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STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

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(Plus all the volunteer
help we can get)

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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 / 8

AUTHORITY 19-1-4b

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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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FILING OF RULES WHICH
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FINAL FILING

FIRST EMERGENCY FILING

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

EMERGENCY REGULATIONS

LICENSING AND OTHER FEES

Section 1. General

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- 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

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

MAR -8 AM 9 59
OFFICE OF THE 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 Emergency 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 as Emergency Regulations and become effective on the 8th day of March, 1985.

1.04. Filing Date - These regulations were filed in the Office of the Secretary of State on the 8th day of March, 1985.

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.
 - (B) 25,001-250,000 pounds finished product per year, fifty dollars.

- (C) 250,001-1,000,000 pounds finished product per year, one hundred dollars.
- (D) Over 1,000,000 pounds finished product per year, one hundred fifty dollars.
- (3) Distributors license, ten dollars.
- (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
 - (2) Annual license fee, auctioneers and apprentices, fifty dollars.
 - (3) Examination fee, fifty dollars.
 - (4) Auctioneer apprentice license transfer, fifteen dollars.
- (g) Section one, article three: Commission merchant license, twenty dollars.
- (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.
- (l) 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.



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CHAPTER 19 ARTICLE 1 SERIES 0

AUTHORITY 19-1-4b

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

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|--|--|
| <input checked="" type="checkbox"/> NEW RULE | <input type="checkbox"/> NOTICE OF HEARING |
| <input type="checkbox"/> AMENDMENTS TO EXISTING RULE | <input type="checkbox"/> NOTICE OF AGENCY APPROVAL
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LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

EMERGENCY REGULATIONS

LICENSING AND OTHER FEES

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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.

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