

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: West Virginia Code 19-2-5

AMENDMENT TO AN EXISTING RULE: YES NO

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

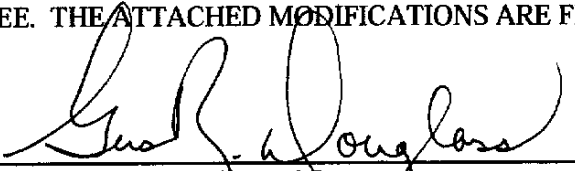
TITLE OF RULE BEING AMENDED: 8 B Schedule of Charges for

Inspection Services: Fruit

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

TITLE 61
WEST VIRGINIA LEGISLATIVE RULE
STATE DEPARTMENT OF AGRICULTURE

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SERIES 8B
SCHEDULE OF CHARGES FOR INSPECTION SERVICES: FRUIT

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 61-8B-1 General

1.1 Scope - ~~These Legislative Regulations establish~~ 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 -

1.4 Effective Date -

§ 61-8B-2 Declaration of Policy

2.1 Charges Fees for Inspection Services - ~~Chapter 19, Article 2, Section 5 of the Official Code of West Virginia, 1931, as amended~~ West Virginia Code §19-2-5, 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 Fees - For the purpose of defraying the cost of inspection, the following schedule of ~~charges shall prevail~~ fees apply:

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 The Department may bill all necessary expenses and twenty (20) cents per mile 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. shall be charged at the overtime rate per hour.

2.2.8 Special Work:

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