



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

*Emergency*

GUS R. DOUGLASS  
COMMISSIONER

WILLIAM H GILLESPIE  
ADMINISTRATIVE ASSISTANT

November 1, 1984

Honorable A. James Manchin  
Secretary of State  
State House  
Charleston, WV 25305

Dear Secretary Manchin:

I am attaching two copies of EMERGENCY REGULATIONS for amending West Virginia Administrative Regulations for the State Department of Agriculture which revise the regulations governing Public Markets by deleting Section 4.49b which prohibits the owner or manager of a public market from serving as auctioneer at regularly scheduled sales, and are filed in accordance with Chapter 29A, Article 3, Section 7(a), Code of West Virginia. These regulations are promulgated and issued under authority of Chapter 19, Article 2 and 2a, Code of West Virginia, as amended. These are Legislative Regulations and become effective today, November 1, 1984, as Emergency Regulations.

I hereby certify that these are the original regulations to be filed in the office of the Secretary of State on November 1, 1984.

With best regards, I am

Very truly yours,

Gus R. Douglass  
Agriculture Commissioner

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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4.45 Livestock to be sold on own merits to highest bidder. A public market shall offer all agricultural and horticultural products consigned for sale at auction and shall sell such products to the highest bidder.

4.46 Livestock intermingling. A public market shall not pen livestock entered or received to be sold for immediate slaughter, with cattle entered or received to be sold for feeding and/or breeding purposes.

4.47 Livestock, condition of. Public market officials shall cause the condition of any obviously sick, injured, or otherwise unhealthy animals to be noted on the scale ticket and such condition must be announced by the auctioneer prior to the sale of such animal.

4.48 Price guarantees prohibited. No public market, in soliciting consignments of agricultural or horticultural products, shall guarantee to the owner or others thereof that such products will be sold at a specific price or prices if consigned to its market.

4.49 Market manager prohibited from buying, selling or trading in livestock except in name of market. A public market shall not permit its manager to engage in buying, selling or otherwise trading in livestock for himself, his agent or partner at said markets.

- (a) Licensed weighmen, graders and auctioneers employed as such at a public market shall not buy or trade in agricultural or horticultural products at the public markets at which they are employed as weighmen, graders or auctioneers.

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(b) When it appears to the manager of a public market that livestock being offered for sale is selling below a reasonable market price, the manager may buy said livestock in the name of the public market at which he is employed. He shall have the right to sell such livestock purchased by the market to anyone other than himself, and if there be a loss on the sale of such livestock, the public market shall absorb such loss. On such purchases and sales, the public market shall set up a special account on which all such transactions are to be recorded, and shall make an itemized report to the Commissioner on forms furnished by him, when requested.

4.50 Commission, service, other charges, schedule and posting of The management of the public market shall have permission to annually establish tariff rates. Such rates will take effect on July 1 of each year and shall remain in effect through June 30 of the following year without charge.

The rates established for the market shall be advertised in a newspaper of general circulation within the market area at least twice in separate weeks during the month of May prior to their taking effect. All advertisements shall include language stating that the rates are "established by the market management".

The rate schedule may be based on either a base rate or a percentage rate and shall be advertised and posted annually whether they remain the same or are changed. Rates for special sales or unusual services such as are included in purebred and dispersal sales shall be determined under special arrangements agreed to between the parties prior to such sales. Such tariff rate schedules shall be forwarded to the U.S.D.A. Packers and Stockyards Administration for their consideration at least ten (10) days prior to their effective date with

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