

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

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2009 MAY -7 PM 2: 23

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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  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: \_\_\_\_\_

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2819

SECTION 64-9-2(a), PASSED ON April 10, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: July 1, 2009



Authorized Signature

FILED

TITLE 61  
WEST VIRGINIA LEGISLATIVE RULE 2009 MAY -7 PM 2:43  
STATE DEPARTMENT OF AGRICULTURE

SERIES 8B  
SCHEDULE OF CHARGES FOR INSPECTION SERVICES: FRUIT

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§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  
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.