

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 586

**FISCAL
NOTE**

BY SENATOR SYPOLT

[Introduced March 13, 2017; Referred
to the Committee on Agriculture and Rural
Development; and then to the Committee on Finance]

1 A BILL to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating
 2 to changing the annual fees for custom slaughters, custom processors or distributors to
 3 triennial fees; and adjusting the fees accordingly.

Be it enacted by the Legislature of West Virginia:

1 That §19-2B-4 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 2B. INSPECTION OF MEAT AND POULTRY.

§19-2B-4. License required for commercial slaughterer, custom slaughterer, commercial processor, custom processor or distributor; application for license; fees; refusal, revocation or suspension; suspension of inspection; establishment number or numbers.

1 (a) ~~No~~ A commercial slaughterer, custom slaughterer, commercial processor, custom
 2 processor or distributor shall not operate an establishment unless he or she ~~shall first have~~
 3 ~~obtained~~ first obtains a license from the commissioner, which ~~license~~ remains unsuspended and
 4 unrevoked. Application for ~~such~~ the license shall be made on forms prescribed by the
 5 commissioner and shall be accompanied by the fee required in this section.

6 (b) When ~~such~~ a person operates as a commercial slaughterer and also operates as a
 7 commercial processor, whether ~~such~~ the operations are located on the same or different premises
 8 in this state, each ~~such~~ operation shall be licensed. When ~~such~~ a person operates two or more
 9 slaughterhouses ~~not on the same~~ on different premises in this state, or operates two or more
 10 processing plants ~~not on the same~~ on different premises in this state, a separate license ~~shall be~~
 11 is required for each ~~such~~ slaughterhouse and each ~~such~~ processing plant. Each license shall
 12 expire on June 30 next following its issuance, and the annual fee for each ~~such~~ license shall be
 13 based upon the average number of animals slaughtered per year and upon the average finished
 14 product poundage processed per year, as set forth in the following table: ~~except that the annual~~
 15 Provided, That the triennial fee for the license of a person who operates solely as a custom

16 slaughterer ~~shall be \$10~~ is \$30 or as a custom processor ~~shall be \$5~~ is \$15 or as a distributor
 17 ~~shall be \$5~~ is \$15.

18	Average Number of Animals		Annual
19	Class	Slaughtered Per Year	Fee
20	Small	1-500	\$10.00
21	Medium	501-1000	\$25.00
22	Large	1001-5000	\$50.00
23	Extra Large	Over 5000	\$75.00

24	Average Finished Product		Annual
25	Class	Poundage Processed Per Year	Fee
26	Small	1-25,000	\$10.00
27	Medium	25,001-250,000	\$25.00
28	Large	250,001-1,000,000	\$50.00
29	Extra Large	Over 1,000,000	\$75.00

31 (c) Before issuing any license required by the provisions of this section, the commissioner
 32 shall inspect the applicant's establishment and if the commissioner is satisfied that the
 33 establishment is clean and sanitary, is properly equipped, and is in conformity with the provisions
 34 of this article and any reasonable rules promulgated by the commissioner, and if he or she is
 35 further satisfied that the carcasses, meat products or poultry products to be sold or offered for
 36 sale ~~therefrom~~ from the establishment through commercial outlets will be wholesome and
 37 unadulterated, he or she shall issue the license. Each license shall specify the location of the
 38 establishment at which the licensee shall carry on his or her operations. The license shall also
 39 contain the establishment number assigned by the commissioner.

40 ~~(b)~~ (d) When a licensee changes the location of his or her establishment, he or she shall
41 not operate at ~~such~~ the new location unless and until his or her establishment at ~~such~~ the new
42 location has been inspected by the commissioner and a new license has been issued, or when a
43 licensee leases, sells, changes name, incorporates or in any other way changes the status of his
44 or her establishment with relationship to issuance of current license, the new lessee, owner, etc.,
45 shall not operate at the location unless and until the establishment at ~~such~~ that location has been
46 inspected and approved by the commissioner and a new license has been issued in accordance
47 with the provisions of subsection (a) of this section: *Provided*, That a fee shall not be charged for
48 ~~such~~ the new license during the license year in which the change in location or change in
49 ownership, name or leasing was made.

50 ~~(c)~~ (e) The commissioner may refuse to grant a license or may suspend or revoke a license
51 issued under the provisions of this section whenever he or she finds that the applicant's or
52 licensee's establishment ~~as the case may be~~ is not clean or sanitary, ~~or~~ is not properly equipped
53 or is not in conformity with the provisions of this article or any reasonable rules promulgated by
54 the commissioner, or if he or she finds that the carcasses, meat products or poultry products to
55 be sold or offered for sale ~~therefrom~~ from the establishment through commercial outlets are or
56 will be adulterated.

57 (f) Upon the refusal to grant a license, the commissioner shall furnish a written statement
58 to the applicant specifying the grounds for ~~such~~ the refusal. ~~No such~~ The revocation or suspension
59 of a license ~~shall be~~ is not effective until the licensee has received written notice ~~thereof~~ of the
60 revocation or suspension, which ~~notice~~ shall specify the grounds for ~~such~~ the revocation or
61 suspension.

62 (g) Whenever there is sufficient cause for the revocation or suspension of a license as
63 ~~hereinabove~~ specified in subsection (e) of this section, the commissioner may in lieu of ~~such~~ the

64 revocation or suspension, suspend inspections at the establishment. Immediately upon
65 suspension of ~~such the~~ inspections the commissioner shall give the licensee written notice ~~thereof~~
66 of the suspension of inspections, and ~~such the~~ notice shall contain a recitation of the deficiencies
67 which must be fully and completely corrected before inspections ~~shall be~~ are resumed.

68 (h) Upon receipt of a written statement advising that a license has been refused or upon
69 receipt of a written notice of the revocation or suspension of a license, or upon the suspension of
70 inspections at the licensee's establishment, the applicant or licensee, ~~as the case may be~~, may,
71 in writing, demand a hearing. The commissioner shall hold ~~such~~ a hearing within ten days after
72 receipt of ~~such the~~ written demand, in accordance with the provisions of section nine of this article.

NOTE: The purpose of this bill is to change the annual fees for custom slaughters, custom processors or distributors to triennial fees.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.