



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

GUS R. DOUGLASS  
COMMISSIONER

WILLIAM H GILLESPIE  
ADMINISTRATIVE ASSISTANT

January 4, 1985

Honorable A. James Manchin  
West Virginia Secretary of State  
Capitol Building  
Charleston, WV 25305

Dear Secretary Manchin:

The West Virginia Department of Agriculture will convene a public hearing at 11:00 A.M., Wednesday, February 13, 1985, relative to revising the fee schedule for licenses, permits, certificates, registrations, laboratory tests, etc., so as to more adequately cover the cost of providing the services to the State's consumers.

Two copies of the notice of public hearing and proposed regulations are attached.

With best regards, I am

Very truly yours,

Gus R. Douglass  
Agriculture Commissioner

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1985 JAN -4 PM 2:55

FILED

GRD/G/d  
Enc.



STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE  
CHARLESTON 25305

A JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Commissioner,  
Title or Position

West Virginia Department of Agriculture, hereby submit to record in  
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify ( )

FILED  
1985 JAN -4 PM 3:04  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

This filing pertains to

Chapter 19  
Article 1  
Series 0  
Section 4b  
Page No. 1 through 6

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

January 4, 1985  
Date Submitted

Gus R. Douglass  
Signature of Person Authorizing  
this Filing

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

For Immediate Release

January 4, 1985

FEE HEARING SCHEDULED

CHARLESTON, W.VA.--The West Virginia Department of Agriculture will hold a public hearing, beginning at eleven o'clock A.M. on Wednesday, February 13, 1985, to revise the fee schedules for licenses, permits, certificates, registrations, laboratory tests, etc., so as to more adequately cover the cost of providing the services to the State's consumers. The hearing will be held in the Conference Room at the Guthrie Agricultural Center.

LEGISLATIVE  
Dept. of Agri.  
Adm Reg. #19-1-4b  
SERIES 0

Sec. 1.01

FILED

1985 JAN -4 PM 3:04

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Chapter 19-1-4b  
SERIES 0

SUBJECT: LICENSING AND OTHER FEES

---

Section 1. General

1.01. Scope - These regulations establish the fee structure for licenses, permits, certificates, registrations and laboratory tests for laws administered by the Department. These are Legislative Regulations

1.02. Authority - These regulations are issued under authority of Chapter 19, Article 1, Section 4b, Code of West Virginia, as amended.

1.03. Effective Date - These regulations are promulgated and become effective on the \_\_\_\_\_ day of \_\_\_\_\_.

1.04. Filing Date - These regulations were filed in the Office of the Secretary of State on the \_\_\_\_\_ day of \_\_\_\_\_.

1.05. General Purpose - To revise fee schedules relative to inflation and industry changes in order to more adequately cover the cost of providing the services or issuing the various documents.

Section 2. Definitions. (Reserved for future use.)

Section 3. Fee Schedule.

3.01. The following fees, which differ from the fees proscribed in the enacting articles of Chapter 19 of the Code

of West Virginia, shall, unless additionally changed in accordance with Legislative directives, be immediately applicable.

- (a) Section six, article two-a: Permits for public markets, twenty dollars.
- (b) Section ten, article two-a: Licensing of weighmen, five dollars.
- (c) Section eleven, article two-a: Grading, Classifying or standardizing licenses, five dollars.
- (d) Section fourteen, article two-a: Testing and inspection of livestock for other than slaughter for Bangs disease, one dollar.
- (e) Section four, article two-b: Licenses for commercial slaughterer, etc.
  - (1) Commercial slaughterer license:
    - (A) 1-500 animals per year, fifteen dollars.
    - (B) 501-1000 animals per year, fifty dollars.
    - (C) 1001-5000 animals per year, one hundred dollars.
    - (D) Over 5000 animals per year, one hundred fifty dollars.
  - (2) Commercial processors license:
    - (A) 1-25,000 pounds finished product per year, fifteen dollars.
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- (4) Custom slaughter/processor license, twenty dollars.
- (5) Custom processor license, ten dollars.
- (f) Section six, article two-c: Auctioneer license.
  - (1) Application fee, fifty dollars
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  - (3) Examination fee, fifty dollars.
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- (i) Section two, article nine-a: Permit to feed garbage to swine, ten dollars.
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OFFICE OF THE SECRETARY OF STATE  
CHARLESTON 25305

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SECRETARY OF STATE

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FILED  
1985 JAN -4 PM 2:56  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Chapter 19  
Article 1  
Series 0  
Section 4b  
Page No. 1 through 6

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Gus R. Douglass  
Signature of Person Authorizing  
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-30-

FILED  
1985 JAN -4 PM 2:57  
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SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

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1965 JAN -4 PM 2:57  
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WILLIAM H. HARRINGTON  
Chief of Staff

RICH O. HARTMAN  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

BARBARA STARCHER  
Deputy Secretary of State

RICHARD S. STEPHENSON  
Deputy Secretary of State

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

STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE

SECRETARY OF STATE

Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

=====

AGENCY West Virginia Department of Agriculture

CONTACT PERSON William H. Gillespie PHONE 348-2203 or 348-3550

TYPE OF RULE Legislative

TITLE OF RULE Licensing and Other Fees

-----

CHAPTER 19 ARTICLE 1 SERIES 0 / 8

AUTHORITY 19-1-4b

+++++

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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A COPY.

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SECOND EMERGENCY FILING

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

EMERGENCY REGULATIONS

-----  
LICENSING AND OTHER FEES

Section 1. General

- 1.01. Scope.....Page 1
- 1.02. Authority.....Page 1
- 1.03. Effective Date.....Page 1
- 1.04. Filing Date.....Page 1
- 1.05. General Purpose.....Page 1

Section 2. Definitions.....Page 1

Section 3. Fee Schedule

- 3.01. Fee Schedule (a through r).....Page 1  
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Page 6

1965 MAR -8 AM 9:59  
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MAR -8 AM 9 59

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

SECRETARY OF STATE

Chapter 19-1-4b  
SERIES 0

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VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteers  
help we can get!)

# STATE OF WEST VIRGINIA

## SECRETARY OF STATE

Charleston 25305

### PROPOSED RULES

### STATE REGISTER FILING

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AGENCY West Virginia Department of Agriculture

CONTACT PERSON William H. Gillespie PHONE 348-2203 or 348-3550

TYPE OF RULE Legislative

TITLE OF RULE Licensing and Other Fees

CHAPTER 19 ARTICLE 1 SERIES 0

AUTHORITY 19-1-4b

+++++

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AMENDMENTS TO EXISTING RULE

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LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

EMERGENCY REGULATIONS

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LICENSING AND OTHER FEES

Section 1. General

- 1.01. Scope.....Page 1
- 1.02. Authority.....Page 1
- 1.03. Effective Date.....Page 1
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- 1.05. General Purpose.....Page 1

Section 2. Definitions.....Page 1

Section 3. Fee Schedule

- 3.01. Fee Schedule (a through r).....Page 1  
through  
Page 6

FILED  
1985 MAR -8 AM 10:01  
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- (h) Section four, article five-a: Controlled atmosphere storage warehouse operation license, twenty-five dollars.
- (i) Section two, article nine-a: Permit to feed garbage to swine, ten dollars.
- (j) Section three, article ten-a: Certificate to sell eggs, ten dollars.
- (k) Section five, article eleven: Permits to manufacture or purchase milk and cream:

- (1) Dairy products permit, ten dollars.
- (2) Testers certificate of proficiency, six dollars.
- (3) Testers license, four dollars.
- (4) Weighers/Samplers certificate of proficiency, three dollars.
- (5) Weighers/Samplers license, four dollars.
- (1) Section nine, article twelve: Certificate of nursery men, etc.:
  - (1) Registration of nurseries, twenty dollars.
  - (2) Registration of nursery dealers, forty dollars.
  - (3) Registration of nursery agents, one dollar.
- (m) Section six, article fourteen: Fees for feed inspection:
  - (1) Small package registration fee, thirty dollars.
  - (2) Tonnage fee, thirty cents.
- (n) Section two, article fifteen: Registration fee for commercial fertilizers:
  - (1) Registration for large packages and bulk, two dollars.
  - (2) Registration fee for small package brand and grade, fifteen dollars.
- (o) Section four, article fifteen: Inspection fees for commercial fertilizer:
  - (1) Tonnage inspection fee, thirty cents.

- (2) Inspection fee for small packages, fifteen dollars.
- (p) Section two, article fifteen-a: Registration of agricultural liming material:
  - (1) Brand and grade registration fee, twenty-five dollars.
- (q) Section four, article fifteen-a: Inspection fee for agricultural liming material:
  - (1) Tonnage inspection fee, five cents.
- (r) Section three, article sixteen: Fees for sale of seeds:
  - (1) Registration of seedsmen, two dollars.
  - (2) Packet display stamps, two dollars.
  - (3) Poundage fee for forest and forage seeds, twenty cents per one hundred pounds.
  - (4) Poundage fee for agricultural crop seeds, ten cents per one hundred pounds.
  - (5) Seed potatoes, four cents per hundred pounds.
  - (6) Germination fees of grasses, five dollars.
  - (7) Germination fees for alfalfa, clover, grain, etc., three dollars.
  - (8) Germination fees per ingredient for mixtures, three dollars.
  - (9) Germination fees for woody plants, three dollars.

- (10) Germination fees for flower seeds, three dollars.
- (11) Fee for purity determination for chaffy grasses, six dollars.
- (12) Fee for purity determination for alfalfa, clover, cereals, non-chaffy grasses, etc., three dollars.
- (13) Fee for purity determination for seed mixtures, ten dollars.



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON  
25305

Gus R. Douglass  
Commissioner

STATEMENT OF FACTS & CIRCUMSTANCES CONSTITUTING THE EMERGENCY

The fees account 818 does not generate enough money to continue necessary functions in the food, pesticide, etc., laboratories. As the fee periods begin either on July 1st or January 1st, and since it's impossible to gain regular legislative approval before these dates and since the account will show a deficit of at least \$44,000 by the third quarter of the year and since the Legislature approved this fee increase as a temporary way of handling the matter, the regulations are filed as emergency regulations so that the money will be available in 1985.

FILED  
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OFFICE OF THE SECRETARY OF STATE



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