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Special Assistant

(Plus all the volunteers
help we can get)

STATE OF WEST VIRGINIA 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

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)

NOTE: ALL FILINGS REQUIRE ONLY
ONE COPY, EXCEPT FINAL
FILING OF RULES WHICH
REQUIRES AN ORIGINAL AND
A COPY.

FINAL FILING

FIRST EMERGENCY FILING

SECOND EMERGENCY FILING

LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-1-4b

SERIES 0

LICENSING AND OTHER FEES

Section 1. General

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- 1.02. Authority..... Page 1
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Section 3. Fee Schedule

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

FILED
1985 MAR -8 AM 10:01
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

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 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.

FILED

1985 MAR -8 AM 10:00

DATE: March 8, 1985

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE, WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE

FROM: West Virginia Department of Agriculture

LEGISLATIVE RULE TITLE: Licensing and Other Fees

1. Authorizing statute(s) citation 19-1-4b

2. a. Date filed in State Register with Notice of Hearing:

January 4, 1985

b. What other notice, including advertising, did you give of the hearing?

State-wide news release, copy of proposed regulations by mail to all concerned parties and publication in the Market Bulletin.

c. Date of Hearing(s): February 13, 1985

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

March 8, 1985

f. Name and phone number of agency person to contact for additional information:

William H. Gillespie

348-2203 or 348-3550

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of Hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES **FILED**

1985 MAR -8 AM 10:00

Rule Title: Licensing and Other Fees

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

Type of Rule: Legislative Interpretive Procedural

Agency W. Va. Dept. of Agriculture Address Room 28, Building #1
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	NO INCREASED COST TO THE STATE OF WEST VIRGINIA				
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

The fees are presently being collected and there will be no increase in the cost of collecting an increased fee.

3. Objectives of these rules: To increase the revenue generated by the fees to offset rises in costs of laboratory analyses, wages, etc. The fees have been set by statute and so could not be easily increased over the years. They are being increased now because of H.B. 2076 of 1984 which provided a mechanism for doing it by rule. Without an increase, the activities of the laboratories, run solely on fees, would have to be curtailed.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Will increase income about \$80,000 per year.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

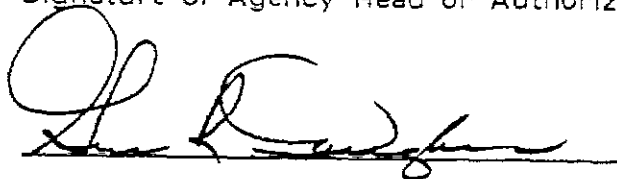
The impact on the licensed individuals and industries is to double the fees, but they are all still nominal.

C. Economic Impact on Citizens/Public at Large.

Will help insure that the laboratories continue their function of insuring that only wholesome, uncontaminated food is offered for sale and that they receive what they are supposed to receive when buying fertilizer, pesticides, lime, seeds, etc.

Date March 8, 1985

Signature of Agency Head or Authorized Representative



A handwritten signature in cursive script, appearing to read "John R. [unclear]", is written over a horizontal line.



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

FILED
1965 MAR -8 AM 10:00
OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

AMENDMENT MADE TO PROPOSED RULE AS A RESULT OF
COMMENTS OR OTHER INFORMATION RECEIVED

Section 3.01-(h): Controlled atmosphere storage warehouse operation license
fee changed from \$50.00 back to the original \$25.00.

REASON FOR AMENDMENT:

Protests from the industry and the fact that the amount of money
to be generated is not large enough to fight over. Also, a neighboring state
has just lowered their fees.

FEE HEARING
February 13, 1985
Conducted by Earl K. Kelley

FILED

MBS MAR -8 AM 10:01

OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE

I am Earl Kelley of the Rural Resources Division who will be conducting the hearing this Monday in the absence of Commissioner Douglass who is unable to be present.

This hearing is called today for the purpose of promulgating new regulations relative to fees charged for services performed by Department of Agriculture personnel.

The Legislature in their wisdom passed legislation authorizing the Commissioner of Agriculture to review his fee schedule in order to more adequately cover the cost of providing services to the State citizens.

Let the record indicate that this hearing is called in accordance with Chapter 29A of the Code of West Virginia and that all requirements relative to advertisements and other provisions of the law have been met.

We did circulate and make public these proposed regulations, copies of which are in your hands.

The record will be kept open for a period of ten (10) working days to give those who are unable to attend this hearing the opportunity to make additional comments in writing.

At the conclusion of the hearing, the Commissioner will review the record and make corrections which may be advisable, and put the regulations in final form.

The authority under which these regulations are promulgated is issued under Chapter 19, Article 1, Section 4b of the Code of West Virginia, as amended.

The general purpose is to review the 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. Individuals present who desire to speak will identify themselves, who they are and who they represent. So, we will proceed with the hearing I will go down through the fee schedule and if there are any questions or comments, they will be given at that time.

To read through the fee schedule, first will be Section 6, Article 2a, Permits for Public Market. \$20.00. Any comment?

Section 10, Article 2a, License of Weighmen. \$5.00. Any comment?

Section 11, Article 2a, Grading, Classifying or Standardizing License. \$5.00. Any comment?

Section 14, Article 2a, Testing and Inspection of Livestock For Other Than Slaughter or Bangs Disease. \$1.00. Any comment?

Section 4, Article 2b, License for Commercial Slaughterer, etc.

(1) Commercial Slaughterer license:

- (a) 1-500 animals per year, \$15.00. Any comment?
- (b) 501-1000 animals per year, \$50.00. Any comment?
- (c) 1001-5000 animals per year, \$100.00. Any comment?
- (d) Over 5000 animals per year, \$150.00. Any comment?

(2) Commercial processors license:

- (a) 1-25,000 pounds of finished product per year, \$15.00.
Any comment?
- (b) 25,001-250,000 pounds finished product per year,
\$50.00. Any comment?
- (c) 250,000-1,000,000 pounds finished product per year,
\$100.00. Any comment.
- (d) Over 1,000,000 pounds finished product per year,
\$150.00. Any comment?

- (3) Distributors license, \$10.00. Any comment?
- (4) Custom slaughter/processor license, \$20.00. Any comment?
- (5) Custom processor license, \$10.00. Any comment?

Section 6, Article 2c, Auctioneer License.

- (1) Application fee, \$50.00. Any comment?
- (2) Annual license fee, auctioneers and apprentices, \$50.00.
Any comment?
- (3) Examination fee, \$50.00. Any comment?
- (4) Auctioneer apprentice license transfer, \$15.00. Any
comment?

Section 1, Article 3, Commission Merchant License, \$20.00. Any
comment?

Section 4, Article 5a, Controlled Atmosphere Storage Warehouse
Operation License, \$50.00. Any comment?

Section 2, Article 9a, Permit to Feed Garbage to Swine, \$10,00.
Any comment?

Section 3, Article 10a, Certificate to sell eggs, \$10.00. Any
comment?

Section 5, Article 11, Permits to manufacture or purchase milk
or cream:

- (1) Dairy products permit, \$10.00. Any comment?
- (2) Testers certificate of proficiency, \$6.00. Any comment?
- (3) Testers license, \$4.00. Any comment?
- (4) Weighers/samplers certificate of proficiency, \$3.00. Any
- (5) Weighers/samplers license, \$4.00. Any comment?

Section 9, Article 12, Certificate of Nurserymen, etc.:

- (1) Registration of nurseries, \$20.00. Any comment?
- (2) Registration of nursery dealers, \$40.00. Any comment?
- (3) Registration of nursery agents, \$1.00. Any comment?

Section 6, Article 14, Fees for feed inspection:

- (1) Small package registration fee, \$30.00. Any comment?
- (2) Tonnage fee, \$0.30. Any comment?

Section 2, Article 15, Registration fee for commercial fertilizers:

- (1) Registration for large packages and bulk, \$2.00. Any comment?
- (2) Registration fee for small package brand and grade, \$15.00. Any comment?

Section 4, Article 15, Inspection fees for commercial fertilizers:

- (1) Tonnage inspection fee, \$0.30. Any comment?
- (2) Inspection fee for small packages, \$15.00. Any comment?

Section 2, Article 15a, Registration of agricultural liming material:

- (1) Brand and grade registration fee, \$25.00. Any comment?

Section 4, Article 15a, Inspection fee for agricultural liming material:

- (1) Tonnage inspection fee, \$0.05. Any comment?

Section 3, Article 16, Fees for sale of seeds:

- (1) Registration of seedsmen, \$2.00. Any comment?
- (2) Packet display stamps, \$2.00. Any comment?
- (3) Poundage fee for forest and forage seeds, \$0.20 per 100 pounds. Any comment?
- (4) Poundage fee for agricultural crop seeds, \$0.10 per 100 pounds. Any comment?
- (5) Seed potatoes, \$0.04 per 100 pounds. Any comment?
- (6) Germination fees of grasses, \$5.00. Any comment?
- (7) Germination fees for alfalfa, clover, grain, etc., \$3.00. Any comment?
- (8) Germination fees per ingredient for mixtures, \$3.00. Any comment?

- (9) Germination fees for woody plants, \$3.00. Any comment?
- (10) Germination fees for flower seeds, \$3.00. Any comment?
- (11) Fee for purity determination for chaffy grasses, \$6.00.
Any comment.
- (12) Fee for purity determination for alfalfa, clover, cereals,
non-chaffy grasses, etc., \$3.00. Any comment?
- (13) Fee for purity determination for seed mixtures, \$10.00.
Any comment?

You have heard the reading of the regulations relative to fees promulgated by the Commissioner of Agriculture for your consideration. You have been given the opportunity to comment in regard to these fees. I hear no comment from the floor pro or con. Does anyone wish to make any further comment in regard to these regulations? If not, all letters received relative to these regulations from interested persons shall be received and placed into the record for consideration by the Commissioner. These regulations are stated previously will be held open for ten (10) working days to give those who did not have the opportunity to be here today to present further comments in writing.

Are there any further comments or any statements from the floor? Without there being no comments, I will declare the hearing adjourned.

450 trails mailed out - These heard from:

Registration Fee Increase - Phoned-In Comments

1-? -85 Brown's Shrubbery, Matewan - Did not mind fee increase, but
thought more enforcement needed for illegal dealers.

1-22-85 Jim Gray, Beaver - Opposed to fee increase.

2 Telephone calls received persons
to fee increase.

August 1985
Essex N. England
Near Sea.

Feb 10, 1985

Sec. 3.01

on Section nine, article twelve
artefactual nurseries men

(1) Registration of nurseries

a group of from 10 to 20
as to make \$15, in a

plenty this is trying to
make it for the little dealer

Thomas Gurney Richard
405 Mountain Drive
Pensacola, W Va

26415

also maybe some of the
others are worth renewing

MYERS NURSERY & LANDSCAPING
HOMYER CONTRACTING, INC.

6339 ROUTE 60, EAST
BARBOURSVILLE, W. VA. 25304

OFFICE PHONE 736-1101
RESIDENCE 736-9251



LANDSCAPING - GENERAL CONTRACTING

January 26, 1985

West Virginia Department of Agriculture
Mr. Gus R. Douglass, Commissioner
Charleston, W. Va. 25305

RE: Licensing & Other Fees

Dear Sir,

We have just received the News Release concerning increases in Nursery Registration, namely double, from \$10.00 to \$20.00.

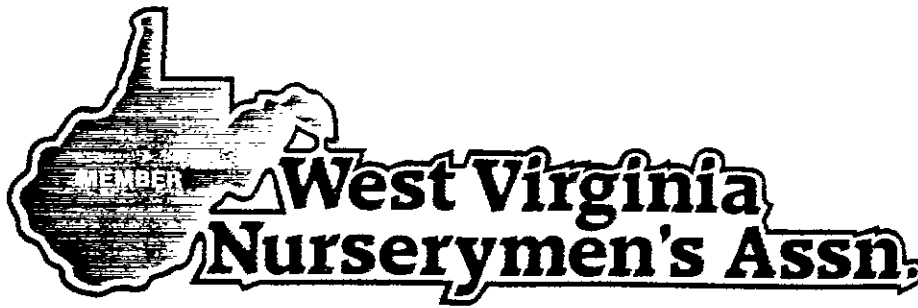
It seems as though each source of revenue, some how, believes theirs is the only one which business must comply. As of now we already pay over 21% of our gross payroll in taxes. Social Security, Unemployment Tax and Workmen's Compensation and the Accountant's Fee which keeps going up. We have B & O Tax and Business Franchise Tax, Corporate Tax and the list keeps getting longer. All this in a business which deals in perishable items that require much maintenance. During the growing season we have not hired the help we really needed simply because the cost is too great.

I sure would like to see the business climate greatly improved in our state. A newspaper article stated W. Va. ranked 8th in the nation for tax paying..unemployment highest. This should be of much concern for all of us.

We will not be able to attend the public hearing on Feb. 13th., but hope it will be encouraging.

Yours truly,
MYERS NURSERY

Mary G. Myers
Mary G. Myers



BETTY T. PRICE
Executive Secretary

304/252-6033
After 5:00 P.M.

Route 2, Box 89
Beckley, West Virginia 25801

February 4, 1985

West Virginia Department of Agriculture
Administrative Regulations
Charleston, West Virginia
25305

Re: Proposed revision of fee schedule for licenses, permits,
certificates etc. as pertaining to West Virginia Nurseries

Gentlemen:

The members of West Virginia Nurserymen's Association have expressed an interest in the proposed fee changes for licensing of the nursery industry. The consensus of opinion is unanimous that if fees are raised, the industry should receive more services for the increased cost.

As you know, we in this state have operated under the handicap of only having one inspector to cover the entire state. This has created a hardship on nurseries many times.

The areas of concern regarding the proposed fee change most expressed that need attention include having additional nursery inspectors so that timely inspections of nursery stock can be scheduled so that preventive practices and corrective steps can be implemented, should insects or disease be noted by the inspection, before the selling season is started not after when it is too late sometimes, to take corrective action.

Another area of concern where additional inspector could be helpful would be to police the "Gypsy" sellers of nursery stock that invade our state every spring, selling along busy highways, going door to door, and some general store licensed retailers without a nursery dealer license.

The nursery industry is made up of mostly independent small business men who believe very strongly in the private enterprise system, that includes receiving goods or services for every consideration paid.

We appreciate the opportunity to express our opinions.

PCP/bt

Sincerely,

Perry Clay Price, President WVNA



FEB 11 1985

Beachley-Hardy Seed Company

P.O. Box 336, Camp Hill, PA 17011

Telephone: (717) 737-4529

February 6, 1985

The Honorable Gus R. Douglass
Commissioner of Agriculture
Dept. of Agriculture
Charleston, WV 25305

RE: Public Hearing 2-13-85

Dear Commissioner Douglass:

I have reviewed the proposal regarding "fee hearing schedule" and would like to suggest that one item be considered for clarification. Under (n) Section three, article sixteen: Fees for sale of seeds I suggest that classification is somewhat confusing. Under item (3) you identify "forage seeds" which in general are a part of "agricultural crop seeds" which are covered in item (4).

I would like to suggest that under item 3 the term forage seeds be removed and that item 4 be amended to read as follows: "Poundage fee for agriculture and turf seeds, ten cents per one hundred pounds". This, I suggest, would remove any possible confusion.

Sincerely,

H. R. MacWilliam
V. P. & General Manager

HRM:ss

B.116
Hearing File
gc



GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

January 31, 1985

Mr. Robert A. Gingerrich, Director
National Education Department
Oglebay Institute
Oglebay Park
Wheeling, WV 26003

Dear Mr. Gingerich:

Your letter commenting on the proposed increase in fees has been received. Rest assured your letter will become a part of the official record of the hearing and will be given consideration.

Very truly yours,

Gus R. Douglass
Agriculture Commissioner.

GRD:sah

January 30, 1985

JAN 31 1985

Mr. Gus R. Douglass, Commissioner
West Virginia Department of Agriculture
Charleston, WV 25305

Dear Mr. Douglass:


We cannot be represented at the fee hearing scheduled for February 13. However, I would like to bring to the attention of the group our particular circumstances.

The Brooks Nature Center is an educational agency under the umbrella of Oglebay Institute. Each year a two-day Arbor Day Plant Sale is held. There are two purposes: 1) to provide plants not easily obtained that enhance community habitat for wildlife, particularly song birds, and 2) to help the Brooks Nature Center raise funds. There may be other organizations that do similar sales.

We deal with reputable and licensed nurseries, however our sale is only two-days duration but we pay the same registration fee as the year-round nursery dealers. Perhaps there could be an event or temporary permit or a special permit for non-profit groups.

Your consideration of this situation is appreciated.

Sincerely,



Robert A. Giegerich, Director
Nature Education Department

RAG:dbb



Henry Foster

FEB 11 1985

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

CHARLESTON
25305

Gus R. Douglass
Commissioner

M E M O R A N D U M

TO: Mr. William H. Gillespie
FROM: Terry W. Hall *TWH*
SUBJECT: Seed Lab Costs Comparison Between The Present and 1964
DATE: February 8, 1985

Kermit Coon submitted the following narrative to me relative to costs incurred in the Seed Lab Work:

" The only new pieces of equipment that have been purchased for the Seed Laboratory since I have been in the Department has been two (2) Germinators at a price of \$3,123 each plus freight. These were purchased in June 1970. The other new item is a Seed Divider at a cost of approximately \$250.00 which has been in the lab about ten years. One more item is a new electronic balance at \$1,000. This price cannot be verified and is only approximate. The above does not include tables and chairs.

The other items I use are brown germination paper which has probably increased in price about 50% over the past twenty years. The latest shipment of paper (5,000 sheets) cost \$188.50. The other item in the paper line is blue-grey blotter paper at a cost of \$109.31 for 250 sheets.

The last time the cost for a germination test was raised was sometime in the 1960's when Mr. Snyder increased the price per commercial from (I think) \$0.25 to the present level.

As to personnel in numbers, since I have been in the seed laboratory, there has been a drastic change. When I came into the laboratory, there was a Seed Analyst, Clerk, Secretary, one other fellow and myself. Now it has dwindled to just myself. I do all the logging in of samples, numbering, typing, germination and purity analysis, and mailing out of reports.

As to the number of samples over the years, they have been more or less consistent since 1969-1970 to the present time. I now have at least two different categories which I work - Seed for the Market Bulletin advertisement and Referee Work which is conducted by different regions of the country for the verification of changes in the Seed Laws."

Memorandum: Mr. Gillespie
Page Two
February 8, 1985

The following is a cost comparison between 1964 and Fiscal 83-84:

<u>ITEM</u>	<u>COST</u> - Annual
1 Seed Analyst Salary	\$5,340.00
1 Secretary Salary	2,640.00
2,500 sheets Brown Germination Paper	47.00
125 sheets Blue-Grey Blotter Paper	<u>27.00</u>
TOTAL:	\$8,054.00

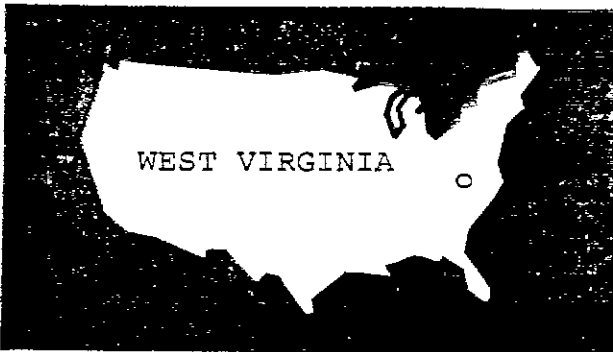
$\$8,054 \div 1,428 = \$6.00/\text{sample}$

<u>ITEM</u>	<u>COST</u> - Annual
2 Germinators \$6,246 depreciated over 20 years	\$312.00
1 Seed Divider \$250 depreciated over 20 years	12.00
1 Electronic Balance \$1,000 depreciated over 20 years	50.00
2,500 sheets Brown Germination Paper	94.00
125 sheets Blue-Grey Paper	55.00
1 Seed Analyst Salary	<u>19,704.00</u>
TOTAL:	\$20,227.00

$\$20,227 \div 1,428 \text{ (Total Samples 1983-84)} = \$14.00/\text{sample}$

$\% \text{ Increase} = \frac{14 - 6}{6} \times 100 = 133\% \text{ in Cost per Sample.}$

TWH/rm



LEGISLATIVE ALERT

A SPECIAL GOVERNMENT AFFAIRS BULLETIN FROM THE FERTILIZER INSTITUTE

January 28, 1985

TO: Certain Representatives, TFI Member Companies
INTERESTED IN WEST VIRGINIA LEGISLATION

FROM: Gary D. Myers *Gary D. Myers*

SUBJECT: West Virginia Administrative Regulation N. 19-1-4B -
Increased Fertilizer Registration and Inspection Fees

The West Virginia Department of Agriculture will hold a public hearing at 11:00 a.m. on Wednesday, February 13, 1985, to hear interested parties to the proposed revision of fee schedules for licenses, permits, certificates, registrations, laboratory tests, etc. This hearing will be held in the conference room at the department's Guthrie Agriculture Center. If you have any comments and do not wish to take the time to attend, please send them in a letter to:

Gus R. Douglass
Commissioner
State of West Virginia
Department of Agriculture
Charleston, West Va 25305

The proposed changes in administrative regulation No. 19-1-4B, pertaining to fertilizers, are the following:

- o Increase registration fee for large packages and bulk commercial fertilizers from \$1.00 to \$2.00.
- o Increase registration fee for small package brand and grade for commercial fertilizers from \$10.00 to \$15.00.
- o Increase tonnage inspection fee from 20¢ to 30¢.
- o Increase small package inspection fee from \$10.00 to \$15.00.

For more information contact:

Donald H. James
Assistant Director
West Virginia State
Dept. of Agriculture
Charleston, West Va 25305

APPLES
CHERRIES

PLUMS
PEACHES

THE EWERS ORCHARDS, INC.

Ewers for Quality
ROMNEY, W. VA. 26767
Phone 822-5486

JANUARY 16, 1985

GUS R. DOUGLASS
COMMISSIONER
STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON, WV 25305

DEAR AGRICULTURE COMMISSIONER DOUGLASS:

IN RESPONSE TO YOUR LETTER OF JANUARY 8, 1985, I WOULD LIKE TO GO ON RECORD THAT I AM AGAINST THE INCREASE OF THE CONTROLLED ATMOSPHERE STORAGE WAREHOUSE OPERATION LICENSE FEE FROM \$25.00 TO \$50.00 PER YEAR. I AM OPPOSED FOR THE FOLLOWING REASONS.

1. THE APPLE GROWERS WHO OWN CA STORAGES ARE VERY FEW IN NUMBER IN THE STATE OF WEST VIRGINIA AND THE INCREASE WOULD NOT AMOUNT TO ANY SIGNIFICANT INCREASE OF REVENUE FOR THE STATE.

2. THE GROWERS ARE NOT FINANCIALLY ABLE TO HAVE ANOTHER INDIRECT TAX ADDED.

3. ONLY ONE SMALL SEGMENT OF THE APPLE INDUSTRY WOULD BE SHARING IN THIS ADDITIONAL BURDEN.

4. IN MY OPINION YOUR LETTER CONVEYS THE IMPRESSION THAT "IT IS JUST ANOTHER WAY TO GET EXTRA MONEY."

I WOULD FIND A MORE EQUITABLE WAY TO INCREASE MY REVENUE SO THAT ALL GROWERS WOULD SHARE IN AN INCREASED ASSESMENT.

SINCERELY,

FRUIT GROWERS STORAGE
THE EWERS ORCHARDS, INC.

Randolph L. Ewers
RANDOLPH L. EWERS
PRESIDENT

RLE/bp



Morris Memorial Nursing Home, Inc.

HOSPITAL ROAD P. O. BOX 6
MILTON, WEST VIRGINIA 25541

Phones 304 - 743-6861 — 755-0427

January 10, 1985

*Bill
for file
Hearing JEG*

Gus R. Douglass
Agriculture Commissioner
State Capitol
Charleston, WV 25305

Dear Commissioner:

Thank you for your notice concerning the public hearing regarding the increase from five dollars to ten dollars for a permit to feed cooked garbage to swine. However, by the 13th, I should be on my way to the sunny south and will therefore be unable to attend.

I do concur with your recommendation for the increase and feel that even the ten dollars (\$10.00) is very conservative.

Keep up the good work.

Sincerely,

John E. Greene
Administrator

JEG/bms



STATE OF WEST VIRGINIA
 DEPARTMENT OF AGRICULTURE
 CHARLESTON
 25305

Gus R. Douglass
 Commissioner

January 8, 1985

TO: All West Virginia Nurserymen and Nursery Dealers
 FROM: Program Director

Since 1967 the registration fee for Nurseries and Nursery Dealers has remained unchanged while the cost of inspection, registration and technical assistance to the industry has steadily increased. This has meant that funds from other programs have had to be used to support the nursery program. The Legislature assessed the matter in 1984 and decided that the fees needed to be increased. Accordingly, they passed legislation which gave the Department of Agriculture the authority to increase the nursery and nursery dealer registration fees.

There will be a public hearing on the matter on Wednesday, February 13, 1985, at 11:00 A. M., at the Guthrie Agricultural Center. If you cannot attend, you are invited to make written comments to the Commissioner prior to that date.

I am enclosing a copy of the proposed new regulations, which set forth the increase in fees on page four.

AEC/je

Enc.

Jan. 18 - 1985

Dear Sir!

Since you've asked me to make a written comment, here goes. The only business I've been getting is the "Christmas" tree license which has been \$10.00, it never broke me up but here's my experience with tree inspection. I got my report back, that the trees were "OK. Condition good", at the same time, I was cutting out 75 to 100 trees each year with white pine root decline, finally after I wrote to you they came out & invited me to go with them this time.

Don't think they were ever in the field the first
time, After they came, they didn't know what
to do about it, they took a few bug samples
of other problems, but what good did it
ever really do. I can tell you,

I notice how it takes license to sell
eggs, ~~but~~ ridiculous can you get?
Also I have a friend who has a great
mill, ⁱⁿ about a small bag of corn meal a
week, but he wouldn't take any money
for he had no license, What kind of
nuts do we have. Making our laws,
Actually, it creates a large staff sitting on
their butts doing nothing of any value.

I can understand milk does need to
be licensed & controlled, but please stop
this requiring a license for all these
silly things. We are slowly losing all
our freedoms.

Mr. Bill Gann

R. 3, B. 293

Mannington W. Va.

26582