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1987 APR - 2 04 30  
SECRETARY OF STATE


GUS R. DOUGLASS  
COMMISSIONER

STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

NOTICE OF AGENCY APPROVAL

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

The attached legislative rule constitutes the official rule approved by the West Virginia Department of Agriculture on 10 day of April, 1987, and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule Making Review Committee.

  
Gus R. Douglass  
Agriculture Commissioner



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 8B.

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.

DATE: April 10, 1987

TO: Legislative Rule Making Review Committee

FROM: West Virginia Department of Agriculture

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

PACKAGE  
Sent To  
LRMRC

AGENCY APPROVAL

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

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b. Date of Hearing: NA

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

NA

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d. Attach findings and determinations and reasons:

Attached: NA

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

GENERAL INDEX  
FOR  
SERIES 88

TITLE: Schedule of Charges for Inspection Services: Fruit

Section 1. General

Section 2. Declaration of Policy

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

TITLE: Schedule of Charges for Inspection Services: Fruit

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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, 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).....	\$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.

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

111

West Virginia  
Press Services,  
1033 Quarrier St  
Suite 203  
Charleston, Wv

FEB 3 1987

TELEGRAM  
CLARKSBURG

## Set Public Hearing On Proposed Changes in Fruit Inspection Fees

CHARLESTON — A public hearing on the proposed rule concerning a schedule of charges for inspection services — Fruit, Series VIIIB — will be held at 1 p.m., Wednesday, March 25, in the Federal-State Fruit and Vegetable Inspection Service Office, Inwood.

Comments at the hearing may be oral or written. Written comments may also be mailed to: Rural Resources Division, West Virginia Department of Agriculture, Capitol Building, Charleston,

25305, and will be accepted for 10 days after the hearing.

The department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

For information, contact the Rural Resources Division, West Virginia Department of Agriculture, Charleston, 25305.

West Virginia  
Press Services, Inc.  
1033 Quarrier St.  
Suite 203  
Charleston, WV

FEB 7 1987

EVENING JOURNAL  
MARTINSBURG, WV

## Fruit Hearing Set for March

CHARLESTON — A public hearing on the proposed rule, Schedule of Charges for Inspection Services: Fruit, SERIES VIIIB, will be held at 1 p.m. Wednesday, March 25, at the Federal-State Fruit and Vegetable Inspection Service Office, Inwood.

Comments at the hearing may

be oral or written. Written comments may also be mailed to: Rural Resources Division, West Virginia Department of Agriculture, Capitol Building, Charleston, 25305, and will be accepted for 10 days after the hearing.

The department requests that persons wishing to make comments at the hearing make an

effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

For information, contact the Rural Resources Division, West Virginia Department of Agriculture, Charleston 25305 or call 304-348-2210.

Clipping Division  
West Virginia Press  
Services, Inc.

1033 Quarrier St. Suite 203  
Charleston, WV 25301

FEB 4 1987

Hampshire Review  
Romney, WV

## Public Hearing Set For Regulations

CHARLESTON — A public hearing on the proposed rule, Schedule of Charges for Inspection Services: Fruit, Series VIIIb, will be held at 1 p.m., Wednesday, March 25, at the Federal-State Fruit and Vegetable Inspection Service Office, Inwood.

Comments at the hearing may be oral or written. Written comments may also be mailed to: Rural Resources Division, West Virginia Department of Agriculture, Capitol Building, Charleston, WV 25305, and will be accepted for 10 days after the hearing.

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

For information, contact the Rural Resources Division, West Virginia Department of Agriculture, Charleston, WV 25305, telephone (304) 348-2210.

West Virginia  
Press Services, Inc.  
1033 Quarrier St.  
Suite 203  
Charleston, WV

MAR 21 1987

REGISTER  
PT. PLEASANT, WV

## Hearing On Inspection Charges

A public hearing on the proposed rule, Schedule of Charges for Inspection Services: Fruit, SERIES VIIIb, will be held at 1 p.m. Wednesday, March 25, at the Federal-State Fruit and Vegetable Inspection Service Office, Inwood.

Comments at the hearing may be oral or written. Written comments may also be mailed to: Rural Resources Division, West Virginia Department of Agriculture, Capitol Building, Charleston, W.Va. 25305, and will be accepted for 10 days after the hearing.

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

For information, contact the Rural Resources Division, West Virginia Department of Agriculture, Charleston, W.Va. 25303, telephone (304) 348-2210.