

((7)) (8) A notary public has satisfactory evidence that a person is the person described in a document if that person: (a) Is personally known to the notary public; (b) is identified upon the oath or affirmation of a credible witness personally known to the notary public; or (c) is identified on the basis of identification documents.

((8)) (9) The signature and seal or stamp of a notary public are prima facie evidence that the signature of the notary is genuine and that the person is a notary public.

((9)) (10) A notary public is disqualified from performing a notarial act when the notary is a signer of the document which is to be notarized.

Passed the Senate April 8, 1987.

Passed the House April 2, 1987.

Approved by the Governor April 17, 1987.

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CHAPTER 77

[Senate Bill No. 5381]

CUSTOM SLAUGHTERING ESTABLISHMENTS OR CUSTOM MEAT FACILITIES—LICENSE REVISIONS—INSPECTIONS

AN ACT Relating to custom slaughtering and meat facilities; amending RCW 16.49.440, 16.49.454, 16.49.610, and 16.49.670; adding new sections to chapter 16.49 RCW; creating a new section; and repealing RCW 16.49.430, 16.49.452, 16.49.600, 16.49.620, 16.49.640, 16.49.650, and 16.49.660.

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

Sec. 1. Section 44, chapter 204, Laws of 1959 as amended by section 5, chapter 415, Laws of 1985 and RCW 16.49.440 are each amended to read as follows:

It shall be unlawful for any person(~~;- firm; or corporation~~) to act as a custom farm slaughterer or to operate a custom slaughtering establishment or custom meat facility without first obtaining a license from the director ~~((of agriculture))~~. The license shall be an annual license and shall expire on June 30th of each year. For custom farm slaughterers, a separate license shall be required for each mobile unit. Each custom slaughtering establishment and custom meat facility shall also require a separate license. Application for a license shall be made on a form prescribed by the director of agriculture and accompanied by a twenty-five dollar annual license fee. The application shall include the full name and address of the applicant. If the applicant is a partnership or corporation, the application shall include the full name and address of each partner or officer. The application shall further state the principal business address of the applicant in the state or elsewhere and the name of a resident of this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director of agriculture.

The license shall be issued by the director upon his satisfaction that the applicant's equipment is properly constructed, has the proper sanitary and mechanical equipment and is maintained in a sanitary manner as required under this chapter and/or rules adopted hereunder. The director of agriculture shall also provide for the periodic inspection of equipment used by licensees to assure compliance with the provisions of this chapter and the rules adopted hereunder.

Sec. 2. Section 2, chapter 91, Laws of 1961 and RCW 16.49.454 are each amended to read as follows:

No person shall operate a custom slaughtering establishment without first establishing the need for such an establishment (~~and obtaining an annual license, expiring on June 30th, from the director and the payment of a twenty-five dollar license fee. If an application for renewal of the license provided for in this section is not filed prior to July 1st of any one year, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued.~~ **PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit that he has not operated such custom slaughtering establishment subsequent to the expiration of his prior license.**

The application shall be on a form prescribed by the director a.d)). In addition to the requirements under RCW 16.49.440, applications to operate custom slaughtering establishments shall contain the following:

- (1) The location of the facility to be used.
- (2) The day or days of intended operation.
- (3) The distance to the closest official establishment (~~(as provided for in this chapter)~~).
- (4) Whether the facility already exists or is to be constructed.
- (5) Any other matters that the director may require.

Upon receipt of such application the director shall (~~consult with the meat inspection advisory board as provided for in RCW 16.49.070 and~~) provide for a hearing to be held in the area where the applicant intends to operate a custom slaughtering establishment. Such hearing shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning contested cases. Upon the director's determination that such a custom slaughtering establishment is necessary in the area applied for and that the applicant has satisfied all other requirements of this chapter relating to custom slaughtering establishments including minimum facility requirements as prescribed by the director, the director shall issue a limited license to such applicant to operate such an establishment. When and if an official establishment is located and operated in the area, the director may deny renewal of the limited license subject to a hearing.

Sec. 3. Section 3, chapter 98, Laws of 1971 ex. sess. as amended by section 7, chapter 415, Laws of 1985 and RCW 16.49.610 are each amended to read as follows:

Inspected and uninspected meat may only be prepared by ~~((any regularly licensed))~~ a custom meat facility under the following conditions:

(1) Inspected meat and the meat and meat food products prepared therefrom shall be separated at all times from uninspected meat and the meat food products prepared therefrom, by a sufficient distance to prevent inspected meat from coming into contact with uninspected meat.

(2) Preparation of inspected meat and uninspected meat shall be done at different times.

(3) No sales of inspected meat, nor the meat food products derived therefrom shall be made to any person other than a household user.

(4) Uninspected meat shall be prepared for the sole use of the owner of said uninspected meat, who shall be a household user.

(5) Inspected meat may be purchased by a custom meat facility for preparation and sale to a household user only.

~~(6) ((Inspected meat and the meat and meat food products prepared therefrom shall not be sold in less than one full quarter or one side of a meat food animal.~~

~~(7))~~ Uninspected meat, as well as the packages and containers containing any meat or meat food products prepared therefrom shall be plainly marked and labeled "not for sale" or ~~((equivalent language))~~ as otherwise prescribed by the director.

~~((8))~~ (7) Any custom meat facility shall comply with sanitation rules and regulations promulgated by the director ~~((of agriculture))~~.

NEW SECTION. Sec. 4. For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or the director's designee.

(3) "Custom farm slaughterer" means any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof through the use of an approved mobile unit under such conditions as may be prescribed by the director.

(4) "Custom slaughtering establishment" means the facility operated by any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof at a fixed location under such conditions as may be prescribed by the director.

(5) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities

may also prepare inspected meat for household users only under such conditions as may be prescribed by the director and may sell such prepared inspected meat to household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(6) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(7) "Uninspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(8) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(9) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(10) "Meat food animal" means cattle, swine, sheep, or goats.

(11) "Official establishment" means an establishment operated for the purpose of slaughtering meat food animals for sale or use as human food in compliance with the federal meat inspection act (21 U.S.C. Sec. 71 et seq.).

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

NEW SECTION. Sec. 5. To ensure the sanitary slaughtering of meat food animals and handling of meat and meat food products by licensees under this chapter, the director may adopt such rules as the director finds necessary to protect public health and safety. To ensure the identification of meat food animals slaughtered by licensees and the meat and meat food products handled by licensees, both as to ownership and as to whether the product is uninspected meat or inspected meat, the director may adopt such rules as the director finds necessary. The director may also adopt such other rules as the director finds necessary to carry out this chapter.

NEW SECTION. Sec. 6. Before issuing any license to operate as a custom farm slaughterer, the director shall inspect the applicant's mobile unit and slaughtering equipment and only upon the director's satisfaction that the applicant's mobile unit and equipment is properly constructed, has the proper sanitary and mechanical equipment, and is capable of being maintained in a sanitary manner as required under this chapter and the rules adopted hereunder shall the applicant be issued a license.

NEW SECTION. Sec. 7. Before issuing any license to operate a custom meat facility, the director shall inspect the applicant's premises and

only upon the director's satisfaction that the applicant's facility and equipment is properly constructed, has the proper sanitary and mechanical equipment, and is capable of being maintained in a sanitary manner as required under this chapter and the rules adopted hereunder shall the applicant be issued a license.

NEW SECTION. Sec. 8. To ensure that licensees under this chapter maintain proper sanitary practices and comply with all the provisions of this chapter and the rules adopted hereunder, the director may inspect the mobile unit of any custom farm slaughterer and the premises of any custom slaughtering establishment or custom meat facility at any reasonable time. No person may interfere with the director in the performance of his or her duties under this chapter or the rules adopted hereunder.

NEW SECTION. Sec. 9. It is unlawful for any person to sell, trade, or give away uninspected meat or the meat food products that may be derived therefrom. Any violation of this section by a licensee under this chapter shall be sufficient reason for the revocation of the licensee's license.

NEW SECTION. Sec. 10. The director may investigate any violation or possible violation of this chapter or any rule adopted under this chapter. In the furtherance of any such investigation, the director may issue subpoenas to compel the attendance of witnesses or the production of books or documents anywhere in the state.

Sec. 11. Section 9, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.670 are each amended to read as follows:

~~((RCW 16.49.600 through 16.49.670))~~ The provisions of this chapter relating to custom meat facilities and RCW 16.49A.370 shall in no way supersede or restrict the authority of any county or any city to adopt ordinances which are more restrictive for the handling of meat than those provided for herein.

NEW SECTION. Sec. 12. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, and does not affect any proceeding instituted under those sections.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) Section 43, chapter 204, Laws of 1959, section 3, chapter 120, Laws of 1967 ex. sess. and RCW 16.49.430;
- (2) Section 1, chapter 91, Laws of 1961 and RCW 16.49.452;
- (3) Section 2, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.600;
- (4) Section 4, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.620;
- (5) Section 6, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.640;
- (6) Section 7, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.650;

and

(7) Section 8, chapter 98, Laws of 1971 ex. sess. and RCW 16.49.660.

NEW SECTION. Sec. 14. Sections 4 through 11 of this act are each added to chapter 16.49 RCW.

Passed the Senate February 20, 1987.

Passed the House April 7, 1987.

Approved by the Governor April 17, 1987.

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CHAPTER 78

[Engrossed Senate Bill No. 5740]

FERRY SYSTEM EMPLOYEES—EMPLOYER CONTRIBUTIONS TO INSURANCE AND HEALTH CARE PLANS

AN ACT Relating to employer contributions to insurance and health care plans for ferry system employees; amending 47.64.270; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that the provisions of RCW 47.64.270 have been subject to misinterpretation. The objective of this act is to clarify the intent of RCW 47.64.270 as originally enacted.

Sec. 2. Section 18, chapter 15, Laws of 1983 and RCW 47.64.270 are each amended to read as follows:

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state employees' insurance board, under chapter 41.05 RCW. The ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. ~~((However, after July 1, 1984, any amount by which the employer contribution for ferry system employees' and dependents' insurance and health care plans exceeds that provided for other state agencies shall reduce the funds available for compensation purposes, pursuant to RCW 47.64.180:))~~ To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available