

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 235

(By Mr. Smith)



PASSED March 8 1947

In Effect ninety days from Passage



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AN ACT to amend and reenact section three and section nine, article fourteen, chapter nineteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, pertaining to the sale and distribution of commercial feeding stuffs in the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

That section three and section nine, article fourteen, chapter nineteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Certificate of Registration; Tonnage Fee.*—

- 2 Every manufacturer who shall sell, offer or expose for sale
- 3 or distribute in this state any commercial feeding stuff,
- 4 shall, before the same is sold, offered or exposed for sale
- 5 or distributed, obtain from the commissioner of agricul-

6 ture a certificate of registration for each brand of such
7 commercial feeding stuffs. The commissioner of agricul-
8 ture shall have full power, and is hereby authorized and
9 required to cancel and withdraw any certificate upon
10 satisfactory evidence that the law or any rules and regu-
11 lations covering the sale of commercial feeding stuffs have
12 been violated by the holder of the same. The commis-
13 sioner shall not issue any certificate of registration except
14 upon the filing with the commissioner of a certified copy
15 of the statement specified in section two, of this article,
16 for each brand of commercial feeding stuffs, accompan-
17 ied by a fee of one dollar for each brand: *Provided, how-*
18 *ever,* That any change shall require a new registration.

19 For the purpose of defraying the expense of sampling,
20 inspection, laboratory analyses and the enforcement of
21 this article, a fee of fifteen cents per ton shall be paid to
22 the commissioner of agriculture on all commercial feed-
23 ing stuffs sold, offered or exposed for sale in this state
24 in bulk or enclosed in primary packages or containers
25 of ten pounds or more. In primary packages of less than
26 ten pounds the fee shall be five cents per hundred pounds.

27 The commissioner of agriculture shall furnish suitable
28 forms on which each person, firm, corporation or manu-
29 facturer shall make a sworn statement setting forth the
30 net weight by brand names and kinds of all commercial
31 feeding stuffs sold in this state. The payment of the fees
32 and the sworn statement herein provided shall be made
33 to the commissioner of agriculture on or before the twen-
34 tieth day of January and July of each year, covering the
35 preceding six months period. The commissioner of agri-
36 culture shall and he is hereby authorized to exempt any
37 commercial feeding stuffs on which satisfactory evidence
38 has been submitted that the tonnage fee as herein pro-
39 vided has been paid. In lieu of the foregoing manner of
40 collecting fees, the commissioner may, and he is hereby
41 authorized to permit any person, firm, corporation or
42 manufacturer to use fee stamps or tags, or to require any
43 person, firm, corporation or manufacturer to use fee
44 stamps or tags to be obtained from the commissioner and
45 attached to each package or container of commercial feed-
46 ing stuffs before the same is sold, offered or exposed for
47 sale or distributed in this state.

48 All moneys collected under the provisions of this ar-
49 ticle shall be deposited with the state treasurer in a "Spe-
50 cial Revenue Account", and shall be expended upon order
51 of the commissioner of agriculture.

Sec. 9. *Commissioner of Agriculture to Enforce Article;*
2 *Rules and Regulations; Set Standards; Issue and Enforce*
3 *"Stop Sale" Order; Authority to Enter on Premises.*—The
4 commissioner of agriculture is hereby charged with the
5 enforcement of the provisions of this article, and is en-
6 powered to prescribe and enforce rules and regulations
7 consistent with this article in carrying out its provisions.
8 The commissioner is hereby authorized to fix minimum
9 and/or maximum standards or requirements covering all
10 nutritive values and elements affecting nutrition, and to
11 prohibit and to prevent the use of worthless, deleterious
12 or harmful ingredients. A certification by the United
13 States Department of Agriculture indicating federal in-
14 spection at source may be accepted by the commissioner
15 as meeting West Virginia requirements.

16 Whenever it appears that any commercial feeding stuff
17 is being offered or exposed for sale in this state in viola-

18 tion of any of the provisions of this article, the commis-
19 sioner is hereby authorized to issue a written or printed
20 "Stop Sale" order or "Embargo", and it shall be unlawful
21 for any person, firm, corporation or manufacture to per-
22 mit any such commercial feed to be moved or disposed of
23 in any manner except upon written order of the commis-
24 sioner of agriculture or by court order. The commis-
25 sioner shall cause notice of such violation to be given
26 to the person affected thereby, and any person so notified
27 shall be given an opportunity to be heard under such
28 rules and regulations as the commissioner may prescribe.
29 After such hearing if it still further appears that any of
30 the provisions of this article have been violated, the com-
31 missioner may institute proceedings in any court of com-
32 petent jurisdiction for the disposal of such commercial
33 feeding stuffs.

34 Nothing contained in this act shall prevent any person
35 from appealing from the commissioner's decision, and
36 the circuit court of the county in which the alleged in-
37 fraction occurred shall have jurisdiction thereof.

38 The commissioner or his agent shall have free access

39 to all places of business, mills, buildings and conveyances
40 of any kind used in the transportation, importation, man-
41 ufacture, sale or storage of any commercial feeding stuffs,
42 with power and authority to open any parcel containing
43 or supposed to contain any commercial feeding stuffs, and
44 upon full payment of the selling price, to take therefrom
45 samples for analyses, and to examine the books and all
46 records pertaining to the shipment, manufacture, sale or
47 distribution of any commercial feeding stuffs.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNeer
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Thomas Myers
Clerk of the Senate

Joseph
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13
day of March, 1947.

Casey Mason
Governor.



Filed in the Office of the Secretary of State
of West Virginia. **MAR 13 1947**
Wm. S. Gentry,
SECRETARY OF STATE