



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture

TITLE-SERIES: 61-18

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes

RULE NAME: Licensing And Other Fees

CITE STATUTORY AUTHORITY: §19-1-4a

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/25/2024 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodee Martin

ADDRESS: 1900 Kanawha Boulevard, East

Charleston, WV 25305

EMAIL: rulescomments@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The rule establishes fee structure for licenses, permits, certificates, registrations and laboratory test for laws administered by the Department.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Requesting to repeal this rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 18
LICENSING AND OTHER FEES

~~§61-18-1. General.~~

~~1.1. Scope. — These legislative regulations establish the fee structure for licenses, permits, certificates, registrations and laboratory tests for laws administered by the Department.~~

~~1.2. Authority. — W. Va. Code §19-1-4a.~~

~~1.3. Filing Date. — April 1, 1986.~~

~~1.4. Effective Date. — April 1, 1986.~~

~~§61-18-2. Definitions. (Reserved for future use.)~~

~~§61-18-3. Fee Schedule.~~

~~3.1. The following fees, which differ from the fees prescribed in the enacting articles of chapter nineteen of the Code of West Virginia, shall, unless additionally changed in accordance with legislative directives, be immediately applicable.~~

~~3.1.1. Section six, article two-a: Permits for public markets, twenty dollars (\$20.00).~~

~~3.1.2. Section ten, article two-a: Licensing of weighmen, five dollars (\$5.00).~~

~~3.1.3. Section eleven, article two-a: Grading, classifying or standardizing licenses, five dollars (\$5.00).~~

~~3.1.4. Section fourteen, article two-a: Testing and inspection of livestock for other than slaughter for Bangs disease, one dollar (\$1.00).~~

~~3.1.5. Section four, article two-b: Licenses for commercial slaughter, etc.~~

~~3.1.5.1. Commercial slaughter license:~~

~~a. 1-500 animals per year, fifteen dollars (\$15.00);~~

~~b. 501-1000 animals per year, fifty dollars (\$50.00);~~

~~c. 1001-5000 animals per year, one hundred dollars (\$100);~~

~~d. Over 5000 animals per year, one hundred fifty dollars (\$150).~~

~~3.1.5.2. Commercial processors license:~~

- ~~a. 1-25,000 pounds finished product per year, fifteen dollars (\$15.00);~~
- ~~b. 25,001-250,000 pounds finished product per year, fifty dollars (\$50.00);~~
- ~~c. 250,001-1,000,000 pounds finished product per year, one hundred dollars (\$100);~~
- ~~d. Over 1,000,000 pounds finished product per year, one hundred fifty (\$150).~~

~~3.1.5.3. Distributors license, ten dollars (\$10.00).~~

~~3.1.5.4. Custom slaughter/processor license, twenty dollars (\$20.00).~~

~~3.1.5.5. Custom processor license, ten dollars (\$10.00).~~

~~3.1.6. Section six, article two-e: Auctioneer license:~~

~~3.1.6.1. Application fee, fifty dollars (\$50.00);~~

~~3.1.6.2. Annual license fee, auctioneers and apprentices, fifty dollars (\$50.00);~~

~~3.1.6.3. Examination fee, fifty dollars (\$50.00).~~

~~3.1.6.4. Auctioneer apprentice license transfer, fifteen dollars (\$15.00).~~

~~3.1.7. Section one, article three: Commission merchant license, twenty dollars (\$20.00).~~

~~3.1.8. Section four, article five-a: Controlled atmosphere storage warehouse operation license, twenty-five dollars (\$25.00).~~

~~3.1.9. Section two, article nine-a: Permit to feed garbage to swine, ten dollars (\$10.00).~~

~~3.1.10. Section three, article ten-a: Certificate to sell eggs, ten dollars (\$10.00).~~

~~3.1.11. Section five, article eleven: Permit to manufacture or purchase milk and cream:~~

~~3.1.11.1. Dairy products permit, ten dollars (\$10.00);~~

~~3.1.11.2. Testers certificate of proficiency, six dollars (\$6.00);~~

~~3.1.11.3. Testers license, four dollars; (\$4.00)~~

~~3.1.11.4. Weighers/samplers certificate of proficiency, three dollars (\$3.00);~~

~~3.1.11.5. Weigher/samplers license, four dollars (\$4.00).~~

~~3.1.12. Section nine, article twelve: Certificate of nurserymen, etc.:~~

- ~~3.1.12.1. Registration of nurseries, twenty dollars (\$20.00);~~
- ~~3.1.12.2. Registration of nursery dealers, forty dollars (\$40.00);~~
- ~~3.1.12.3. Registration nursery agents, one dollar (\$1.00).~~
- ~~3.1.13. Section six, article fourteen: Fees for feed inspection:~~
 - ~~3.1.13.1. Small package registration fee, thirty dollars (\$30.00).~~
 - ~~3.1.13.2. Tonnage fee, thirty cents (30¢).~~
- ~~3.1.14. Section two, article fifteen: Registration fee for commercial fertilizers:~~
 - ~~3.1.14.1. Registration for large packages and bulk, two dollars (\$2.00);~~
 - ~~3.1.14.2. Registration fee for small package brand and grade, fifteen dollars (\$15.00).~~
- ~~3.1.15. Section four, article fifteen: Inspection fee for commercial fertilizers:~~
 - ~~3.1.15.1. Tonnage inspection fee, thirty cents (30¢);~~
 - ~~3.1.15.2. Inspection fee for small packages, fifteen dollars (\$15.00).~~
- ~~3.1.16. Section two, article fifteen-a: Registration of agricultural liming material:~~
 - ~~3.1.16.1. Brand and grade registration fee, twenty-five dollars (\$25.00).~~
- ~~3.1.17. Section four, article fifteen-a: Inspection fee for agricultural liming materials:~~
 - ~~3.1.17.1. Tonnage inspection fee, five cents (5¢).~~
- ~~3.1.18. Section three, article sixteen: Fee for sale of seed:~~
 - ~~3.1.18.1. Registration of seedsman, two dollars (\$2.00);~~
 - ~~3.1.18.2. Packet display stamps, two dollars (\$2.00).~~
 - ~~3.1.18.3. Poundage fee for forest and forage seeds, twenty cents (20¢) per one hundred pounds;~~
 - ~~3.1.18.4. Poundage fee for agricultural crop seeds, ten cents (10¢) per one hundred pounds;~~
 - ~~3.1.18.5. Seed potatoes, four cents (4¢) per hundred pounds;~~
 - ~~3.1.18.6. Germination fees of grasses, five dollars (\$5.00);~~
 - ~~3.1.18.7. Germination fees for alfalfa, clover, grain, etc., three dollars (\$3.00);~~
 - ~~3.1.18.8. Germination fees per ingredient for mixtures, three dollars (\$3.00);~~

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- ~~3.1.18.9. Germination fees for woody plants, three dollars (\$3.00);~~
- ~~3.1.18.10. Germination fees for flower seeds, three dollars (\$3.00);~~
- ~~3.1.18.11. Fee for purity determination for chaffy grasses, six dollars (\$6.00);~~
- ~~3.1.18.12. Fee for purity determinations for alfalfa, clover, cereals, nonchaffy grasses, etc., three dollars (\$3.00);~~

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~~3.1.18.13. Fee for purity determination for seed mixtures, ten dollars (\$10.00).~~