



FILED

1985 MAY 31 AM 11:30

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STATE OF WEST VIRGINIA STATE

SECRETARY OF STATE

Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

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AGENCY West Virginia Department of Agriculture

CONTACT PERSON W. H. Gillespie PHONE 348-2203 or 3550

TYPE OF RULE Legislative

TITLE OF RULE Conduct of Beef Industry Self-Improvement Assessment

Program Referendum

CHAPTER 19 ARTICLE 2F SERIES XIg

AUTHORITY 19-1-4j

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL
(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION
(interpretive & procedural
rules only)

NOTE: ALL FILINGS REQUIRE ONLY
ONE COPY, EXCEPT FINAL
FILING OF RULES WHICH
REQUIRES AN ORIGINAL AND
A COPY.

FINAL FILING

FIRST EMERGENCY FILING

SECOND EMERGENCY FILING



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

FILED
1985 MAY 31 AM 11:30
LETTER TO SECRETARY OF STATE

Gus R. Douglass
Commissioner

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Conduct of Beef Industry Self-Improvement Assessment
Program Referendums

The attached legislative rule is hereby final filed with the Secretary of State
by The West Virginia Department of Agriculture as authorized by Senate
Bill 399 Section 64-2-19 (1) (4)

Gus R. Douglass
Agriculture Commissioner

LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19
Series 2F
1983

FILED IN THE OFFICE OF
A. JAMES H. HANCOCK
SECRETARY OF STATE

THIS DATE _____
Administrative Law Division

SUBJECT: Conduct of Beef Industry Self-Improvement Assessment
Program Referendums

Section 1 - General

1.01 Scope. These regulations establish general procedures for the conduct of referendums held under the Beef Industry Self-Improvement Assessment Program.

1.02 Authority. These regulations are issued under the authority of Chapter 19, Article 1, Section 4j.

1.03 Filing Date. These regulations are promulgated on the _____ day of _____, 1983, and filed on the _____ day of _____, 1983, in the Secretary of State's Office.

1.04 Effective Date. These regulations become effective on the _____ day of _____, 1983.

Section 2 - General Purpose

2.01 These regulations are for the purpose of establishing a method of holding referendums under the Beef Industry Self-Improvement Assessment Program.

Section 3 - Referendum Procedures

3.01 Announcement of Referendum. Within forty-five (45) days after the legal requirements of a referendum have been met,

the Agriculture Commissioner shall establish a date for holding the referendum. In addition to statutory requirements, notice of the pending referendum shall be published in The Market Bulletin and in at least ten (10) other newspapers throughout West Virginia.

3.02 Polling Place. A polling place for the referendum shall be located in each county in West Virginia. The polls will remain open from 8:00 a.m. until 5:00 p.m. on the day of the election.

3.03 Election Officials. There shall be two (2) election officials, appointed by the Agriculture Commissioner, present at each polling place during actual voting. One shall be designated as the chief election official.

3.04 Duties of Election Officials. Election officials will verify producer eligibility and provide those eligible with a ballot; be responsible for maintaining the integrity of the sealed ballot box, counting the ballots at the conclusion of the election, certifying the vote count to the Agriculture Commissioner, and returning the voted ballots and unused ballots to the Agriculture Commissioner.

3.05 Delivery of Official Ballots. The official receiving the ballots in each county shall sign a receipt for the ballots received and shall attest to the number of ballots voted and returned unvoted at the conclusion of the election.

3.06 Voter Eligibility. Any person, regardless of age, who provides proof of eligibility, such as, but not limited to, tax

assessment records, sales receipts or income tax records, to vote in this referendum shall be provided an official ballot.

3.07 Voter Registration. The voter registration format shall be as follows:

VOTER REGISTRATION

Date: _____

I, _____, hereby declare that I am a beef cattle producer or cause cattle to be produced for beef in the State of West Virginia, County of _____, with a permanent address as follows: _____

(Street, Route or Box No.)

(City)

(State)

(Zip Code)

Voter's Signature

I certify that the above producer has presented _____
_____ that he/she is qualified to
(type of evidence)
vote in this referendum.

Election Official

3.08 Official Ballot. The official ballot format shall be as follows:

OFFICIAL BALLOT 1

Date: _____

No. _____

REFERENDUM

BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT PROGRAM

The purpose of this referendum is to authorize the development of a Beef Industry Self-Improvement Assessment Program to be funded by an assessment of _____ on each head of cattle sold in
(amount)
West Virginia for beef breeding or slaughter or feeding purposes as provided for in the public hearing held on _____
(month)

(day) (year)

FOR

AGAINST

OFFICIAL BALLOT 2

REFERENDUM

BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT PROGRAM

The purpose of this referendum is to deauthorize the Beef Industry Self-Improvement Assessment Program established by the referendum on _____, and currently in
(date)
force.

Continue Assessment

Terminate Assessment



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

NEWS RELEASE

Public Hearing Announced

December 15, 1983, Charleston, WV. Gus R. Douglass, Agriculture Commissioner, has announced that a public hearing will be held at 10:00 A.M., Tuesday, January 17, 1984, in the Conference Room of the Guthrie Agricultural Complex, located off Route 21 north of Charleston, to consider proposed regulations for the conduct of Beef Industry Self-Improvement Assessment Program Referendums provided for in Chapter 19, Article 2F of the State Code of West Virginia.

Additional information is available upon request to the Rural Resources Division, West Virginia Department of Agriculture, Charleston, West Virginia 25305, phone 304 - 348-2210.

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FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE _____
Administrative Law Division



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

WILLIAM H. GILLESPIE
ADMINISTRATIVE ASSISTANT

December 15, 1983

Honorable A. James Manchin
West Virginia Secretary of State
State Capitol, Suite 157-K
Charleston, WV 25305

Dear Secretary Manchin:

I am enclosing the announcement of a public hearing for inclusion in the next issue of the State Register. I am also attaching three copies of the Proposed Regulations. Please stamp the third set and return it for our records.

With best regards, I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
Enc.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Dec. 16, 1983
Administrative Law Division

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H. B. 1617

(By Delegate Casey)

(Introduced March 6, 1985; referred to the

Committee on Agriculture and Natural Resources with)

the direction that it later be referred
to the Committee on the Judiciary.)

A BILL to amend article two, chapter sixty-four of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section, designated
section nineteen (one)(four), relating to authorizing
the commissioner of agriculture to promulgate
legislative rules relating to the conduct of beef
industry self-improvement assessment program
referendums.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West
Virginia, one thousand nine hundred thirty-one, as amended,
be amended by adding thereto a new section, designated
section nineteen (one)(four), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
LEGISLATIVE RULES.

§64-2-19(1)(4). Commissioner of agriculture.

The legislative rules filed in the state register on the

1 eighth day of February, one thousand nine hundred
2 eighty-four, relating to the commissioner of agriculture
3 (conduct of beef industry self-improvement assessment
4 program referendum) are authorized.

5

6 NOTE: The purpose of this bill is to authorize the
7 commissioner of agriculture to promulgate legislative rules
8 relating to the beef industry self-improvement assessment
9 program referendum.

10 This section is new; therefore, strike-throughs and
11 underscoring have been omitted.

SENATE BILL NO. 406

(By Mr. R. Williams

[Introduced March 6, 1985

referred to the Committee on Agriculture; then to the Committee
on the Judiciary]

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen (one)(four), relating to authorizing the commissioner of agriculture to promulgate legislative rules relating to the conduct of beef industry self-improvement assessment program referendums.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nineteen (one))(four), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-19(1)(4). Commissioner of agriculture.

The legislative rules filed in the state register on the

1 eighth day of February, one thousand nine hundred
2 eighty-four, relating to the commissioner of agriculture
3 (conduct of beef industry self-improvement assessment
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