

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1046 Session of  
1993

INTRODUCED BY STAPLETON, MADIGAN, O'PAKE, STEWART, STOUT,  
PORTERFIELD AND MUSTO, APRIL 28, 1993

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 28, 1993

AN ACT

1 Amending the act of June 22, 1931 (P.L.682, No.249), entitled,  
2 as amended, "An act relating to birds, fowl and domestic  
3 animals, and providing for their appraisement when condemned  
4 to prevent the spread of disease; and regulating payments by  
5 the Commonwealth in such cases, and the payment of salvage by  
6 butchers," further defining "domestic animal" or "animal";  
7 and further providing for compensation of owners of domestic  
8 animals.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 1 and 2 of the act of June 22, 1931  
12 (P.L.682, No.249), referred to as the Diseased Animal  
13 Condemnation Law, amended October 10, 1974 (P.L.680, No.227),  
14 are amended to read:

15 Section 1. Be it enacted, &c., That the word "salvage," as  
16 used in this act, means the net proceeds an owner of a domestic  
17 animal, at the time of appraisal and condemnation, realizes from  
18 the sale of the live animal, or the carcass, hide and offal.

19 The word "condemned," as used in this act, means that a  
20 domestic animal has been adjudged, by an authorized officer or

agent of the Department of Agriculture, to be diseased and ordered to be slaughtered to prevent the spread of disease.

The phrase "domestic animal" or "animal," as used in this act, includes a bird or fowl or any wild or semiwild animal held in captivity unless the context clearly indicates otherwise.

Section 2. The Commonwealth hereby agrees to compensate owners of domestic animals condemned to prevent the spread of disease. Such compensation shall be determined as follows:

(a) The amount of compensation paid by the Commonwealth, together with the salvage and any compensation received by the owner from other sources, shall not in any case exceed ninety percent of the appraised value of the animal; [and]

(b) The amount of compensation paid by the Commonwealth shall be sixty-seven percent of the appraised value for a horse, jack, mule, bovine animal, sheep, or swine, except that in no event shall any such compensation exceed the sum of one thousand dollars (\$1,000) per head of cattle; three hundred dollars (\$300) per horse, jack, mule, or head of swine; one hundred dollars (\$100) per sheep or goat; except that in no case shall compensation paid by the Commonwealth exceed the sum of one hundred thousand dollars (\$100,000) for any herd of animals[.]; and

(c) The amount of compensation paid by the Commonwealth for any wild or semiwild animal in captivity and condemned by the Department of Agriculture to prevent the spread of disease shall be no more than three hundred dollars (\$300) per animal or sixty-seven percent of the appraised value of the animal, whichever is less, except that in no case shall the compensation paid by the Commonwealth exceed the sum of one hundred thousand dollars (\$100,000) for any herd of animals.

1       The Secretary of Agriculture may authorize payment of  
2 indemnity for tuberculosis and/or brucellosis and/or Johne's  
3 disease in bovine animals which have been found to be exposed,  
4 is a part of a known infected herd, and it has been determined  
5 by the herd owner's veterinarian and the Director of the Bureau  
6 of Animal Industry in the Department of Agriculture that  
7 destruction of all the cattle in the herd will contribute to the  
8 tuberculosis and/or brucellosis and/or Johne's disease  
9 eradication program, provided that the joint State-Federal  
10 indemnity payments, plus salvage, does not exceed ninety percent  
11 of the appraised value of the animal.

12       Swine affected with or exposed to hog cholera, which has been  
13 confirmed by an official laboratory of the Pennsylvania Bureau  
14 of Animal Industry, and which are to be destroyed to prevent  
15 further spread of the disease, shall be appraised at their  
16 actual value for meat, feeding, or breeding purposes at the  
17 place and time of appraisal, except that in the case of grade  
18 animals only females shall be eligible for appraisal based on  
19 breeding value and that no such appraisal shall exceed three  
20 times the animal's meat or feeding value.

21       Claims for purebred registered animals shall be supported by  
22 proper certificates of registration and transfer papers issued  
23 by recognized purebred registry associations.

24       Section 2. This act shall take effect in 60 days.