

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2013 JUN 26 AM 9:41

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: 19-2-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 8B

TITLE OF RULE BEING AMENDED: Schedule of Charges for Inspection Services Fruit

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2013 AT 10:00 a.m. ~~2:00 p.m.~~ ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Department of Agriculture

Jeannie Smith, Director
Marketing & Development Division

1900 Kanawha Boulevard, East

Charleston, WV 25305
jsmith@wvda.us

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305-0170
304-558-3550

Walt Helmick
Commissioner

Fees for Inspection Services – WV Code §19-2-5 provides that the Commissioner of Agriculture may, upon request, render inspection services and issue Federal-State Inspection Certificates certify the quality and/or condition for fruit produced, sold, traded, exchanged, transported or otherwise moved in the trade channels of West Virginia

Walt Helmick. 6-26-13



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1900 Kanawha Blvd. E., Charleston, WV 25305-0170
304-558-3550

Walt Helmick
Commissioner

Statement of Circumstances

Schedule for Charges for Inspection Services: Fruit

The West Virginia Department of Agriculture is requesting to amend this rule due to the following circumstances: Fees for quality audit based Federal-State programs, terminal market inspection work, and imported products inspection shall in no case be less than fees established by the Federal Agency for similar work. The fees proposed meet the Federal minimum charge to the producers.

Walt Helmick 6-24-13

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Schedule of Charges for Inspection Services: Fruit

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Agriculture

Address: 1900 Kanawha Boulevard, East
Charleston, WV 25305

Phone Number: 304-558-3200 Email: jsmith@wvda.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Schedule of Charges for Inspection Services: Fruit

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: June 26, 2013

Signature of Agency Head or Authorized Representative

Walt Helmer 6-26-13

2013 JUN 26 AM 9:41
STATE DEPARTMENT OF AGRICULTURE

TITLE 61
LEGISLATIVE RULE
STATE DEPARTMENT OF AGRICULTURE

SERIES 8B
SCHEDULE OF CHARGES FOR INSPECTION SERVICES: FRUIT

§61-8B-1. General.

1.1. Scope. -- This legislative Rule establishes charges for Federal-State Inspection Service for Fruit.

1.2. Authority. -- W. Va. Code §19-2-5.

1.3. Filing Date. -- ~~May 7, 2009.~~

1.4. Effective Date. -- ~~July 1, 2009.~~

§61-8B-2. Declaration of Policy.

2.1. Fees for Inspection Services. -- W. Va. Code §19-2-5, provides that the Commissioner of Agriculture may, upon request, render inspection service and issue Federal-State Inspection Certificates certify the quality and/or condition for fruit produced, sold, traded, exchanged, transported or otherwise moved in the trade channels of West Virginia.

2.2. Schedule of Fees -- For the purpose of defraying the cost of inspection, the following schedule of fees apply:

2.2.1. Fruit Inspection For Processors:

Contract - Weekly Rate 40 hours per week	
Monday through Friday.....	\$640.00
Hourly Rate (1 hour minimum).....	\$25.00
Overtime per hour	\$37.50

2.2.2. GAP.GHP/Audits:

Hourly rate (1 hour minimum).....	\$75.00 92.00
Overtime per hour	\$112.50
Plus Current Mileage Rate	

2.2.3. Fruit Inspection For Quality:

Contract - Weekly Rate 40 hours per week

Monday through Friday.....	\$500.00
Hourly rate (1 hour minimum).....	\$25.00
Overtime per hour	\$37.50
Plus Current Mileage Rate	

2.2.4. Fruit Inspection Package Rate:

Per box, basket, carton 25 lbs or less.....	\$ 0.08
Per box, basket, carton 26 lbs or more	\$ 0.10
Hourly rate (1 hour minimum).....	\$25.00
Overtime per hour	\$37.50

2.2.5. FVQ Form 294 (State Sanitary Inspection)

No charge if performed in conjunction with other inspections otherwise.....	\$ 0.05 per carton
Hourly rate (1 hour minimum).....	\$25.00
Overtime per hour	\$37.50
Plus Current Mileage Rate	

2.2.6. Expenses:

The Department may bill all necessary expenses and mileage at the WV Department of Agriculture standard rate.

2.2.7. Overtime:

The Department shall charge at the overtime rate per hour for any time in excess of eight (8) hours any single day (Monday through Friday,) or forty (40) hours any single week, or for Saturday, Sunday and holidays.

2.2.8. Special Work:

The Department shall assess fees for irregular size container or special work on the basis of the fee schedule set forth in this rule as closely as practical.