

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 162

(By Mr. Seiger)

PASSED February 27 1953

In Effect ninety days from Passage



FILED IN THE OFFICE OF THE SECRETARY OF STATE  
OF WEST VIRGINIA MAR 5 1953  
D. PITT O'BRIEN,  
SECRETARY OF STATE

162

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**Senate Bill No. 162**  
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AN ACT to amend and reenact sections two, twenty-nine, thirty and thirty-three, article nine, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to diseases among domestic animals.

*Be it enacted by the Legislature of West Virginia:*

That sections two, twenty-nine, thirty and thirty-three, article nine, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. *Duties and Powers of Commissioner.*—(a)

- 2 To prevent, suppress, control and eradicate any communi-
- 3 cable diseases of animals or poultry;

4 (b) To make and enforce such rules and regulations  
5 as may be necessary to effectuate the provisions of this  
6 **article;**

7 (c) To collect and disseminate information and sta-  
8 tistics by means of circulars and bulletins on the preval-  
9 ence and control of animal and poultry diseases and their  
10 treatment, the proper care and sanitation of stables and  
11 other buildings, so as to prevent the existence and spread  
12 of communicable diseases among such animals and poul-  
13 try, and such other information relative thereto as will  
14 be of value to the stock industry of the state;

15 (d) To make or cause to be made any investigations  
16 he may deem advisable regarding the causes and methods  
17 of preventing, controlling and eradicating diseases of  
18 animals or poultry, and exercise such other powers and  
19 perform such other duties as may be proper or necessary  
20 to prevent the spread of, eradicate or control any com-  
21 municable disease among animals or poultry including  
22 the power to promulgate, issue, and enforce regulations  
23 prohibiting the feeding of garbage to swine unless said  
24 garbage has been thoroughly heated to a temperature of

25 at least 212° F for at least thirty minutes or treated in  
26 some other manner equally effective for the prevention  
27 of swine diseases and the protection of public health,  
28 such regulations not to apply to any individual who feeds  
29 only his own household garbage to swine which are  
30 raised for such individual's own use;

31 (e) To prohibit the importation into this state of ani-  
32 mals and poultry, when necessary to prevent the spread  
33 of disease;

34 (f) To cause general or special quarantine of prem-  
35 ises and of animals and poultry to be established and  
36 maintained;

37 (g) To cause the disinfection of any premises;

38 (h) To cause the destruction of diseased animals, when  
39 such animals are deemed diseased as a result of physical  
40 examination or an approved test, and of infected personal  
41 property, and to regulate and prohibit the moving or  
42 transportation of such animals or property from one place  
43 to another in this state;

44 (i) To have charge of the enforcement of the provi-  
45 sions of this article and the laws of the state relating to

46 diseases of animals and poultry, and the manufacture,  
47 preparation, storage, sale and offering for sale of the food  
48 and food products derived from diseased animals and  
49 poultry.

Sec. 29. *When Right of Indemnity Does Not Exist.*—

2 The right of indemnity shall not exist nor shall payment  
3 be made in any of the following cases:

4 (a) For animals owned by the United States, this  
5 state, or any county, city, town or village in this state;

6 (b) For animals brought into this state contrary to  
7 the provisions of this article, or where the owner of the  
8 animals or person claiming compensation has failed to  
9 comply with the provisions of the same;

10 (c) When the owner or claimant at the time of com-  
11 ing into possession of the animal knew or had reason to  
12 believe it to be afflicted with a communicable disease;

13 (d) When the owner has been guilty of negligence or  
14 carelessly exposed such animals to a communicable dis-  
15 ease;

16 (e) When the owner has refused or neglected to com-

17 ply with the sanitary requirements of the commissioner  
18 of agriculture or his agents;

19 (f) When the animals are fully sexed males over six  
20 months age and are not registered.

Sec. 30. *Appraisal of Diseased Animals; Amount; Arbitration; Fees of Arbitrators.*—The commissioner or his  
2 agent shall act as appraiser and appraise each diseased  
3 animal within five days prior to the date of slaughter,  
4 basing the amount upon the class and market value of  
5 the animal at the time of the appraisal, whether for  
6 breeding purposes or for milk or meat production. Ani-  
7 mals reacting to any approved test, but not exhibiting  
8 any physical evidence of disease, shall be appraised with-  
9 out considering the presence of a diseased condition, but  
10 animals exhibiting any physical evidence of disease shall  
11 be appraised as diseased animals: *Provided, however,*  
12 That where indemnities are claimed for animals slaught-  
13 ered on account of being infected with rabies, apprais-  
14 ment shall be based on the value of the animal before it  
15 became infected. The amount of appraisal for a non-  
16 registered equine animal shall not exceed seventy-five  
17

18 dollars, for a registered equine animal one hundred dol-  
19 lars, for a nonregistered bovine animal one hundred  
20 dollars, for a registered bovine animal two hundred  
21 dollars, for a nonregistered swine twenty-five dollars,  
22 for a registered swine forty dollars, for a nonregistered  
23 sheep ten dollars, and for a registered sheep twenty-five  
24 dollars. Animals under six months of age which are  
25 eligible to registration shall be appraised as registered  
26 animals. If the amount of appraisal of any animal, as  
27 determined by the appraiser, is not satisfactory to the  
28 owner of the animal, a written notice of such fact setting  
29 forth the reason for complaint, shall be made at once to  
30 the appraiser. The amount of the appraisal shall then  
31 be determined by arbitrators one to be appointed by the  
32 appraiser and one by the owner of the animal. If these  
33 arbitrators are not able to agree as to the amount of ap-  
34 praisal, a third arbitrator shall be appointed by them,  
35 whose decision shall be final. Each arbitrator shall be  
36 paid one dollar for each appraisal of five or less than  
37 five animals and two dollars if more than five animals  
38 are appraised. Compensation for the arbitrators ap-

39 pointed by the owner and the appraiser shall be paid by  
40 the party appointing such arbitrator, and in case a third  
41 arbitrator is chosen, such arbitrator shall be paid by the  
42 party against whom the decision is made.

Sec. 33. *Payment of Indemnity.*—All claims for indemnity for animals slaughtered as tuberculosis shall be paid in the manner prescribed in section thirty-seven of this article. In all other cases when animals are slaughtered as provided by the article the veterinarian shall forthwith forward the certificates of appraisal and slaughter, together with the owner's claim for indemnity, and his affidavit that he has, in all respects, complied with the agreement provided for in section twenty-eight of this article and with the requirements of the commissioner in respect thereto, to the commissioner, who shall, if the same is found to be correct and the claim not barred by the provisions of section twenty-nine of this article, approve and file the same. The commissioner shall, at the end of each fiscal year, issue his requisition to the state auditor for two-thirds of the value of the certificates of appraisal so approved: *Provided*, That in case of an out-

18 break of foot and mouth disease, or any other dangerous-  
19 ly contagious or infectious disease among bovine animals,  
20 ovine animals, or swine, on account of which bovine ani-  
21 mals, ovine animals or swine are being destroyed by co-  
22 operative order of federal and state authority, and for  
23 which animals so destroyed the federal government pays  
24 one-half of the indemnity herein provided for, this state  
25 shall pay one-half, and only one-half, of such indemnity.  
26 The state auditor shall issue his warrant on the state  
27 treasurer, in favor of the claimant, for the amount ord-  
28 ered by the commissioner, which amount shall be paid  
29 out of the current appropriation made for carrying out  
30 the provisions of this article: *Provided further*, That in  
31 case the amount of such certificates of appraisal, and  
32 those similarly provided for in section thirty-seven of  
33 this article, in any one year, shall exceed the current  
34 appropriation therefor, such certificates shall be paid  
35 pro rata at the end of each fiscal year.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*H. M. Kuley*  
Chairman Senate Committee

*A. A. Aubler*  
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

*Howard Dyer*  
Clerk of the Senate

*J. D. Slipp*  
Clerk of the House of Delegates

*Ralph B. Bunn*  
President of the Senate

*W. E. Johnson*  
Speaker House of Delegates

The within *approved* this the *5<sup>th</sup>*  
day of *March*, 1953.

*William C. Marland*  
Governor.

