



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-18
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes
RULE NAME: 61-18 Licensing And Other Fees

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-1-4a

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Notwithstanding any provision of this code to the contrary, the Commissioner of Agriculture is hereby empowered and he or she shall have authority to accept and receive donations, gifts, contributions, grants, and appropriations of money, services, materials, real estate, or other things of value from the United States Department of Agriculture, the United States Food and Drug Administration, the United States Environmental Protection Agency, any other agency of the United States government, or any of their divisions or bureaus, and he or she shall have authority to use, utilize, develop, or expend such money, services, material, or other contributions in conformity with the conditions and provisions set forth in such grants, appropriations, or donations.

The commissioner may accept and receive donations, gifts, contributions, and grants of money, services, materials, real estate, and other things of value from individuals, partnerships, associations, or corporations, and he or she shall have authority to utilize such contributions to encourage, promote, and develop the agricultural interests or industries of the state.

The commissioner is hereby empowered, and he or she shall have authority to enter into agreements with any department of state government for the purpose of carrying out any regulatory laws where or when any related functions or duties exist. He or she shall also have authority to enter into agreements with any city council or county commission of the State of West Virginia, for carrying out the provisions of the agricultural laws over which he or she has enforcement authority.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/25/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/25/2024

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule established the fee structure for licenses, permits, certificates, registrations and laboratory tests for laws administered by the Department.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule is no longer needed by the Department.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE 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 LEGISLATIVE 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/z

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).~~