelve months, and may be revoked at any time the establishment or the operations are found not to be in compliance with the sanitary requirements of the state board of health.

SEC. 7. Any certificate of approval issued under the provisions of this act shall not relieve any person from complying with the laws, rules and/or regulations of the state department of fisheries, relative to shellfish.

Certificates do not relieve from compliance with laws, rules and regulations.

SEC. 8. Any order issued by the department which denies or revokes a certificate of approval for a shellfish growing area or establishment shall be in writing and shall contain a statement of the grounds upon which said denial or revocation is based. A copy of the department's order shall be sent by registered mail to the person whose name appears on the certificate of approval or application therefor. Said order shall become final fifteen days after the date of mailing, provided the person aggrieved by such order does not, within ten days of the date of mailing of such order, apply in writing to the director for a fair hearing. Upon such application, the department shall fix a time for such hearing and shall give the person aggrieved a notice of the time fixed for such a hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the state board of health after consultation with the shellfish sanitation advisory committee. The director shall render his decision affirming, modifying or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this act, shall become final fifteen days after the date of mailing.

Revocation of certificates.

Appeal.

SEC. 9. Within ten days after the date of mailing of the decision of the director, the person aggrieved may appeal to the superior court of the county in which the shellfish growing area or establishment is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearings before the director. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and filing, together with proof of service of the notice of appeal, all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. The cost of transcribing the record shall be borne by the appellant in the event the director's decision is affirmed by the court. In the event of modification or reversal, such cost shall be borne by the department.

Appeal does not stay order or decision.

SEC. 10. Any order or decision issued by the department or director from which an appeal is taken, as provided in this act, shall have full force and effect during the appellate procedure.

Sales in violation of act.

SEC. 11. Any shellfish sold or offered for sale in the state, which have not been grown, shucked, packed, or shipped in accordance with the provisions of this act, shall upon order of the director be imme-

diately withdrawn from sale, use, or consumption. In the event of failure or refusal to comply with said order, the director may apply to the superior court of the county wherein the shellfish were found for an order directing that the person having control of said shellfish withdraw said shellfish from sale, use, or consumption, in compliance with the order of the director.

SEC. 12. The department may enter and inspect at reasonable times any shellfish growing area or establishment and may inspect all shellfish, and take for inspection such samples of shellfish as may reasonably be necessary to carry out the provisions of this act. Inspection.

SEC. 13. All existing laws and rules and regulations governing the pollution of waters of the state shall apply in the control of pollution of shellfish growing areas. Pollution laws, etc., apply to shellfish growing areas.

SEC. 14. Any person found violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment not to exceed ninety days, or to both fine and imprisonment. Upon the violation of any of the provisions of this act, written notification shall be sent by the department to the person found in violation. Each day's operation thereafter in violation shall constitute a separate offense and shall be subject to the prescribed penalties. Violations of act.

SEC. 15. If any provision of this act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of the application of this act which can be given effect without the invalid provision or ap- Severability..

plication, and to this end the provisions of the act are declared to be severable.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 145.

[H. B. 381.]

FIRST CLASS CITIES—UTILITY EMPLOYEES' CONTRACTS.

AN ACT relating to first class cities owning and operating public utilities; and amending section 1, chapter 21, Laws of 1951 and RCW 35.22.350.

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

Amendment.

SECTION 1. Section 1, chapter 21, Laws of 1951 and RCW 35.22.350 are each amended to read as follows:

All first class cities.

Every city of the first class which owns and operates a waterworks system, a light and power system, a street railway or other public utility, shall have power, through its proper officers, to deal with and to enter into contracts for periods not exceeding one year with its employees engaged in the construction, maintenance, or operation thereof through the accredited representatives of the employees including any labor organization or organizations authorized to act for them concerning wages, hours and conditions of labor in such employment, and every city having not less than one hundred forty thousand nor more than one hundred and seventy thousand population is empowered and authorized to immediately place in effect any adjustment or change in such wages, hours and conditions of labor of such employees as may be required to conform to the provisions of any such contract, irrespective of the provisions of any annual budget

Cities of not less than 140,000 nor more than 170,000 population.