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STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

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DONALD R. WILKES  
Director, Corporations

VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

PROPOSED RULES

AMENDED STATE REGISTER FILING

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AGENCY Beef Industry Self-Improvement Assessment Board

CONTACT PERSON Dr. M. R. McClung PHONE 296-2962

TYPE OF RULE Procedural

TITLE OF RULE Beef Industry Self-Improvement Assessment Program

CHAPTER 19 ARTICLE 2F SERIES I

AUTHORITY W. Va. Code Chapter 19-2F-6

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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)

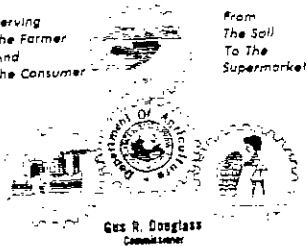
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☐ FIRST EMERGENCY FILING

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Serving  
The Farmer  
And  
The Consumer



From  
The Soil  
To The  
Supermarket

W  
V  
D  
A

# NEWS RELEASE

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Information Division

Charleston, WV 25305

Phone: 348-3708

For Immediate Release

April 19, 1985

## PUBLIC HEARING SET

CHARLESTON, W.VA.--The Beef Industry Self-Improvement Assessment Board has announced that they will be holding a public hearing in the conference building of the Guthrie Agricultural Center on Tuesday, May 21, 1985, to go over proposed regulations which have been developed to implement the assessment program.

The meeting will convene at 11 a.m. Written comments can be sent to Dr. Marvin McClung at any time prior to the meeting or can be delivered to the hearing. Copies of the proposed regulations are on file with the Department of Agriculture at Guthrie or can be procured by calling Dr. McClung at 296-2962.

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA PROCEDURAL REGULATIONS  
BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT BOARD  
CHAPTER 19-2F  
SERIES I

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OFFICE OF THE CLERK  
SECRETARY OF STATE

TITLE: Beef Industry Self-Improvement Assessment Program

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WEST VIRGINIA PROCEDURAL REGULATIONS  
BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT BOARD  
CHAPTER 19-2F  
SERIES I

TITLE: Beef Industry Self-Improvement Assessment Program

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Section 1. General

1.1 Scope - These procedural regulations establish general operating rules and procedures for the Beef Industry Self-Improvement Assessment Program.

1.2 Authority - W. Va. Code 19-2F-6.

1.3 Filing Date -

1.4 Effective Date --

Section 2. Definitions

2.1 Buying Station - A place where livestock are received from producers and are assembled for resale.

2.2 Cattle - Bison or bovine animals of any age.

2.3 Livestock Dealer - Any person who buys, receives or assembles livestock for resale, either for his own account or that of another person.

2.4 Order Buyer - Any person buying or receiving animals or soliciting or negotiating the sale of animals for or on behalf of any other person, company, partnership, association or corporation.

2.5 Packer - A person engaged in the business of slaughtering or processing animals for resale.

2.6 Person - Any individual, partnership, corporation, association, fiduciary or other groups of persons whether organized or not.

2.7 Livestock Market - A place of business issued a permit by the West Virginia Department of Agriculture who act as agents between buyers and sellers of livestock.

2.8 Research and Promotion - Program activities of the board and/or its employees or authorized by the board through contract which enhances the sale and profit potential of the State's beef industry.

2.9 Fiscal Year - "Fiscal Year" shall be July 1 through June 30 of the following year.

2.10 Quorum - "Quorum" is a majority of the members of the board.

Section 3. Regulations

3.1 Beef Industry Self-Improvement Assessment Board - This program shall be administered by the West Virginia Beef Industry Self-Improvement Assessment Board consisting of nine (9) persons who will elect a chairman, secretary and treasurer.

3.2 Chairman; Duties - The chairman shall preside at all regular and special meetings of the board, shall appoint all committees, and shall have general supervision of the affairs of the board. A quorum must be present at all regular and special meetings of the board. The chairman shall further perform all duties usually pertaining to that office.

3.3 Secretary; Duties - The secretary shall keep accurate records of the proceedings of the board and record minutes at all meetings.

3.4 Treasurer; Duties - The treasurer shall collect and deposit all monies paid into the program and shall pay all bills and obligations of the board when properly certified and directed. The treasurer shall keep an accurate account of all monies received and paid out and shall be ready at all times to report on the condition of the treasury.

3.5 Meetings of the Board - The board shall meet four (4) times a year, once in each calendar year quarter. The dates shall be established at the first quarterly calendar year meeting. Additional meetings may be called by the chairman or by a majority of the board. Notices of all regular and special meetings of the board shall be made by mail to each member of the board at his or her home address. All meetings shall be open to the public.

3.6 Election of Officers - The officers of the board shall be elected by a majority vote of the members at the first meeting of each calendar year. The officers shall assume their duties immediately upon election.

3.7 Executive Committee - The chairman, secretary and treasurer shall constitute the executive committee of the board.

3.8 Employing Personnel - The board may employ personnel deemed necessary to carry out the provisions of this program. The board will be an equal opportunity employer.

3.9 Contracts - The board may contract for services and/or assistance. All such contracts shall meet legal requirements of the State Code.

3.10 Records - The board shall keep a complete and accurate record of all transactions as necessitated by State Law. These records shall be open for public inspection at all reasonable times.

3.11 Business of Board - Business of the board shall be conducted on a fiscal year basis.

Section 4. Assessments

4.1 Assessment Fee - An assessment fee of one dollar (\$1.00) per head shall be collected on all fee eligible cattle purchased.

4.2 Forwarding Assessment - Persons collecting the assessment fee shall forward to the board the number of cattle on which assessments were made and the assessment less five percent (5%).

Section 5. Refunds

5.1 Requests for Refunds - Requests for refunds shall be made on forms provided by the board.

5.2 Approval and Payment of Refunds - Requests received by the board for a refund shall be reviewed by those empowered to do so and if the request is found to be valid, the refund shall be made within 30 days.

5.3 Final decision; Executive Committee - If a question arises regarding the validity of a refund request, the final decision shall be made by the executive committee.

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SECRETARY OF STATE

Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

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AGENCY Beef Industry Self-Improvement Assessment Board

CONTACT PERSON M. R. McClung PHONE 2962962

TYPE OF RULE Legislative

*Refiled this date as a Leg. Rule*

TITLE OF RULE Beef Industry Self-Improvement Assessment Program

CHAPTER 19 ARTICLE 2F SERIES I

AUTHORITY W. Va. Code 19-2F-6

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NOTICE OF EMERGENCY RULE

OFFICE OF THE  
SECRETARY OF STATE

RULE TITLE: Beef Industry Self-Improvement Assessment Program

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

The cattlemen of the State voted in the assessment. They wanted it started immediately, because they feel more and better promotion is the road to a better industry. The Board also voted to get started at once. In general, the people do not understand why the Legislature should have any input at all and they don't want to wait until July, 1986, to get started. Accordingly, it is an emergency move - the only way under the present Code to get relief with the problem.

We are submitting 15 copies of this emergency regulation to LRMRC.



Sam Tuckwiller  
Chairman

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EMERGENCY  
WEST VIRGINIA LEGISLATIVE REGULATIONS  
BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT BOARD  
CHAPTER 19-2F  
SERIES I  
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EMERGENCY  
WEST VIRGINIA LEGISLATIVE REGULATIONS  
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SECRETARY OF STATE

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EMERGENCY  
Beef In. Self-Imp. As. Bd.  
Leg. Regs., 19-2F  
Series I, Sec. 3

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### Section 4. Assessments

EMERGENCY  
Beef In. Self-Imp. As. Bd.  
Leg. Regs., 19-2F  
Series I, Sec. 4

4.1 Assessment Fee - An assessment fee of one dollar (\$1.00) per head shall be collected on all fee eligible cattle purchased.

4.2 Forwarding Assessment - Persons collecting the assessment fee shall forward to the board on forms provided by the board, if they are regular filers, the number of cattle on which the assessments were made and the assessment less five percent (5%). All collections shall be remitted within thirty (30) days of the time collected. Occasional filers will file the same information on any type form.

Section 5. Refunds

5.1 Requests for Refunds - Requests for refunds shall be made on forms provided by the board.

5.2 Approval and Payment of Refunds - Requests received by the board for a refund shall be reviewed by those empowered to do so and if the request is found to be valid, the refund shall be processed within thirty (30) days.

5.3 Final Decision: Executive Committee - If a question arises regarding the validity of a refund request, the final decision shall be made by the executive committee.