



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

FILED
10
1987 APR -6 11 37
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE

RULE TITLE: Schedule of Charges for Inspection Services: Fruit
SERIES 8B

The attached regulation is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

The current and anticipated budget situation for the Department of Agriculture would cause a reduction in personnel and services provided to the fresh and processed fruit industry in West Virginia. In order to reduce the impact of these changes and to permit the industry to provide greater support to this program while bringing West Virginia in line with fees charged by neighboring states, certain changes in the fee schedule are requested, to be implemented on an emergency basis. This will permit us to continue this program for the current year, which involves both the 1986-87 and 1987-88 fiscal years. It appears as if West Virginia will have sizable peach and apple crops (for the first time in several years). This will increase the demand for grading and inspection services, as well as fees generated from them.


Gus R. Douglass
Agriculture Commissioner

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of charges for Inspection Service: Fruit

Type of Rule: Legislative regulations to establish charges for federal-state inspection services for fruit

Agency: West Virginia Department of Agriculture

Address: State Capitol Building

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					
Current Expense					
Repairs & Alterations					
Equipment					
Other					

2. Explanation of above estimates:

None

3. Objectives of these rules:

The objective of these rules is to increase charges by providing federal-state inspection, grading and certification services for fruit produced in West Virginia. The increase will bring these charges more in line with the cost of providing such services and with those being charged by the providers of similar services in adjoining states in the Appalachian fruit region (Virginia, Maryland, Pennsylvania).

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

These rules are expected to increase the receipts for providing such services from a level of \$45,776.32 in FY 85-86 to approximately \$52,000 for a similar amount of fruit inspected in succeeding years.

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

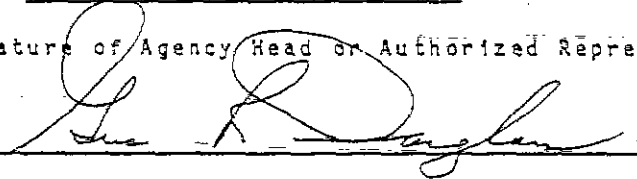
These rules will not impact upon political subdivisions. They will be paid by individual orchardists/fruit producers and/or fruit processors...

C. Economic Impact on Citizens/Public At Large.

The fees collected for this service are only a very small, perhaps less than 1%, of the retail price of the products. The minimal charges proposed in the fees charged will have only a small impact on the public at large.

Date: _____

Signature of Agency Head or Authorized Representative



FILED
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1987 APR - 10 AM 3 38
SECRETARY L. STINE

DATE: April 10, 1987

TO: Legislative Rule Making Review Committee

FROM: West Virginia Department of Agriculture

LEGISLATIVE RULE TITLE: Schedule of Charges for Inspection Service: Fruit
SERIES 8B

1. Authorizing statute(s) citation: W. Va. Code 19-2-5

2. a. Date filed in State Register with Notice of Hearing: January 30, 1987

- b. What other notice, including advertising, did you give the hearing?
Statewide news release, copy of proposed regulations by mail to all
concerned parties and publication in the Market bulletin.

- c. Date of hearing(s): March 25, 1987

- d. Attached list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached Yes No Comments Received None

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact).
April 10, 1987

- f. Name and phone number of agency person to contact for additional information.
John D. Perdue, Phone 348-2203 or 348-3550

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of Hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached: NA

EMERGENCY REGULATIONS
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2

GENERAL INDEX
FOR
SERIES 8B

FILED
10
1937 APR - 8 11 9 37
STATE DEPARTMENT OF AGRICULTURE
SECRETARY OF STATE

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1. General

Section 2. Declaration of Policy

EMERGENCY REGULATIONS
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2
SERIES 8B

FILED
1037 APR - 10 PM 9:37
OFFICE OF THE CLERK
SECRETARY OF STATE

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1 - General

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

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

1.3 Filing Date - April 10, 1987

1.4 Effective Date - April 10, 1987

1.5 Repeal of Former Rule - This legislative rule repeals West Virginia Legislative Regulation, State Department of Agriculture, Chapter 19-2, SERIES VIIIb, Schedule of Charges for Inspection Services: Fruit; Sections 2.2.1; 2.2.2, 2.2.3; 2.2.4; 2.2.6; and 2.2.8

Section 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, sole, 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 hourdays).....	\$340.00
Overtime per hour.....	\$ 10.00
Hourly Rate.....	\$ 12.00

2.2.2 Fruit Inspection For Bruising:

Weekly Rate (5-8 hour days).....	\$225.00
Overtime per hour.....	\$ 8.00
Per Day.....	\$ 40.00
Mileage (per mile).....	\$ 0.20

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

2.2.3 Fruit Inspection For Quality and Control:

Weekly Rate (5-8 hour days).....	\$225.00
Overtime per hour.....	\$ 10.00
Minimum Certificate Fee.....	\$ 5.00
Mileage (per mile).....	\$ 0.20

2.2.4 Fruit Inspection Package Rate:

Per box, basket, carton [approximately one (1) bushel equivalent].....	\$ 0.05
Per three-fourth (3/4) bushel container (Peaches).....	\$ 0.05
Minimum Certificate Fee.....	\$ 5.00

2.2.5 Form FJ-294 (Sanitary Inspection)

Per container approximately one (1) bushel equivalent.....	\$ 0.01
Hourly rate [One (1) hour minimum].....	\$ 9.00

2.2.6 Expenses:

All necessary expenses and twenty (20) cents per mile.

2.2.7 Overtime:

Time in excess of eightg (8) hours any single day or forty
(40) hours any single week.

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.



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

DETAILED STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE

The West Virginia Department of Agriculture has provided Federal-State certified fruit and vegetable grading and inspection services to the fresh and processed fruit industry in West Virginia. The fees charged for this service have historically been nominal, and it has been necessary to support inspection personnel from state appropriated funds. In recent years, these fees have been adjusted upwardly to bring them more into line with actual expenditures for providing the service. The impetus to do this was further supported by the recommendations of the Governor's Management Task Force. The changes that we have requested and wish to implement reflect that action and bring us more into line with actual costs and the charges for such services provided by surrounding states.

BRIEF SUMMARY

LEGISLATIVE RULE: Schedule of Charges for Inspection Services: Fruit
SERIES 88.

The attached regulations provide for authority, effective date, declaration of policy, rates, processors, bruising and quality control for fruit inspection, overtime and special work relating to the fruit industry.

ADMINISTRATIVE REGULATIONS

Schedule of Charges for Inspection Service

A B S T R A C T

The following regulations provide for authority, effective date, declaration of policy, rates, processors, bruising and quality control for fruit inspection, overtime and special work related to the fruit industry.

101

1111

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of charges for Inspection Service: Fruit

Type of Rule: Legislative regulations to establish charges for federal-state inspection services for fruit

Agency: West Virginia Department of Agriculture

Address: State Capitol Building

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					
Current Expense					
Repairs & Alterations					
Equipment					
Other					

2. Explanation of above estimates:

None

3. Objectives of these rules:

The objective of these rules is to increase charges by providing federal-state inspection grading and certification services for fruit produced in West Virginia. The increase will bring these charges more in line with the cost of providing such services and with those being charged by the providers of similar services in adjoining states in the Appalachian fruit region (Virginia, Maryland, Pennsylvania).

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

These rules are expected to increase the receipts for providing such services from a level of \$45,778.32 in FY 85-86 to approximately \$52,000 for a similar amount of fruit inspected in succeeding years.

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

These rules will not impact upon political subdivisions. They will be paid by individual orchardists/fruit producers and/or fruit processors.

C. Economic Impact on Citizens/Public At Large.

The fees collected for this service are only a very small, perhaps less than 1%, of the retail price of the products. The minimal charges proposed in the fees charged will have only a small impact on the public at large.

Date: _____

Signature of Agency Head or Authorized Representative



FILED

1987 APR -9 PM 9:38

SECRETARY OF STATE

DATE: April 10, 1987

TO: LEGISLATIVE RULE MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA DEPARTMENT OF AGRICULTURE

EMERGENCY RULE TITLE: Schedule of Charges for Inspection Services: Fruit
SERIES 8B

1. Date of filing: April 10, 1987

2. Statutory authority for promulgating the emergency rule: West Virginia
Code 19-2-5

3. Date of filing of proposed legislative rule: April 10, 1987

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?
Amends current Legislative Rule.

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

The current and anticipated budget situation for the Department of Agriculture would cause a reduction in personnel and services provided to the fresh and processed fruit industry in West Virginia. In order to reduce the impact of these changes and to permit the industry to provide greater support to this program while bringing West Virginia in line with fees charged by neighboring states, certain changes in the fee schedule are requested, to be implemented on an emergency basis. This will permit us to continue this program for the current year, which involves both the 1986-87 and 1987-88 fiscal years. It appears as if West Virginia will have sizable peach and apple crops (for the first time in several years). This will increase the demand for grading and inspection service, as well as fees generated from them.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or Federal statute or regulation, cite the Code provision, Federal statute or regulation and time limit established therein.

NA

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

In order to reduce the impact of the reduction in personnel and services provided to the fresh and processed fruit industry in West Virginia caused by the current and anticipated budget cuts, these fee schedule changes are requested, to be implemented on an emergency basis. This will bring West Virginia in line with neighboring states and will permit industry to provide greater support to this program. This will permit us to continue this program for the current year, which involves both the 1986-87 and 1987-88 fiscal years.

EMERGENCY REGULATIONS
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2

GENERAL INDEX
FOR
SERIES 88

FILED
1937 APR -9 PM 9 38

SECRETARY OF STATE

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1. General

Section 2. Declaration of Policy

EMERGENCY REGULATIONS
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2
SERIES 8B

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1 - General

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

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

1.3 Filing Date - April 10, 1987

1.4 Effective Date - April 10, 1987

1.5 Repeal of Former Rule - This legislative rule repeals West Virginia Legislative Regulation, State Department of Agriculture, Chapter 19-2, SERIES VIIIb, Schedule of Charges for Inspection Services: Fruit; Sections 2.2.1; 2.2.2, 2.2.3; 2.2.4; 2.2.6; and 2.2.8

Section 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, sole, 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 hourdays).....	\$340.00
Overtime per hour.....	\$ 10.00
Hourly Rate.....	\$ 12.00

2.2.2 Fruit Inspection For Bruising:

Weekly Rate (5-8 hour days).....	\$225.00
Overtime per hour.....	\$ 8.00
Per Day.....	\$ 40.00
Mileage (per mile).....	\$ 0.20

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

2.2.3 Fruit Inspection For Quality and Control:

Weekly Rate (5-8 hour days).....	\$225.00
Overtime per hour.....	\$ 10.00
Minimum Certificate Fee.....	\$ 5.00
Mileage (per mile).....	\$ 0.20

2.2.4 Fruit Inspection Package Rate:

Per box, basket, carton [approximately one (1) bushel equivalent].....	\$ 0.05
Per three-fourth (3/4) bushel container (Peaches).....	\$ 0.05
Minimum Certificate Fee.....	\$ 5.00

2.2.5 Form FJ-294 (Sanitary Inspection)

Per container approximately one (1) bushel equivalent.....	\$ 0.01
Hourly rate [One (1) hour minimum].....	\$ 9.00

2.2.6 Expenses:

All necessary expenses and twenty (20) cents per mile.

2.2.7 Overtime:

Time in excess of eight (8) hours any single day or forty
(40) hours any single week.

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.

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2

GENERAL INDEX
FOR
SERIES VIIIb

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1. General

Section 2. Declaration of Policy

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE March 30, 1943
ADMINISTRATIVE LAW DIVISION

15/11/1

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-2
SERIES VIIIb

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 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 - March 30, 1983

1.4 Effective Date - January 1, 1984

Section 2. Declaration of Policy

2.1 Charges for Inspection Services - Chapter 19, Article 2, Section 5 of the Official Code of West Virginia, 1961, 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).....	\$300.00
Overtime per hour.....	\$ 10.00
Hourly rate.....	\$ 10.00

2.2.2 Fruit Inspection or Bruising:

Weekly Rate (5-8 hour days).....	\$200.00
Overtime per hour.....	\$ 8.00
Per day.....	\$ 40.00
Mileage (per mile).....	\$ 0.22

2.2.3 Fruit Inspection For Quality and Control:

Weekly Rate (5-8 hour days).....	\$200.00
Overtime per hour.....	\$ 8.00
Minimum Certificate Fee.....	\$ 3.00
Mileage (per mile).....	\$ 0.22

2.2.4 Fruit Inspection Package Rate:

Per box, basket, carton (approximately one (1) bushel equivalent).....	\$ 0.04
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Dept. of Agri.
Leg. Regs., 19-2
SERIES VIIIb, Sec. 2

Per three-fourth (3/4) bushel container (Peaches)....\$ 0.04
Minimum Certificate Fee.....\$ 3.00

2.2.5 Form FJ-294 (Sanitary Inspection):

Per container approximately one (1) bushel
equivalent.....\$ 0.01
Hourly Rate [One (1) hour minimum].....\$ 9.00

2.2.6 Expenses:

All necessary expenses and twenty-two cents (22¢) per mile.

2.2.7 Overtime:

Time in excess of eight (8) hours any single day or forty (40)
hours any single week.

2.2.8 Special Work:

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