



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

7/27/2017 10:35:39 AM

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

AGENCY: Agriculture TITLE-SERIES: 61-01A
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-01A Feeding of Untreated Garbage to Swine

PRIMARY CONTACT

NAME: Jodee Martin
ADDRESS: WV Dept Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305
EMAIL: jodeemartin@wvda.us
PHONE NUMBER: 304-558-3550

CITE STATUTORY AUTHORITY: §19-9A

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§19-9A-7 authorizes the Commissioner of Agriculture to enforce and administer this rule and regulations as deemed necessary to carry of the purposes of the article.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The amendment is a proposed fee increase for the permit from \$5 to \$20.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The permit fee has not been increased in over 30 years.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

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 increase in cost are anticipated at this time.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

A proposed fee increase from \$5 to \$20 for permit.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2017 Increase/Decrease (use "-")	2018 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues	0	120	120

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

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 increase in cost are anticipated at this time.

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

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. Sunset 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 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.