

Statement of Circumstance

Schedule of Charges for Inspection Services: Fruit

The purpose of the change in the rule is to increase fees charged to producers and processors of fruit. Due to local and regional wage rates, fees must be increased so that the West Virginia Department of Agriculture can remain competitive in their wage offerings.

The Summary of the Change in the Rule

Schedule of Charges for Inspection Services: Fruit

The fees charged to producers and processors of fruit are as follows:

Weekly Rate (~~5-8 hour days~~) 40 hours per week..... \$340.00
Monday through Friday\$500.00
Hourly Rate (1 hour minimum)..... \$ ~~12.00~~ \$20.00
Overtime per hour..... \$ ~~10.00~~ \$30.00
Plus mileage at the WV Department of Agriculture standard rate

Fruit Inspection for bruising.

Weekly Rate) (~~5-8 hour days~~) 40 hours per week..... \$225.00
Monday through Friday.....\$350.00
Hourly rate (1 hour minimum)\$20.00
Overtime per hour..... \$ ~~8.00~~ \$30.00
Per Day..... \$ 40.00
Minimum certificate fee.....\$6.00
Mileage (per mile)..... \$ 0.20
Plus mileage at the WV Department of Agriculture standard rate

Fruit Inspection For Quality and Control:

Weekly Rate (~~5-8 hour days~~) 40 hours per week..... \$225.00
Monday through Friday.....\$350.00
Hourly rate (1 hour minimum)\$20.00
Overtime per hour..... \$ ~~10.00~~ \$30.00
Minimum Certificate Fee..... \$ ~~5.00~~ \$6.00
Mileage (per mile)..... \$ 0.20
Plus mileage at the WV Department of Agriculture standard rate

Fruit Inspection Package Rate:

Per box, basket, carton {approximately
~~one (1) bushel equivalent~~} 25 lbs or less..... \$ 0.05
Per three-fourth (3/4) bushel container
~~(Peaches)~~..... \$ 0.05
Per box, basket, carton-26 lbs or more.....\$ 0.06
Hourly rate (1 hour minimum) \$20.00
Overtime per hour..... \$30.00
Minimum Certificate Fee..... \$ 5.00 \$6.00
Plus mileage at the WV Department of Agriculture standard rate

FVQ Form FJ-294 (State Sanitary Inspection)

Per container ~~approximately one (1)~~

~~bushel equivalent any size~~.....\$ 0.01

Hourly rate [1 hour minimum]..... \$ ~~9.00~~ \$20.00

Overtime per hour..... \$30.00

Plus mileage at the WV Department of Agriculture standard rate

Expenses:

All necessary expenses and ~~twenty (20) cents per mile~~, mileage at the WV Department of Agriculture standard rate. Expenses billed at the discretion of the Department of Agriculture.

Overtime:

Time in excess of eight (8) hours any single day or forty (40) hours any single week, Monday through Friday. Saturday, Sunday and holidays shall be charged at the overtime rate per hour.

Special Work:

Fees for irregular size container or special work will be assessed on the basis of the above schedule as closely as practical.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of Charges for Inspection Services: Fruit

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Agriculture

Address: 1900 Kanawha Boulevard East

Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	\$ 0	0	0	0	0
CURRENT EXPENSE	\$ 0	0	0	0	0
REPAIRS & ALTERATIONS	\$ 0	0	0	0	0
EQUIPMENT	\$ 0	0	0	0	0
OTHER	\$ 0	0	0	0	0

2. Explanation of Above Estimates:

The charges to this rule will have no affect on costs to the state.

3. Objectives of These Rules:

Bring fees in line with those charged in surrounding states.
Fees were last increased in 1988.

Rule Title: Schedule of Charges for Inspection Services: Fruit

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Small increase in special revenue.

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

Some increase in inspection costs to apple and peach growers and apple processors.

C. Economic Impact on Citizens/Public at Large.

None

Date: 4-5-01

Signature of Agency Head or Authorized Representative

Gus R. Douglas

TITLE 61
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

FILED

2001 JUN -5 P 4: 07

SERIES 8B
SCHEDULE OF CHARGES FOR INSPECTION SERVICES OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§ 61-8B-1 General

1.1 Scope - These Legislative Regulations establish charges for Federal-State Inspection Service for Fruit.

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

1.3 Filing Date -

1.4 Effective Date -

§ 61-8B-2 Declaration of Policy

2.1 Charges for Inspection Services - Chapter 19, Article 2, Section 5 of the Official Code of West Virginia, 1931, as amended, provides that the Commissioner of Agriculture may, upon request, render inspection service and issue Federal-State Inspection Certificates certifying 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 Charges - For the purpose of defraying the cost of inspection, the following schedule of charges shall prevail:

2.2.1 Fruit Inspection For Processors:

Weekly Rate (5-8 hour days) <u>40 hours per week</u>	\$340.00
<u>Monday through Friday</u>	<u>\$500.00</u>
Hourly Rate (<u>1 hour minimum</u>).....	\$ 12.00 <u>\$20.00</u>
Overtime per hour.....	\$ 10.00 <u>\$30.00</u>
<u>Plus mileage at the WV Department of Agriculture standard rate</u>	

2.2.2 Fruit Inspection for bruising.

~~Weekly Rate) (5-8 hour days) 40 hours per week..... \$225.00~~
~~Monday through Friday.....\$350.00~~
~~Hourly rate (1 hour minimum)\$20.00~~
~~Overtime per hour..... \$ 8.00-\$30.00~~
~~Per Day..... \$ 40.00~~
~~Minimum certificate fee.....\$6.00~~
~~Mileage (per mile)..... \$ 0.20~~
Plus mileage at the WV Department of Agriculture standard rate

2.2.3 Fruit Inspection For Quality and Control:

~~Weekly Rate (5-8 hour days) 40 hours per week..... \$225.00~~
~~Monday through Friday.....\$350.00~~
~~Hourly rate (1 hour minimum)\$20.00~~
~~Overtime per hour..... \$ 10.00-\$30.00~~
~~Minimum Certificate Fee..... \$ 5.00 \$6.00~~
~~Mileage (per mile)..... \$ 0.20~~
Plus mileage at the WV Department of Agriculture standard rate

2.2.4 Fruit Inspection Package Rate:

Per box, basket, carton {approximately
-one (1) bushel equivalent} 25 lbs or less..... \$ 0.05
Per three-fourth (3/4) bushel container
-(Peaches)..... \$ 0.05
Per box, basket, carton-26 lbs or more.....\$ 0.06
Hourly rate (1 hour minimum) \$20.00
Overtime per hour..... \$30.00
Minimum Certificate Fee..... \$ 5.00-\$6.00
Plus mileage at the WV Department of Agriculture standard rate

Dept. of Agri.
Leg. Regs., 19-2
SERIES 8B, Sec. 2

2.2.5 FVQ Form FJ-294 (State Sanitary Inspection)

Per container ~~approximately one (1)~~
~~—bushel equivalent any size~~.....\$ 0.01
Hourly rate [1 hour minimum]..... ~~\$ 9.00~~ \$20.00
Overtime per hour..... \$30.00
Plus mileage at the WV Department of Agriculture standard rate

2.2.6 Expenses:

All necessary expenses and ~~twenty (20) cents per mile, mileage at the WV Department of Agriculture standard rate. Expenses billed at the discretion of the Department of Agriculture.~~

2.2.7 Overtime:

Time in excess of eight (8) hours any single day or forty (40) hours any single week, Monday through Friday. Saturday, Sunday and holidays shall be charged at the overtime rate per hour.

2.2.8 Special Work:

Fees for irregular size container or special work will be assessed on the basis of the above schedule as closely as practical.