

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1046 Session of  
1993INTRODUCED BY STAPLETON, MADIGAN, O'PAKE, STEWART, STOUT,  
PORTERFIELD AND MUSTO, APRIL 28, 1993SENATOR STAPLETON, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED,  
JUNE 8, 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 DEFINING "HERD OR FLOCK OF ANIMALS" AND "WILD OR SEMIWILD  
8 ANIMAL"; and further providing for compensation of owners of  
9 domestic animals. <—

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

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

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

20 The word "condemned," as used in this act, means that a

1 domestic animal has been adjudged, by an authorized officer or  
2 agent of the Department of Agriculture, to be diseased and  
3 ordered to be slaughtered to prevent the spread of disease.

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

9 THE PHRASE "HERD OR FLOCK OF ANIMALS," AS USED IN THIS ACT, <—  
10 REFERS TO THE AGGREGATE NUMBER OF ANIMALS, REGARDLESS OF  
11 SPECIES, FOUND ON A SINGLE PREMISES OR ON CONTIGUOUS OR  
12 ADJOINING PREMISES UNDER A COMMON OWNERSHIP. THIS SHALL INCLUDE,  
13 BUT NOT BE LIMITED TO, A FARM OR AGRICULTURAL OPERATION, A ZOO,  
14 A MENAGERIE OR AN EXHIBITION OR COLLECTION WHERE ANIMALS OF ONE  
15 OR MORE SPECIES ARE KEPT OR BRED REGARDLESS OF THE PURPOSES FOR  
16 WHICH THE ANIMALS ARE KEPT OR BRED.

17 THE PHRASE "WILD OR SEMIWILD ANIMAL," AS USED IN THIS ACT,  
18 INCLUDES A DOMESTIC ANIMAL WHICH IS NOW OR HISTORICALLY HAS BEEN  
19 FOUND IN THE WILD, INCLUDING, BUT NOT LIMITED TO, BISON, DEER,  
20 ELK, LLAMAS OR ANY SPECIES OF FOREIGN OR DOMESTIC CATTLE, SUCH  
21 AS ANKOLE, GAYAL AND YAK.

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

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

29 (b) The amount of compensation paid by the Commonwealth  
30 shall be sixty-seven percent of the appraised value for a horse,

1 jack, mule, bovine animal, sheep, or swine, except that in no  
2 event shall any such compensation exceed the sum of one thousand  
3 dollars (\$1,000) per head of cattle; three hundred dollars  
4 (\$300) per horse, jack, mule, or head of swine; one hundred  
5 dollars (\$100) per sheep or goat; except that in no case shall  
6 compensation paid by the Commonwealth exceed the sum of one  
7 hundred thousand dollars (\$100,000) for any herd OR FLOCK of <—  
8 animals[.]; and

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

17 The Secretary of Agriculture may authorize payment of  
18 indemnity for tuberculosis and/or brucellosis and/or Johne's  
19 disease in bovine animals which have been found to be exposed,  
20 is a part of a known infected herd, and it has been determined  
21 by the herd owner's veterinarian and the Director of the Bureau  
22 of Animal Industry in the Department of Agriculture that  
23 destruction of all the cattle in the herd will contribute to the  
24 tuberculosis and/or brucellosis and/or Johne's disease  
25 eradication program, provided that the joint State-Federal  
26 indemnity payments, plus salvage, does not exceed ninety percent  
27 of the appraised value of the animal.

28 Swine affected with or exposed to hog cholera, which has been  
29 confirmed by an official laboratory of the Pennsylvania Bureau  
30 of Animal Industry, and which are to be destroyed to prevent

1 further spread of the disease, shall be appraised at their  
2 actual value for meat, feeding, or breeding purposes at the  
3 place and time of appraisal, except that in the case of grade  
4 animals only females shall be eligible for appraisal based on  
5 breeding value and that no such appraisal shall exceed three  
6 times the animal's meat or feeding value.

7 Claims for purebred registered animals shall be supported by  
8 proper certificates of registration and transfer papers issued  
9 by recognized purebred registry associations.

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