

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 141 Session of
1993

INTRODUCED BY CLYMER, GEIST, CLARK, TRELLO, HERSHEY, GODSHALL,
HECKLER AND MILLER, FEBRUARY 1, 1993

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 16, 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 appraisal 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

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

3 The phrase "domestic animal" or "animal," as used in this
4 act, includes a bird or fowl ~~or any wild or semiwild animal held~~ <—
5 ~~in captivity~~ OR ANY EQUINE ANIMAL OR BOVINE ANIMAL, SHEEP, GOAT, <—
6 PIG, DOG, CAT OR POULTRY OR ANY WILD OR SEMIWILD ANIMAL HELD IN
7 CAPTIVITY, unless the context clearly indicates otherwise.

8 THE PHRASE "WILD OR SEMIWILD ANIMAL," AS USED IN THIS ACT, <—
9 INCLUDES A DOMESTIC ANIMAL WHICH IS NOW OR HISTORICALLY HAS BEEN
10 FOUND IN THE WILD, INCLUDING, BUT NOT LIMITED TO, BISON, DEER,
11 ELK, LLAMAS OR ANY SPECIES OF FOREIGN OR DOMESTIC CATTLE, SUCH
12 AS ANKOLE, GAYAL AND YAK.

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

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

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

30 (c) The amount of compensation paid by the Commonwealth for

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

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

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

28 Claims for purebred registered animals shall be supported by
29 proper certificates of registration and transfer papers issued
30 by recognized purebred registry associations.

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