



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED
2002 OCT 22 A 9:21
WEST VIRGINIA
SECRETARY OF STATE

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October 21, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Dr. W. Jan Charminski
Agriculture, WV Department of
Building 1, Room E-28
Capitol Complex

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Inspection of Meat and Poultry, 61CSR16**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Department of Agriculture

Subject: Inspection of Meat and Poultry, 61CSR16

PERTINENT DATES

Filed for public comment: June 12, 2002
Public comment period ended: July 19, 2002
Filed following public comment period: July 22, 2002
Filed LRMRC: July 22, 2002
Filed as emergency:

Fiscal Impact: None

2002 AUG -8 A 9:27
FILED
DEPARTMENT OF AGRICULTURE
SECRETARY OF STATE

ABSTRACT

The proposed rule amends a current legislative rule. It incorporates requirements of federal meat and poultry inspection regulations adopted prior to June 1, 2002.

AUTHORITY

Statutory authority: W.Va. Code, §19-2B-3, which provides, in part, as follows:

(a) The commissioner shall administer and enforce the provisions of this article and for this purpose is hereby authorized and empowered to promulgate reasonable rules and to employ or contract with such persons as may be appropriate. All rules shall be promulgated in accordance with the provisions of chapter twenty-nine-a of this code. Such rules shall, insofar as practicable, be in conformity with the rules and regulations

issued under the federal Meat Inspection Act
and the federal Poultry Products Inspection
Act...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY
AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE
INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO
IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE
PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A
DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY
ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE
PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS
IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF
PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR
MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER