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NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

PUBLIC HEARING

AGENCY: West Virginia Department of Agriculture

RULE TYPE: Legislative

RULE TITLE: Regulations Governing Livestock Dealers

A Public Hearing on the above proposed rule will be held at 10:30 A.M., Wednesday, December 4, 1985, in the Conference Room of the Guthrie Agricultural Complex, located off Route 21 North of Charleston.

Comments will be received both orally and written. Mail comments to: Rural Resources Division, West Virginia Department of Agriculture, Capitol Building, Charleston, WV 25305. The Department requests that persons planning to make comments at the hearing, also make an effort to submit written comments in order to facilitate reviews.

The issues to be heard shall be limited to the proposed regulations.



Gus R. Douglass  
Agriculture Commissioner



Gus R. Douglass  
Commissioner

# NEWS RELEASE

West Virginia Department of Agriculture  
Information Division  
Charleston, WV 25305  
Phone: 348-3708

For Immediate Release

November 4, 1985

## PUBLIC HEARING ON REGULATIONS GOVERNING LIVESTOCK DEALERS

CHARLESTON, W.VA.--Agriculture Commissioner Gus R. Douglass announced today that a public hearing will be held at 10:30 a.m. on Wednesday, December 4, 1985, in the Conference Room of the Guthrie Agricultural Center, located off Route 21 North of Charleston, to consider proposed regulations for the licensing and bonding of livestock dealers, as provided for in Chapter 19, Article 10B of the State Code of West Virginia.

Both oral and written comments will be received. The Department requests that those persons planning to make comments at the hearing make an effort to submit such comments in writing in order to facilitate reviews.

Comments and/or requests for additional information should be sent to the Rural Resources Division, W.Va. Dept. of Agriculture, Charleston, WV 25305; phone (304) 348-2210.

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WEST VIRGINIA LEGISLATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-10b

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SECRETARY OF STATE

GENERAL INDEX  
FOR  
SERIES XIh

TITLE: Regulations Governing Livestock Dealers

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Section 1 - General

Section 2 - Regulations

WEST VIRGINIA LEGISLATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-10b  
SERIES XIh

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RECEIVED BY STATE

TITLE: Regulations Governing Livestock Dealers

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Section 1. General

1.1 Scope - These regulations establish general procedures for the licensing of livestock dealers.

1.2 Authority - W. Va. Code 19-10b

1.3 Filing Date -

1.4 Effective Date -

Section 2. Regulations

2.1 Applicant to Furnish Surety Bond - All corporate surety bonds shall be executed by a company authorized to do business in the State of West Virginia.

2.2 Record of Transactions; Contents; When Entries Are To Be Made; Manner In Which Records Are To Be Kept; Surrender of Records - Each license holder will be furnished an official record book by the Department of Agriculture. It shall be the responsibility of each license holder to request additional record books when needed. Each West Virginia Department of Agriculture record book is and shall remain the property of the West Virginia Department of Agriculture and the delivery of such a book shall be in the nature of a loan for his/her convenience. License holders will be expected to use reasonable care and diligence to preserve and protect the assigned record book.

2.2.1 The record book shall include:

2.2.1.1 All ear tag numbers, identification tattoo numbers excepting vaccination tattoos, registration numbers of purebreds carried by the animal at the time of sale or slaughter;

2.2.1.2 The name and address of the person from whom purchased, or if purchased at a livestock auction market, the name and address of the market;

2.2.1.3 The name of the person to whom sold or exchanged;

2.2.1.4 The date the animal was purchased and the date the animal was sold, and

2.2.1.5 The breed and sex of each animal purchased.

2.2.2 When any livestock is purchased or exchanged, the required information relating to such transaction shall be recorded immediately upon completion of the transaction. When the animal is sold, the

required information relating to the sale or exchange shall be recorded immediately upon completion of the transaction.

2.2.3 The records required by these regulations shall be recorded and kept in a Department of Agriculture livestock record book except that upon receipt of a license holder the Commissioner may authorize the license holder to use another type of record book or ledger provided that the other type of record book or ledger will permit the recording of information relating to livestock transactions in a manner that will, in the opinion of the Commissioner, accomplish the purpose and objectives of these regulations. Information relative to a livestock transaction which is entered in a record book shall be accurate and legible in each detail and it shall not be altered, obliterated, defaced or erased. If, after information relative to a livestock transaction has been entered in a livestock record book, it is found that the information so recorded is in some part in error, the correct information relative to that particular transaction shall be reentered in the next available space in the record book without altering or changing the original entry except to note that the record is corrected by a later entry.

2.2.4 The records of livestock sales and purchases required by these regulations shall be kept and retained in possession of the license holder only during such period as he holds the required license. Failure to renew the license by July 1 each year shall require the return of such record books to the Department of Agriculture. The same requirement shall also apply to those persons whose license has been suspended or revoked.

2.3 Claims Against Bonds - Any person claiming to be damaged by any breach of conditions of a bond given by a licensee may enter complaint thereof to the Commissioner, this complaint shall be a written statement of the facts constituting the complaint, accompanied by documentary proof of his/her claim against the licensee.

2.4 In case of default by the licensee, the Commissioner shall hear the matter as a contested case pursuant to proceedings as outlined in Chapter 29a of the Code. No hearing shall be required if all affected parties to a bond claim preceeding waiver their right to a hearing and agree to accept the Commissioner's determination as to the validity of the claim and the allocation of the proceeds of the bond.

1 Bill 10

2 H. B. 1755

3 (By Delegate Casey)

4 (Introduced February 5, 1986; referred to the  
5 Committee on Agriculture and Natural Resources with)  
6 the direction that it later be referred to the  
7 Committee on the Judiciary.

8  
9  
10 A BILL to amend article two, chapter sixty-four of the code of  
11 West Virginia, one thousand nine hundred thirty-one, as  
12 amended, by adding thereto a new section designated section  
13 nineteen(ten-b)(nine), relating to authorizing the  
14 commissioner of agriculture to promulgate legislative rules  
15 for the licensing of livestock dealers.

16 Be it enacted by the Legislature of West Virginia:

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

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE  
22 LEGISLATIVE RULES.

23 §64-2-19(10b)(9). Commissioner of agriculture.

24 The legislative rules filed in the state register on the  
25 thirteenth day of January, one thousand nine hundred eighty-six,  
26 modified by the commissioner of agriculture to meet the

1755

1 objections of the legislative rule-making review committee and  
2 refiled in the state register on the \_\_\_\_\_ day of January, one  
3 thousand nine hundred eighty-six, relating to the commissioner of  
4 agriculture (licensing of livestock dealers) are authorized.

5  
6  
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8 NOTE: The purpose of this bill is to authorize the  
9 commissioner of agriculture to promulgate legislative rules  
10 relating to licensing of livestock dealers.

11 This section is new; therefore, strike-throughs and  
12 underscoring have been omitted.  
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SENATE BILL NO. 438

1. Bill 10

(By Senator R. Williams

[Introduced February 3, 1986

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

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AG/100

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KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

BARBARA STARCHER  
Deputy Secretary of State

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VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

March 11, 1986

IMPORTANT NOTICE

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TO: Bill Gillespie  
FROM: RICH O. HARTMAN, DIRECTOR  
RE: LEGISLATIVE RULE Regulations Governing Livestock Dealers

THE 1986 LEGISLATURE HAS AUTHORIZED YOUR AGENCY TO FINAL FILE AND ADOPT THE ABOVE LEGISLATIVE RULE. THIS AUTHORIZATION IS IN S.B.434 SECTION 64-2-19(10b)(9) PASSED ON March 8, 1986, EFFECTIVE FROM PASSAGE. YOU HAVE 60 DAYS FROM THAT DATE TO FINAL FILE THE ABOVE RULE WITH THIS OFFICE. NO RULE WILL BE ACCEPTED AFTER THAT DATE. YOU MAY ESTABLISH ANY EFFECTIVE DATE FOR YOUR RULE RANGING FROM THE SAME DATE YOU FINAL FILE TO 90 DAYS FROM THE DATE YOU FINAL FILE. REMEMBER TO RE-TYPE YOUR RULE IN ITS ENTIRETY FOLLOWING THE PROPER FORMAT. PLEASE CALL IF YOU HAVE ANY QUESTIONS.