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

Do Not Mark In This Box

THE SECRETARY OF STATE

THIS DATE JUNE 21, 2002

ADMINISTRATIVE LAW DIVISION

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Form #6 □

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

AGENCY: West Virginia Department of Agriculture. TITLE NUMBER: 61
AMENDMENT TO AN EXISTING RULE: YES X NO
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8B.
TITLE OF RULE BEING AMENDED: 8B Schedule of Charges for Inspection
Services: Fruit
IF NO, SERIES NUMBER OF RULE BEING PROPOSED:
TITLE OF RULE BEING PROPOSED:
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.
AUTHORIZATION IS CITED IN (house or senate bill number) SB 2001
SECTION 64-9-2C , PASSED ON <u>June 10, 2002</u>
THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: June 21, 2002
Len & Deglan
Authorized Signature



TITLE 61

WEST VIRGINIA LEGISLATIVE RULE STATE DEPARTMENT OF AGRICULTURE

SERIES 8b SCHEDULE OF CHARGES FOR INSPECTION SERVICES: FRUIT

§ 61-8Bb-1 General

- 1.1 Scope <u>This legislative Rule establishes</u> charges for Federal-State Inspection Service for Fruit.
 - 1.2 Authority W. Va. Code 19-2-5
 - 1.3 Filing Date –
 - 1.3 Effective Date -

§ 61-8B-2 Declaration of Policy

- 2.1 <u>Fees</u> for Inspection Services <u>West Virginia Code §19-2-5</u>, 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 <u>Fees</u> For the purpose of defraying the cost of inspection, the following schedule of <u>fees apply:</u>
- 2.2.1 Fruit Inspection For Processors:

Weekly Rate 40 hours per week	
Monday through Friday	\$500.00
Hourly Rate (1 hour minimum)	
Overtime per hour	<u>\$30.00</u>

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

2.2.2 Fruit Inspection for bruising.

Weekly Rate) 40 hours per week

Monday through Friday.....\$350.00

Hourly rate (1 hour minimum.....\$20.00

Overtime per hour.....\$30.00

Minimum certificate fee....\$6.00

2.2.3 Fruit Inspection For Quality and Control:

Weekly Rate 40 hours per week

Monday through Friday.....\$350.00

Hourly rate (1 hour minimum).....\$20.00

Overtime per hour.....\$30.00

Minimum Certificate Fee.....\$6.00

2.2.4 Fruit Inspection Package Rate:

Per box, basket, carton 25 lbs or less.....\$ 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.....\$6.00

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

2.2.5 FVQ Form 294 (State Sanitary Inspection)

Per container any size.....\$ 0.01
Hourly rate [1 hour minimum].....\$20.00
Overtime per hour....\$30.00

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:

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