

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2
Series ~~222~~ XIE
1965

Subject: MARKETING DIVISION
Tobacco Supplement
Rules, Regulations, Standards and Practices
West Virginia Markets

Section 1 -GENERAL

1.01 Scope. These regulations establish general operating rules and procedures in the Marketing Division.

1.02 Authority. These regulations are issued under authority of Chapter 19, Articles 2 and 2a, Code of West Virginia, 1931, Acts of Legislature, 1939, as amended.

1.03 Effective Date. These regulations are promulgated and become effective November 28, 1949.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on

1.05 Certification. These regulations are certified authentic by the Secretary of State by certification number

Section 2 -DECLARATION OF POLICY.

2.01 Articles 2 and 2a, Chapter 19, specifically set out certain duties, authorities and responsibilities of the Commissioner of Agriculture, it is my opinion that the Legislature intended that the activities engaged in by a public market were in the interest of the buyers and sellers of livestock and other agricultural and horticultural products and that the granting of a permit to a person, firm, corporation, partnership or asso-

ciation for the operation of a public market was and is for the purpose of performing a public service to the buyers and sellers of such agricultural commodities and to establish permanently a market place for that purpose. It is my interpretation that the act intended that reasonable, adequate and uniform service charges be made and collected by a public market to amply remunerate it for engaging in such activities and for providing adequate facilities to accommodate the patrons and the public. It is further my opinion that the acts did not intend to, or permit persons, firms, corporations, partnerships or associations or their management engage in the practice of buying, selling or otherwise trading in the market for profits, in addition to revenues to be derived from fixed service charges.

2.02 Section 2, Article 2a, Chapter 19, of the Code of West Virginia, provides that all public markets as defined in Section 1, are hereby declared to be affected with a public interest and subject to regulation by the State as in said Article provided.

2.03 Section 6 provides that all permittees shall pay to the Commissioner a fee of one dollar on or before the first day of July of each year.

2.04 Section 8, of said Article, provides that before the granting of any such permit, the applicant shall execute and deliver to the Commissioner a surety bond.

2.05 Section 10, of said Article, provides that it shall be unlawful for any person to serve in the capacity of weighman, grader, or auctioneer unless licensed by the Commissioner, and further provides in Section 5,

Article 2, that the Commissioner shall establish and publish a schedule of charges and collect same for grading services. Section 12, of Article 2a, provides that he shall grant licenses to weighman, graders and auctioneers, suspend or revoke such licenses. Section 13, of said Article, provides that no weighman, grader or auctioneer licensed in accordance with the provisions of the law shall be permitted to engage in buying, trading in live-stock or other agricultural products at any public market at which he is employed.

2.06 Section 16, of said Article, provides that it shall be the duty of, and the officers of a public market are hereby required to keep complete and accurate records of all transactions at public markets.

2.07 Section 17, of said Article, provides that the Commissioner shall be charged with the enforcement of this Article. He shall have full authority and power to make and enforce rules and regulations necessary to carry out the provisions of this Article for the proper enforcement of the same.

2.08 By virtue of authority vested in me as Commissioner of Agriculture of West Virginia by Articles 2 and 2a, Chapter 19 of the Code of West Virginia, 1931, and Acts of the Legislature, 1939, as amended, I, J. B. McLaughlin, Commissioner of Agriculture of the State of West Virginia, do hereby promulgate and declare in effect on the 28th day of November, 1949, the following rules, regulations, standards and practices to govern all public markets.

Section 3 - DEFINITIONS OR WORDS AND TERMS - When used in these regulations.

3.01 Public Market. A public market is any place of business where livestock, poultry and other agricultural or horticultural products are assembled for sale or distribution, as provided in Article 2 and 2a, Chapter 19, of the Code of West Virginia.

3.02 Commissioner. The Commissioner of Agriculture of the State of West Virginia and his authorized agents.

Section 4 - TOBACCO REGULATIONS.

4.01 Permit required. All persons, firms, corporations, partnerships or associations desiring to operate a public market are hereby required to obtain a permit from the Commissioner for the operation of same.

4.02 Permit Applications. All persons, firms, corporations, partnerships or associations applying for a permit to operate a public market shall make application to the Commissioner on forms furnished by him. The application shall set forth:

- (a) The proposed location of such market.
- (b) The need for such market.
- (c) The approximate pounds of tobacco in the area.
- (d) The present methods of marketing in the proposed area.
- (e) Style of ownership, individual firm, partnership, corporation or association.
- (f) Principal owners and their addresses.
- (g) Business of operation, methods to be used.