WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 613

(By Mr. Edgar and Mr. Sauer)

PASSED March 5, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT O. BAILLY
SECRETARY OF STATE
THIS DATE 3-15-67
ENROLLED

Com. Sub. for House Bill No. 613

(By Mr. Edgar and Mr. Hawse)

(Passed March 3, 1967; in effect from passage)

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:
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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 disease, which cannot be cured or controlled by isolation and adequate or proper veterinary treatment, it shall be deemed necessary by the commissioner or any of his agents to cause any animal found to be infected with or directly exposed to any infectious, contagious, or communicable disease, which cannot be cured or controlled by isolation and adequate or proper veterinary treatment, to be killed, and the owner of such animal shall desire to receive indemnity therefor, he shall be required by the commissioner before the appraisal and slaughter of the animal to execute an agreement that he will thoroughly clean and disinfect all premises that may have been infected by such animal in such manner as the commissioner may prescribe, and, in case such animal is tuberculous, that he will have his entire herd of bovine animals tested with tuberculin by the commissioner or his agent at such times as the commissioner may desig-
nate, and will not admit to his herd any bovine animal that has not given a negative reaction to the test. Such agreement shall be in duplicate, one copy to be retained by the signer, and in such form as the commissioner shall prescribe, and shall be signed by the owner or his agent, and shall be effective for a period of two years from the date thereof. All such animals, for which indemnity is claimed by the owner, shall be appraised before being slaughtered, and the owners indemnified as hereinafter provided: Provided, however, That any animal infected with rabies may be slaughtered by the owner or any person authorized to do so without such agreement and appraisal first being had, and if the disease is caused by the bite of a dog, the animal shall be appraised and compensation therefor obtained as provided in article twenty of this chapter.

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

The commissioner or his agent shall act as appraiser and appraise each infected or directly exposed 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 infected animals: Provided, however, That where indemnities are claimed for directly exposed animals slaughtered on account of being infected with rabies, appraisement shall be based on the value of the animal before it became infected. The amount of appraisal for a nonregistered equine animal shall not exceed seventy-five dollars, for a registered equine animal one hundred dollars, for a nonregistered bovine animal one hundred and fifty dollars, for a registered bovine animal two hundred and fifty dollars, for a nonregistered swine twenty-five dollars, for a registered swine forty dollars, for a nonregistered sheep ten dollars, and for a registered sheep twenty-five dollars. If the amount of appraisal of any animal, as determined by the appraiser is not
satisfactory to the owner of the animal, a written notice
of such fact setting forth the reason for complaint shall
be made at once to the appraiser. The amount of the
appraisal shall then be determined by arbitrators, one
to be appointed by the appraiser and one by the owner
of the animal. If these arbitrators are not able to agree
as to the amount of appraisal, a third arbitrator shall
be appointed by them, whose decision shall be final.
Each arbitrator shall be paid one dollar for each appraise-
ment of five or less than five animals, and two dollars
if more than five animals are appraised. Compensation
for the arbitrators appointed by the owner and the ap-
praiser shall be paid by the party appointing such arbi-
trator, and in case a third arbitrator is chosen, such arbi-
trator shall be paid by the party against whom the deci-
sion is made.


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

and description of each animal found to be infected or directly exposed, the name and place of test, if any, the mark or brand as tuberculous, and any other mark or brand which the animal may bear, the date when and the place to which the animal was sent for slaughter by the veterinarian, the designation of the officer who is to supervise the slaughter, the appraised value of each animal, the name and address of the owner of the animal, and the fact that he has executed the agreement as provided in section twenty-eight of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompot
Chairman Senate Committee

Clayton Darwell
Chairman House Committee

Originated in the House.

Takes effect from passage.

James Hughes
Clerk of the Senate

J. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Baker White
Speaker House of Delegates

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

Hulet E. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3/11/67
Time 9:45 p.m.