



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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7/19/2016 11:34:18 AM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Agriculture**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **61-30**  
RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Friday, August 19, 2016 12:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO  
**Jodee Martin  
WV Dept. of Agriculture  
1900 Kanawha Boulevard, East  
Charleston, WV 25305**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Vanessa L Harper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 61-30



Rule Id: 10233



Document: 27745



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

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CITE AUTHORITY **§19-34-3**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL  
**Repealing 61CSR30**

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Agriculture**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **61-30**  
RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

**PRIMARY CONTACT**

Jodee Martin  
1900 Kanawha Boulevard, East

Charleston, STATE ZIP

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**No fiscal impact**

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

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CITE AUTHORITY **§19-34-3**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES	0.00	0.00	0.00
CURRENT EXPENSES	0.00	0.00	0.00
REPAIRS AND ALTERATIONS	0.00	0.00	0.00
ASSETS	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Vanessa L Harper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

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CITE AUTHORITY **§19-34-3**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

**NA**

**Vanessa L Harper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

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RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**N/A**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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Title-Series: 61-30



Rule Id: 10233



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~~Title 61~~  
~~Legislative Rule~~  
~~Dangerous Wild Animals~~  
~~Series 30~~

~~§61-30-1. General.~~

~~1.1. Scope. This legislative rule establishes the West Virginia Dangerous Wild Animals list, caging requirements, permit fees, as well as establishes a date for the Dangerous Wild Animal Board to annually review the list of prohibited Dangerous Wild Animals to determine if animals should be added to the list.~~

~~1.2. Authority. WV Code §19-34-3~~

~~1.3. Filing Date. April 14, 2015~~

~~1.4. Effective Date. June 1, 2015~~

~~§61-30-2. Definitions.~~

~~2.1. "Animal Welfare Act" means a law passed by the United States Congress in 1966 7 U.S.C. §2132 (e) in which sets for caging standards to help protect animals from inhumane treatment.~~

~~2.2. "Applicant" means any person who requests permission from the Dangerous Wild Animal Board to possess a Dangerous Wild Animal.~~

~~2.3. "Cage" means an enclosure of wires, bars, or a glass sided container, which is used to confine mammals, birds, reptiles, amphibians or aquatic animals to prevent escape.~~

~~2.4. "Caging Requirements" means standards which a cage must meet to confine mammals, birds, reptiles, amphibians, or aquatic animals to prevent escape.~~

~~2.5. "Dangerous Wild Animal Board" or "Board" means a board of consisting of the Commissioner of Agriculture, the Secretary of the West Virginia Department of Health and Human Services, and the Director of the West Virginia Division of Natural Resources, or their respective designees, which oversees and regulates dangerous wild animals, and issues and revokes permits~~

~~2.6. "Dangerous Wild Animal List" means a list of mammals, birds, reptiles, amphibians, or aquatic animals, including hybrids, that are considered dangerous to humans, other animals, or to the environment to their inherent nature and capability to do significant harm.~~

~~2.7. "Permit" means approval or permission granted to an applicant by the Dangerous Wild Animal Board to possess a Dangerous Wild Animal in the state of West Virginia.~~



~~§61-30-3. Dangerous Wild Animal List.~~

~~3.1. A person may not possess any dangerous wild animal on the following list without first obtaining a permit from the Board:~~

- ~~3.1.a. Hyenas;~~
- ~~3.1.b. Gray wolves, excluding hybrids;~~
- ~~3.1.c. Lions;~~
- ~~3.1.d. Tigers;~~
- ~~3.1.e. Jaguars;~~
- ~~3.1.f. Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards; and~~
- ~~3.1.g. All of the following, including hybrids with domestic cats unless otherwise specified:~~
  - ~~3.1.g.1. Cheetahs;~~
  - ~~3.1.g.2. Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;~~
  - ~~3.1.g.3. Cougars, also known as pumas or mountain lions; and~~
  - ~~3.1.g.4. Caracals.~~
- ~~3.1.h. Bears; (excluding black bears native to this state);~~
- ~~3.1.i. Elephants;~~
- ~~3.1.j. Rhinoceroses;~~
- ~~3.1.k. Hippopotamuses;~~
- ~~3.1.l. Cape buffalo;~~
- ~~3.1.m. African wild dogs;~~
- ~~3.1.n. Komodo dragons;~~
- ~~3.1.o. Nonhuman primates, excluding:~~
  - ~~3.1.o.1. Lemurs;~~
  - ~~3.1.o.2. Golden lion, black faced lion, golden rumped lion, cotton top, emperor, saddlebacked, blackmantled, and Geoffroys tamarins;~~
  - ~~3.1.o.3. Southern and northern night monkeys;~~
  - ~~3.1.o.4. Dusky titi and masked titi monkeys;~~
  - ~~3.1.o.5. Muriquis;~~
  - ~~3.1.o.6. Goeldi's monkeys;~~
  - ~~3.1.o.7. White faced, black bearded, white nose bearded, and monk sakis;~~
  - ~~3.1.o.8. Bald and black uakaris;~~
  - ~~3.1.o.9. Black handed, white bellied, brown headed, and black spider monkeys;~~
  - ~~3.1.o.10. Common woolly monkeys; and~~
  - ~~3.1.o.11. Red, black, and mantled howler monkeys.~~

~~§61-30-4. Caging.~~

~~4.1. Animals listed in this section shall be caged in accordance with Zoological Association of American (ZAA) Animal Care & Enclosure Standards, 2014 Edition.~~

~~§61-30-5. Fees.~~

~~5.1. An applicant shall annually submit a \$10.00 application fee to the West Virginia Department of Agriculture in order to register all dangerous wild animals in his or her possession and shall also submit the following fees for any of the following animals which he or she possesses:~~

~~5.1.a. A \$150.00 fee for each mammal;~~

~~5.1.b. A \$100.00 fee for each reptile, other than snakes;~~

~~5.1.c. A \$50.00 fee for each snake.~~

~~§61-30-6. Annual Review.~~

~~6.1. The Dangerous Wild Animal Board shall meet annually by June 1<sup>st</sup> to review the list of prohibited Dangerous Wild Animals set forth in section three of this rule.~~

~~6.2. The Dangerous Wild Animal Board shall meet annually on or by December 1<sup>st</sup> to review current permits in order to make permits effective for the next calendar year beginning January 1<sup>st</sup>.~~

~~6.2.a. On or by December 1<sup>st</sup> each year the board shall meet to determine if animals should be added to the list.~~