



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Agriculture**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **61-30**

RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 10 -- LEGISLATIVE QUESTIONNAIRE (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

Chris Ferro
1900 Kanawha Boulevard, East

Charleston, STATE ZIP

SECONDARY CONTACT

3045583200
1900 Kanawha Boulevard, East

Charleston, STATE SECONDARY ZIP SECONDARY

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 10 -- LEGISLATIVE QUESTIONNAIRE (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**

AUTHORIZING STATUTE(S) CITATION
§19-34-3

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Tuesday, July 19, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
N/A

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Friday, August 19, 2016

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

AGENCY **Agriculture**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **61-30**

RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

No comments received

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Tuesday, August 23, 2016

**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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)

AGENCY **Agriculture**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **61-30**

RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. 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.

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

AGENCY **Agriculture**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **61-30**

RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

DATE OF HEARING OR COMMENT PERIOD

Tuesday, July 19, 2016

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

Tuesday, August 23, 2016

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

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

Chris Ferro
1900 Kanawha Boulevard, East

Charleston, STATE ZIP

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: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

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**

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

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.



Title-Series: 61-30



Rule Id: 10233



Document: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

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

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

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.



Title-Series: 61-30



Rule Id: 10233



Document: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

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

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

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.



Title-Series: 61-30



Rule Id: 10233



Document: 28841



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/23/2016 11:17:48 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Agriculture**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **61-30**
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.

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: 28841

~~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 1st 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 1st to review current permits in order to make permits effective for the next calendar year beginning January 1st.~~

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