WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 162

(By Mr.

PASSED February 27, 1953
In Effect 90 days from Passage


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Held in the Office of the Secretary of State
of West Virginia

MAR 5 1953
D. FITT O'BRIEN,
SECRETARY OF STATE
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 communicable diseases of animals or poultry;
(b) To make and enforce such rules and regulations as may be necessary to effectuate the provisions of this article;

c) To collect and disseminate information and statistics by means of circulars and bulletins on the prevalence and control of animal and poultry diseases and their treatment, the proper care and sanitation of stables and other buildings, so as to prevent the existence and spread of communicable diseases among such animals and poultry, and such other information relative thereto as will be of value to the stock industry of the state;

d) To make or cause to be made any investigations he may deem advisable regarding the causes and methods of preventing, controlling and eradicating diseases of animals or poultry, and exercise such other powers and perform such other duties as may be proper or necessary to prevent the spread of, eradicate or control any communicable disease among animals or poultry including the power to promulgate, issue, and enforce regulations prohibiting the feeding of garbage to swine unless said garbage has been thoroughly heated to a temperature of
at least 212° F for at least thirty minutes or treated in some other manner equally effective for the prevention of swine diseases and the protection of public health, such regulations not to apply to any individual who feeds only his own household garbage to swine which are raised for such individual's own use;

(e) To prohibit the importation into this state of animals and poultry, when necessary to prevent the spread of disease;

(f) To cause general or special quarantine of premises and of animals and poultry to be established and maintained;

(g) To cause the disinfection of any premises;

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

(i) To have charge of the enforcement of the provisions of this article and the laws of the state relating to
diseases of animals and poultry, and the manufacture, preparation, storage, sale and offering for sale of the food and food products derived from diseased animals and poultry.

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

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

(a) For animals owned by the United States, this state, or any county, city, town or village in this state;
(b) For animals brought into this state contrary to the provisions of this article, or where the owner of the animals or person claiming compensation has failed to comply with the provisions of the same;
(c) When the owner or claimant at the time of coming into possession of the animal knew or had reason to believe it to be afflicted with a communicable disease;
(d) When the owner has been guilty of negligence or carelessly exposed such animals to a communicable disease;
(e) When the owner has refused or neglected to com-
ply with the sanitary requirements of the commissioner of agriculture or his agents;

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

Sec. 30. Appraisal of Diseased Animals; Amount; Arbitration; Fees of Arbitrators.—The commissioner or his agent shall act as appraiser and appraise each diseased animal within five days prior to the date of slaughter, basing the amount upon the class and market value of the animal at the time of the appraisal, whether for breeding purposes or for milk or meat production. Animals reacting to any approved test, but not exhibiting any physical evidence of disease, shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of disease shall be appraised as diseased animals: Provided, however, that where indemnities are claimed for animals slaughtered on account of being infected with rabies, appraisal shall be based on the value of the animal before it became infected. The amount of appraisal for a non-registered equine animal shall not exceed seventy-five
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 appraisment of five or less than
37 five animals and two dollars if more than five animals
38 are appraised. Compensation for the arbitrators ap-
pointed by the owner and the appraiser shall be paid by
the party appointing such arbitrator, and in case a third
arbitrator is chosen, such arbitrator shall be paid by the
party against whom the decision is made.

Sec. 33. Payment of Indemnity.—All claims for indem-
nity 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 forth-
with 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, ap-
prove 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-
break of foot and mouth disease, or any other dangerously contagious or infectious disease among bovine animals, ovine animals, or swine, on account of which bovine animals, ovine animals or swine are being destroyed by cooperative order of federal and state authority, and for which animals so destroyed the federal government pays one-half of the indemnity herein provided for, this state shall pay one-half, and only one-half, of such indemnity. The state auditor shall issue his warrant on the state treasurer, in favor of the claimant, for the amount ordered by the commissioner, which amount shall be paid out of the current appropriation made for carrying out the provisions of this article: Provided further, That in case the amount of such certificates of appraisal, and those similarly provided for in section thirty-seven of this article, in any one year, shall exceed the current appropriation therefor, such certificates shall be paid pro rata at the end of each fiscal year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 5th day of March, 1953.

Governor.