

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1879

(1) I, C. Alan Pettibone, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-86 - Brucellosis in cattle.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
[] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: As a result of amendments to Chapter 16.36 RCW enacted in 1985, that statute now provides the minimum amounts to be paid to livestock owners when the Director of Agriculture finds it necessary to order their cattle slaughtered or destroyed due to a Brucellosis infection. The law also provides that the actual amounts to be paid will be set by rule. This emergency rule will confirm that the current amounts to be paid will remain the same as the minimum amounts set by law.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 16.36.096 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

February 3 19 86

FEB 3 1986

By C. Alan Pettibone

Director

Title

CODE REVISER'S OFFICE WSR 86-04-050

AMENDATORY SECTION (Amending Order 1660, filed 11/25/79)

WAC 16-86-092 INDEMNITY FOR BRUCELLOSIS ((INFECTED)) AFFECTED OR EXPOSED CATTLE. ((All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to Chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director; PROVIDED, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim; PROVIDED FURTHER, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis.)) As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.