

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

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1989 AUG 24 PM 12:44
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Agriculture TITLE NUMBER: 61

CITE AUTHORITY: Chapter 19-26-1

RULE TYPE: PROCEDURAL XX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: Conduct of Tree Fruit Industries

Self-Improvement Assessment Program Referendums

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: ~~XIX~~ 20

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 23, 1989



Cleve Benedict - Commissioner

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Conduct of Tree Fruit Industries Self-Improvement Assessment Program Referendums June 14 PM 3:15

Type of Rule: Legislative Interpretive Procedural OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Agency Dept. of Agriculture Address State Capitol
Charleston, 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, 1955

Signature of Agency Head or Authorized Representative

Ch. B. Smith



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

State Capitol
Charleston, WV 25305

Cleve Benedict
Commissioner

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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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

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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 6:00 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



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

State Capitol
Charleston, WV 25305

Cleve Benedict
Commissioner

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August 18, 1989

Comment period for the proposed rule, Conduct of Tree Fruit Industries Self-Improvement Assessment Program Referendums, ended August 14, at 4:00 p.m. No comments were received and it is our desire to file the proposed rule with no changes.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1992 APR 14 AM 8:14

FILED

TO: Barbara Smith

AGENCY: Department of Agriculture

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 20 TITLE: Conduct of Tree Fruit Industries Self-Improvement Assessment Program Referendums

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Director, Marketing + Development Div.

DATE: 4/10/92

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____