

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED
1989 JUL 14 PM 3:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Agriculture TITLE NUMBER: 61

RULE TYPE: Procedural; CITE AUTHORITY Chapter 19-26-1

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: XIX

TITLE OF RULE BEING PROPOSED: Conduct of Tree Fruit Industries

Self-Improvement Assessment Program Referendums

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 14, 1989 AT 4:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Robert L. Williams

Marketing & Development Division

State Capitol

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Cleve Benedict
Commissioner of Agriculture

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Conduct of Tree Fruit Industries Self-Improvement 1989 JUL 14 PM 3:15

Assessment Program Referendums

Type of Rule: Legislative Interpretive ☒ ProceduralOFFICE OF WEST VIRGINIA
SECRETARY OF STATEAgency Dept. of Agriculture Address State CapitolCharleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$500.00	\$	\$500.00	\$ 0	\$ 0
Personal Services					
Current Expense	500.00		500.00		
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The costs to current expense will be in the printing costs for the production of the voter registration and the official ballot.

3. Objectives of these rules:

Establish procedures to conduct a referendum for the Tree Fruit Industries Self-Improvement Assessment Program.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None, other than printing expense.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date:

July 14, 1989

Signature of Agency Head or Authorized Representative

Ch. B. Smith



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

State Capitol
Charleston, WV 25305

FILED

1989 JUL 14 PM 3:15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Cleve Benedict
Commissioner

SUMMARY
WEST VIRGINIA PROCEDURAL RULES
DEPARTMENT OF AGRICULTURE
CHAPTER 19-2G-1
SERIES XIX

Title: Conduct of Tree Fruit Industries Self-Improvement Assessment
Program Referendums

This procedural rule is designed to establish the procedures, voter registration and balloting criteria to conduct a referendum on the Tree Fruit Self-Improvement Assessment Program. The rule outlines the procedures for calling and announcing the referendum, establishes polling places, establishes the definition of referendum officials and the duties of those officials. It also prescribes the method of handling the official ballots, voter eligibility and voter registration.

WEST VIRGINIA PROCEDURAL RULES
DEPARTMENT OF AGRICULTURE
CHAPTER 19-2g-1
SERIES XIX

FILED
1989 JUL 14 PM 3:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Conduct of Tree Fruit Industries Self-Improvement Assessment Program
Referendums

Section 1 - General

Scope, 1.1
Authority, 1.2
Filing Date, 1.3
Effective Date, 1.4

Section 2 - General Purpose

General Purpose, 2.1

Section 3 - Referendum Procedures

Announcement of Referendum, 3.1
Polling Place, 3.2
Election Officials, 3.3
Duties of Election Officials, 3.4
Delivery of Election Ballots, 3.5
Voter Eligibility, 3.6
Voter Registration, 3.7
Official Ballot, 3.8

Appendixes A - B

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA DEPARTMENT OF AGRICULTURE
CHAPTER 19-2G
SERIES XIX

FILED
1989 JUL 14 PM 3:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Conduct of Tree Fruit Industries Self Improvement Assessment Program
Referendums.

Section 1 - General

1.1 Scope - These procedural rules establish general procedures for the conduct of referendums held under the Tree Fruit Industries Self Improvement Assessment Program.

1.2 Authority - West Virginia Code 19-2G-1

1.3 Filing Date

1.4 Effective Date

Section 2 - General Purpose

2.1 These regulations are for the purpose of establishing a method of holding referendums under the Tree Fruit Industries Self Improvement Assessment Program.

Section 3 - Referendum Procedures

3.1 Announcement of Referendum - Within forty-five days after the legal requirements of a referendum have been met, the Agriculture Commissioner shall establish a date for holding the referendum. The announcement for the referendum will meet the statutory requirements and will be announced through other sources at the discretion of the Agriculture Commissioner.

3.2 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. to 5:00 p.m. on the day of the referendum.

3.3 Referendum Officials - There shall be two referendum officials, appointed by the Agriculture Commissioner, present in each polling place during the actual voting. One shall be designated as the chief referendum official.

3.4 Duties of the Referendum Officials - Referendum 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 referendum, certifying the vote count to the Agriculture Commissioner and returning the voted ballots and unused ballots to the Agriculture Commissioner.

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

3.6 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 the referendum shall be provided an official ballot.

3.7 Voter Registration - The voter registration format shall be as designated in Appendix A.

3.8 Official Ballot - The official ballot format shall be as designated in Appendix B.

APPENDIX A

VOTER REGISTRATION

Date _____

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

(Street, Route or Box Number) (City) (State) (Zip Code)

(Voter's Signature)

I certify that the above producer has presented _____

(Type of Evidence)

that he/she is qualified to vote in this referendum.

Referendum Official

APPENDIX

OFFICIAL BALLOT

Date: _____ No. _____

REFERENDUM

TREE FRUIT SELF-IMPROVEMENT ASSESSMENT PROGRAM

The purpose of this referendum is to authorize the development of a Tree
Fruit Industry Self-Improvement Assessment Program to be funded by an
assessment of _____
(amount)
as provided for in the public hearing held on

(month) (day) (year)

____ For

____ Against