

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED
1988 APR -6 PM 3:18
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: DEPARTMENT OF AGRICULTURE TITLE NUMBER: 61

AMENDMENT TO AN EXISTING RULE: YES XXX, 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 NEW RULE BEING PROPOSED: _____

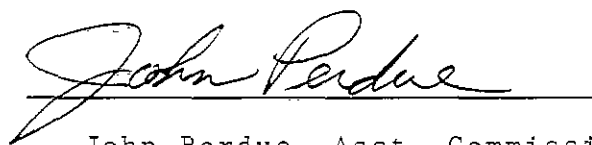
TITLE OF RULE BEING PROPOSED: _____

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 397

SECTION 64-2-19(2)(10), PASSED ON March 12, 1988

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 6, 1988



John Perdue, Asst. Commissioner

FISCAL NOTE FOR PROPOSED RULES

FILED
10
1997 APR -7 PM 3:25

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

SECRETARY OF STATE

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.

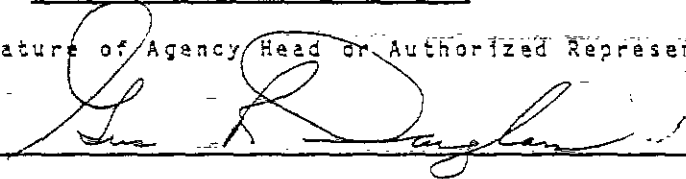
These rules will not impact upon political subdivisions. They will be paid by individual orchardists/fruit producers and/or fruit processors.

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



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

FILED
107 APR - 19 PM 9 38
SECRETARY OF STATE

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 -

1.4 Effective Date -

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

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.