

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

*Com. Sub. for*

HOUSE BILL No. 613

(By Mr. Edgar and Mr. Harrel)



PASSED March 3, 1967

In Effect from Passage



FILED IN THE OFFICE  
ROBERT D. DALLEY  
SECRETARY OF STATE  
THIS DATE 3-15-67

*613*

**ENROLLED**

**Com. Sub. for House Bill No. 613**

(By MR. EDGAR and MR. HAWSE)

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[Passed March 3, 1967; in effect from passage.]

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AN ACT to amend and reenact sections twenty-eight, thirty and thirty-one, article nine, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to slaughtering of diseased animals and indemnity therefor; agreements with owner as to cleaning and disinfecting premises; appraisal of infected or exposed animals and certificate of appraisal to be furnished owner thereof.

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

That sections twenty-eight, thirty and thirty-one, 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:

**ARTICLE 9. DISEASES AMONG DOMESTIC ANIMALS.**

**§19-9-28. Indemnity for slaughter of infected or exposed animals; agreement.**

1 Whenever, to prevent the spread of any communicable  
2 disease, which cannot be cured or controlled by isolation  
3 and adequate or proper veterinary treatment, it shall be  
4 deemed necessary by the commissioner or any of his  
5 agents to cause any animal found to be infected with or  
6 directly exposed to any infectious, contagious, or com-  
7 municable disease, which cannot be cured or controlled  
8 by isolation and adequate or proper veterinary treat-  
9 ment, to be killed, and the owner of such animal shall  
10 desire to receive indemnity therefor, he shall be required  
11 by the commissioner before the appraisal and slaughter  
12 of the animal to execute an agreement that he will thor-  
13 oughly clean and disinfect all premises that may have  
14 been infected by such animal in such manner as the com-  
15 missioner may prescribe, and, in case such animal is tu-  
16 berculous, that he will have his entire herd of bovine  
17 animals tested with tuberculin by the commissioner or  
18 his agent at such times as the commissioner may desig-

19 nate, and will not admit to his herd any bovine animal  
20 that has not given a negative reaction to the test. Such  
21 agreement shall be in duplicate, one copy to be retained  
22 by the signer, and in such form as the commissioner shall  
23 prescribe, and shall be signed by the owner or his agent,  
24 and shall be effective for a period of two years from  
25 the date thereof. All such animals, for which indemnity  
26 is claimed by the owner, shall be appraised before being  
27 slaughtered, and the owners indemnified as hereinafter  
28 provided: *Provided, however,* That any animal infected  
29 with rabies may be slaughtered by the owner or any per-  
30 son authorized to do so without such agreement and ap-  
31 praisal first being had, and if the disease is caused by  
32 the bite of a dog, the animal shall be appraised and com-  
33 pensation therefor obtained as provided in article twenty  
34 of this chapter.

**§19-9-30. Appraisal of infected or exposed animals; amount;  
arbitration; fees of arbitrators.**

1 The commissioner or his agent shall act as appraiser  
2 and appraise each infected or directly exposed animal  
3 within five days prior to the date of slaughter, basing

4 the amount upon the class and market value of the  
5 animal at the time of the appraisal, whether for breed-  
6 ing purposes or for milk or meat production. Animals  
7 reacting to any approved test, but not exhibiting any  
8 physical evidence of disease, shall be appraised without  
9 considering the presence of a diseased condition, but  
10 animals exhibiting any physical evidence of disease shall  
11 be appraised as infected animals: *Provided, however,*  
12 That where indemnities are claimed for directly exposed  
13 animals slaughtered on account of being infected with  
14 rabies, appraisement shall be based on the value of the  
15 animal before it became infected. The amount of appraisal  
16 for a nonregistered equine animal shall not exceed  
17 seventy-five dollars, for a registered equine animal one  
18 hundred dollars, for a nonregistered bovine animal one  
19 hundred and fifty dollars, for a registered bovine animal  
20 two hundred and fifty dollars, for a nonregistered swine  
21 twenty-five dollars, for a registered swine forty dollars,  
22 for a nonregistered sheep ten dollars, and for a registered  
23 sheep twenty-five dollars. If the amount of appraisal  
24 of any animal, as determined by the appraiser is not

25 satisfactory to the owner of the animal, a written notice  
26 of such fact setting forth the reason for complaint shall  
27 be made at once to the appraiser. The amount of the  
28 appraisal shall then be determined by arbitrators, one  
29 to be appointed by the appraiser and one by the owner  
30 of the animal. If these arbitrators are not able to agree  
31 as to the amount of appraisal, a third arbitrator shall  
32 be appointed by them, whose decision shall be final.  
33 Each arbitrator shall be paid one dollar for each appraise-  
34 ment of five or less than five animals, and two dollars  
35 if more than five animals are appraised. Compensation  
36 for the arbitrators appointed by the owner and the ap-  
37 praiser shall be paid by the party appointing such arbi-  
38 trator, and in case a third arbitrator is chosen, such arbi-  
39 trator shall be paid by the party against whom the deci-  
40 sion is made.

**§19-9-31. Certificate of appraisal.**

1 When the animal is to be slaughtered, the commissioner  
2 or his agent shall make and deliver to the owner a cer-  
3 tificate of appraisal which may cover any number of  
4 animals belonging to the same owner, showing the age

5 and description of each animal found to be infected or  
6 directly exposed, the name and place of test, if any,  
7 the mark or brand as tuberculous, and any other mark  
8 or brand which the animal may bear, the date when  
9 and the place to which the animal was sent for slaughter  
10 by the veterinarian, the designation of the officer who  
11 is to supervise the slaughter, the appraised value of each  
12 animal, the name and address of the owner of the animal,  
13 and the fact that he has executed the agreement as pro-  
14 vided in section twenty-eight of this article.

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

William Tompos  
Chairman Senate Committee

Clayton D. Dawick  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Rabau White  
Speaker House of Delegates

The within approved this the 15  
day of March, 1967.

Hucett C. Smith  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/11/67

Time 9:45 p.m.