

No. 1994-132

AN ACT

SB 1046

Amending the act of June 22, 1931 (P.L.682, No.249), entitled, as amended, "An act relating to birds, fowl and domestic animals, and providing for their appraisal when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," further defining "domestic animal" or "animal"; defining "herd or flock of animals" and "wild or semiwild animal"; and further providing for compensation of owners of domestic animals.

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

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

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

The word "condemned," as used in this act, means that a domestic animal has been adjudged, by an authorized officer or agent of the Department of Agriculture, to be diseased and ordered to be slaughtered to prevent the spread of disease.

The phrase "domestic animal" or "animal," as used in this act, includes a bird or fowl *or any equine animal or bovine animal, sheep, goat, pig, dog, cat or poultry or any wild or semiwild animal held in captivity* unless the context clearly indicates otherwise.

The phrase "herd or flock of animals," as used in this act, refers to the aggregate number of animals, regardless of species, found on a single premises or on contiguous or adjoining premises under a common ownership. This shall include, but not be limited to, a farm or agricultural operation, a zoo, a menagerie or an exhibition or collection where animals of one or more species are kept or bred regardless of the purposes for which the animals are kept or bred.

The phrase "wild or semiwild animal," as used in this act, includes a domestic animal which is now or historically has been found in the wild, including, but not limited to, bison, deer, elk, llamas or any species of foreign or domestic cattle, such as ankole, gayal and yak.

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

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

(b) The amount of compensation paid by the Commonwealth shall be sixty-seven percent of the appraised value for a horse, jack, mule, bovine animal, sheep, or swine, except that in no event shall any such compensation exceed the sum of one thousand dollars (\$1,000) per head of cattle; three hundred dollars (\$300) per horse, jack, mule, or head of swine; one hundred dollars (\$100) per sheep or goat; except that in no case shall compensation paid by the Commonwealth exceed the sum of one hundred thousand dollars (\$100,000) for any herd *or flock* of animals[.]; *and*

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

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

Swine affected with or exposed to hog cholera, which has been confirmed by an official laboratory of the Pennsylvania Bureau of Animal Industry, and which are to be destroyed to prevent further spread of the disease, shall be appraised at their actual value for meat, feeding, or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animal's meat or feeding value.

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

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

APPROVED—The 12th day of December, A.D. 1994.

ROBERT P. CASEY