

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-81

Time 3:15 pm

No: 1259

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1259

(By Mr. Speaker, Mr. Lee, & Mr. Teets)

— ● —

Passed March 24, 1981

In Effect From Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1259**

(By MR. SPEAKER, MR. SEE, and MR. TEETS)

[Passed March 24, 1981; in effect from passage.]

AN ACT to amend and reenact section one, article two-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of a public market; exceptions.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 2A. PUBLIC MARKETS.**

**§19-2A-1. Public market defined; exceptions.**

1     A public market is (1) any place of business where live-  
2     stock, poultry, and other agricultural or horticultural products  
3     are received and sold at public auction or, (2) any place  
4     where livestock is received from producers, assembled and  
5     sold, or offered for sale, by any method including, but not  
6     limited to, public auction. The term public market shall  
7     include all such places where such activities are conducted,  
8     whether or not such activities are performed according to a  
9     scheduled routine or a historically established pattern of days  
10    and times: *Provided*, That sales totally sponsored, organized  
11    and financed by the state of West Virginia or by any state,

12 regional or county agricultural fair or festival, or by any  
13 4-H, FFA or other educational activity, shall not be included  
14 in this definition. Annual sales held by nonprofit associa-  
15 tions or nonprofit corporations devoted to improving the quality  
16 of beef cattle raised in this state where the net proceeds from  
17 such sales are used exclusively for the association or corpora-  
18 tion conducting such sale, or purebred livestock sales conducted  
19 by generally recognized breed associations, shall not be sub-  
20 ject to the provisions of sections eight and sixteen-a of this  
21 article: *Provided, however,* That only members in good stand-  
22 ing in such nonprofit association or nonprofit corporation or  
23 such breed association shall offer cattle for sale at such annual  
24 sale and the bylaws of such association or corporation or such  
25 breed association shall provide either for a surety bond to be  
26 given as provided in this article or that each member offering  
27 stock at such sale shall bear any loss in proportion to the value  
28 of each member's stock to the total value of all such stock  
29 being sold at such sale.

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

*H. P. Baylor*  
Chairman Senate Committee

*Tony E. Whitlow*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Todd C. Wilkins*  
Clerk of the Senate

*Blankenship*  
Clerk of the House of Delegates

*Warren R. McDermott*  
President of the Senate

*Andrew H. Lee, Jr.*  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1981.

*John R. Riffe*  
Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE