

A Bill for an Act Relating to Hog Cholera Eradication Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to enable the State, as part of the national effort, to eradicate hog cholera. Hog cholera can destroy entire herds of swine to the detriment not only of the swine industry, but ultimately to the consumers of the State.

Adding further impetus for the necessity of this legislation is the decision of the United States department of agriculture to prohibit the interstate shipment of hog cholera vaccine.

As part of the national hog cholera eradication program, the United States department of agriculture subsidizes the owners of swine destroyed by the payment of an amount equal to the indemnity paid by the State.

SECTION 2. Part I of Chapter 20, Revised Laws of Hawaii 1955, as amended, is amended by adding a new section to read as follows:

“Section 20-22.9. Hog cholera eradication; indemnity. When swine are destroyed by the State veterinarian as being infected with hog cholera, or when non-infected swine are ordered destroyed to depopulate an infected herd in accordance with procedures adopted in the national hog cholera eradication program, the department of agriculture may indemnify the owners of such swine; provided, that the amount of the indemnity shall not exceed 50% of the difference between the appraised value and the salvage value of the slaughtered swine; and provided further, that in no case shall the amount exceed \$40 for grade animals and \$50 for registered purebreed swine.

No indemnification shall be paid when the State veterinarian finds that (a) the owner has not cooperated with the department in complying with all rules and regulations issued by the department relative to the control and eradication of hog cholera; or (b) the swine died of hog cholera prior to the first report by the owner to the State veterinarian of the existence of a disease in the herd. The determination of the State veterinarian that no indemnification be paid the owner for the destruction of his swine, may be appealed by the owner to the board of agriculture within 20 days after notice of such determination is sent to him. The board shall hold a hearing in accordance with Chapter 6C.

Valuation may be determined by agreement in writing between the owner and the State veterinarian, his assistant or deputy making the diagnosis of hog cholera, subject to approval by the board. In the event agreement on val-

uation cannot be so reached, valuation shall be determined by a board of appraisers consisting of a disinterested citizen appointed by the chairman of the board of agriculture, a person selected by the owner, and a third person selected by the two initially selected appraisers. The board of appraisers shall appraise the value of the destroyed swine and the decision of a majority of the board of appraisers shall be final and binding.

All valuation of swine under this section, whether by agreement or by the board of appraisers, shall be based upon the market value of the swine so destroyed as of the date of appraisal, whether for breeding or feeding purposes.

Compensation for the board of appraisers shall be the amount of the State per diem and necessary travel expenses, which compensation shall be paid by the owner if the board of appraisers does not increase the valuation made by the State veterinarian, his assistant or deputy, with the approval of the board of agriculture; otherwise, it shall be paid by the department.

When the amount of indemnification has been agreed to or decided by the board of appraisers, the owner shall present to the State comptroller a claim against the State therefor. A warrant for the payment of such claim shall be issued upon vouchers approved by the chairman of the board and supported by the inspector's report."

SECTION 3. There is appropriated the sum of \$25,000, or so much thereof as may be necessary to effectuate the purpose of this Act.

SECTION 4. Notwithstanding the adoption of Act 16, Session Laws of Hawaii 1968, this Act shall have full force according to its intent. Upon the taking effect of this Act or the Hawaii Revised Statutes, whichever occurs later, this Act shall be construed to be in amendment of or in addition to the Hawaii Revised Statutes, all references in this Act being construed to refer to the applicable or corresponding provisions of the Hawaii Revised Statutes.

The revisor of statutes may reword and renumber the references in this Act and make such other formal or verbal changes as may be necessary to conform with the Hawaii Revised Statutes.

SECTION 5. This Act shall take effect on July 1, 1969.

(Approved July 8, 1969.)