



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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6/22/2017 9:43:44 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 **Yes** TITLE-SERIES **61-01A**  
RULE NAME **Feeding of Untreated Garbage to Swine**

CITE AUTHORITY **§19-9A**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Saturday, July 22, 2017 12:00 PM**

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

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

**Yes**  
**Norman Bailey -- 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: 61-01A



Rule Id: 16507



Document: 49478



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

AGENCY	Agriculture		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Feeding of Untreated Garbage to Swine	TITLE-SERIES	61-01A

CITE AUTHORITY §19-9A

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

**This rule is being amended to increase the fee from \$5 to \$20 for a swine garbage feeding permit.**

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

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

AGENCY	<b>Agriculture</b>				
RULE TYPE	<b>Legislative</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>Yes</b>	<b>TITLE-SERIES</b>	<b>61-</b>
RULE NAME	<b>Feeding of Untreated Garbage to Swine</b>				<b>01A</b>

CITE AUTHORITY §19-9A

**PRIMARY CONTACT**

Jodee Martin  
WV Dept of Agriculture  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

**Norman Bailey -- 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 1)**

AGENCY	<b>Agriculture</b>				
RULE TYPE	<b>Legislative</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>Yes</b>	<b>TITLE-SERIES</b>	<b>61-</b>
RULE NAME	<b>Feeding of Untreated Garbage to Swine</b>				<b>01A</b>

CITE AUTHORITY §19-9A

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

Revisions to 61CSR1A for Feeding of Untreated Garbage to Swine allow for an increase to permitting fee from \$5 to \$20.

Norman Bailey -- 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 2)**

AGENCY **Agriculture**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **61-01A**  
RULE NAME **Feeding of Untreated Garbage to Swine**

CITE AUTHORITY **§19-9A**

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)
<b>ESTIMATED TOTAL COST</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PERSONAL SERVICES</b>			
<b>CURRENT EXPENSES</b>			
<b>REPAIRS AND ALTERATIONS</b>			
<b>ASSETS</b>			
<b>OTHER</b>			
<b>ESTIMATED TOTAL REVENUES</b>	<b>0</b>	<b>120</b>	<b>120</b>

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

AGENCY	Agriculture				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	61-
RULE NAME	Feeding of Untreated Garbage to Swine				01A

CITE AUTHORITY §19-9A

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

Based on the average permit issuances of the current and previous two (2) fiscal years, the proposed fee increase would result in an additional \$120 in a 12 month period (average of 8 permits x \$15/permit increase). No increases in cost are anticipated at this time.

Norman Bailey -- 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)**

AGENCY	<b>Agriculture</b>				
RULE TYPE	<b>Legislative</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>Yes</b>	<b>TITLE-SERIES</b>	<b>61-</b>
RULE NAME	<b>Feeding of Untreated Garbage to Swine</b>				<b>01A</b>

CITE AUTHORITY §19-9A

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.

**None noted.**

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

**Norman Bailey -- 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 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY	Agriculture		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Feeding of Untreated Garbage to Swine	TITLE-SERIES	61-01A

CITE AUTHORITY §19-9A

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Revisions to 61CSR1A for Feeding of Untreated Garbage to Swine allow for an increase to permitting fee from \$5 to \$20.

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

**Yes**  
Norman Bailey -- 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: 61-01A



Rule Id: 16507



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**61CSR1A**

TITLE 61  
LEGISLATIVE RULE  
DEPARTMENT OF AGRICULTURE

SERIES 1A  
FEEDING OF UNTREATED GARBAGE TO SWINE

**61-1A-1. General.**

1.1. Scope. -- These legislative regulations establish general operating rules and procedures in the Animal Disease Control Division and are established to prevent, suppress, control and eradicate communicable diseases of swine.

1.2. Authority. -- W. Va. Code '19-9A.

1.3. Filing Date. -- ~~May 31, 1985.~~

1.4. Effective Date. -- ~~May 31, 1985.~~

1.5. Sun Set Date: -- This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

**61-1A-2. Permit For Feeding Garbage To Swine.**

2.1. No person shall feed garbage to swine until a permit has been secured from the Commissioner and properly posted on the swine feeding premises.

2.2. The fee for a swine garbage feeding permit shall be ~~five dollars (\$5.00)~~ \$20.00.

2.3. A permit to feed cooked garbage to swine is not transferrable.

2.4. The Commissioner, after receiving an application for a permit to feed cooked garbage to swine or to renew the same, may cause an investigation to be made of the garbage feeding premises of the applicant, and all the equipment used for heating and treating garbage, to ascertain whether or not the premises and equipment are suitable and adequate. If it is found that the premises or equipment are inadequate for the heating, treating or feeding of garbage to swine, the permit shall be withheld until the applicant has provided adequate facilities.

2.5. All premises and equipment that are used for cooking and feeding garbage shall be kept in a sanitary condition.

**61-1A-3. Interstate Movement Of Swine Fed Uncooked Garbage.**

3.1. Swine shall not be imported into this State that have been fed or have had access to uncooked garbage. All persons, firms, corporations, partnerships or associations, or employees of the same, who operate a public market, concentration point, pickup station or any other kind of business where livestock is

## 61CSR1A

bought, sold, traded or received for resale, whether licensed by the Commissioner or not, shall not receive for resale, buy, sell or trade in any manner whatsoever any swine that they have reasons to believe have been fed or have had access to uncooked garbage.