



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Agriculture TITLE-SERIES: 61-08B
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Schedule Of Charges For Inspection Services:
Fruit
CITE STATUTORY AUTHORITY: 19-2-5, 19-1-4(k)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 361

Section 64-9-3 Passed On 3/11/2023 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2023

This rule shall terminate and have no further force or effect from the following date:

August 01, 2033

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.

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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, §19-1-4(k).
- 1.3. Filing Date. -- April 13, 2023
- 1.4. Effective Date. -- May 1, 2023
- 1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on August 1, 2033.

§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, inspect and issue Federal-State Inspection Certificates, certify the quality, or condition for fruit produced, sold traded, exchanged, transported through 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:

As required by WVDA’s cooperative agreement with USDA, WVDA will charge the hourly rate for GAP.GHP audits that is established by USDA’s Agricultural Marketing Service.

2.2.3. Fruit Inspection For Quality:

Contract - Weekly Rate 40 hours per week	
Monday through Friday.....	\$500.00

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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.