



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

November 22, 1967

Honorable Robert D. Bailey
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed please find two copies of amended administrative regulations promulgated by me pertaining to the Tobacco Supplement of Chapter 19-2, Series XIe, West Virginia Administrative Regulations. These amendments replace and rescind existing pages 23 and 24 of Series XIe.

I hereby certify that the attached amendments are true and accurate copies of official regulations adopted by this Department on November 14, 1967.

Very truly yours,

Gus R. Douglass
Commissioner of Agriculture

GRD:tc

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 11/22/67

(b) It shall be the duty of a public market to repack and re-weigh all rejected baskets of tobacco and place the same on the floor for sale at the next sale to be held on that floor. Such baskets of tobacco shall be accompanied by the original tickets and shall remain on the baskets until re-graded, weighed, and set in line for sale. The new floor sheet shall identify the rejected baskets and the number of times the same has been offered for sale and rejected. (i.e., First, Second, Third, etc.)

(c) In the case of a corrected or miss-marked sales ticket found on a basket, said basket shall be removed from the floor, re-weighed and a new sales ticket shall be attached to the original and placed on said basket. The original ticket shall be marked void and initialed by the weighman. The void sales ticket shall be collected by the ticket collector and at the end of the business day delivered to the office of the public market.

Charges to be made by said markets:

- (1) Forty cents (40¢) per 100 pounds handling charge.
- (2) Four per cent (4%) commission on gross sales.
- (3) Forty cents (40¢) per basket under 100 pounds.
- (4) One dollar (\$1.00) per 100 pounds additional charge for loose tobacco or tobacco delivered on baskets.
- (5) First resale of rejected tobacco, no additional charge.
- (6) Second resale of rejected tobacco, one dollar and five cents (\$1.05) per 100 pounds handling charge, Ten and one-half per cent (10-1/2%) commission on gross sales,

FILED IN THE CASE
ROBERT D. GIBBY
SECRETARY OF STATE
THIS DATE 11/22/67

one dollar and five cents (\$1.05) per 100 pounds additional charge for loose tobacco or tobacco delivered on baskets.

- (7) Third resale of rejected tobacco, Two dollars and ten cents (\$2.10) per 100 pounds handling charge, Twenty-one per cent (21%) commission on gross sales, Two dollars and ten cents (\$2.10) per 100 pounds, and six dollars (\$6.00) per 100 pounds additional charge for loose tobacco or tobacco delivered on baskets.
- (8) Fifty cents (50¢) per 100 pounds for grading tobacco not properly stick graded by the grower prior to delivery at the warehouse.

4.39 A public market shall receive and sell the tobacco in the order it is delivered to the market, unless permission or agreement is granted by the grower or owner, prior to the sale, that such tobacco be sold at a later date.

4.40 A public market shall provide a bulletin board located near the office in a convenient and conspicuous place for the public on which shall be posted the following:

(a) A notice stating the number of pounds of tobacco sold and the average price per pound received on each previous day's sale. The public market shall post such notice not later than 9:00 A.M. on the day following the sale.

(b) A typewritten or printed list showing the names and post

11/27/67

office addresses of each crop of tobacco of the grower or owner. Such list shall be posted at least 30 minutes before the sale starts for that day.

4.41 A public market shall not receive any tobacco for sale unless the name and post office address of the producer or owner of the tobacco is furnished by the person delivering said tobacco.

4.42 A public market shall furnish to the Commissioner, daily at the close of each sale, a sworn statement showing the total number of pounds of tobacco sold, the total amount paid for said tobacco, and the average price for the day's sale. Any information to the public or press concerning the pounds, price, and average of tobacco sold shall be based upon the sworn statements.

4.43 Mixed or Nasted Tobacco Rejected by Purchaser.

(a) When a buyer finds tobacco purchased to be mixed and rejects such, tobacco may be regraded as mixed and resold at auction if mixed grade can be determined under grading specifications by inspector.

(b) Tobacco found to be nasted must be removed from the sale, sorted, repacked and re-weighed and offered on later sale.

As provided in Section 17, Article 2a, Chapter 19, of the Code of West Virginia, the Commissioner is hereby authorized to revoke, suspend, rescind or amend the rules and regulations of all public markets, and the rules and regulations hereinbefore set forth for public markets covering the sale of tobacco.