

1 HB369
2 201079-2
3 By Representatives Sorrells, Marques, Easterbrook, Sullivan,
4 Isbell, Whitt, Standridge, Carns, Gaston, Reynolds, Farley,
5 Simpson, Pettus and Shaver
6 RFD: Agriculture and Forestry
7 First Read: 03-MAR-20

8 SYNOPSIS: Under current law, a federal program exists
9 to pay for the indemnification of any captive
10 cervids, such as deer, elk, and moose, destroyed in
11 efforts to combat the spread of chronic wasting
12 disease, or CWD.

13 This bill would authorize the Department of
14 Agriculture and Industries to make payments for
15 indemnity for the purchase and destruction of
16 captive cervids that are infected with CWD or
17 otherwise exposed to CWD, to augment the federal
18 program.

19 This bill would authorize the department
20 only to make payments: (1) for indemnity of animals
21 where the federal program does not issue payment;
22 or (2) when the federal program payments have been
23 made but are insufficient, the state program would
24 only distribute amounts sufficient to cover the
25 difference between the federal payment and 95
26 percent of the appraised value of the animal.

1 This bill would create the Chronic Wasting
2 Disease Indemnity Fund, within the state treasury
3 to be used by the department to issue payments
4 under this act.

5 This bill would also establish criteria for
6 the submission of claims by an owner for indemnity
7 for a destroyed captive cervid.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to the breeding of captive cervids; to
14 authorize the Department of Agriculture and Industries to make
15 payments for indemnity for the purchase and destruction of
16 captive cervids that are infected with chronic wasting disease
17 or otherwise exposed to chronic wasting disease, subject to
18 certain conditions; to create the Chronic Wasting Disease
19 Indemnity Fund; and to establish criteria relating to claims
20 for payments for indemnity.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. As used in this act, the following words
23 shall have the following meanings:

24 (1) ANIMAL. Any captive cervid.

25 (2) CAPTIVE. Animals that are privately or publicly
26 maintained or held for economic or other purposes within a

1 perimeter fence or confined space. Animals that are held for
2 research purposes are not included.

3 (3) CERVID. All members of the family Cervidae and
4 hybrids, including deer, elk, moose, caribou, reindeer, and
5 related species.

6 (4) CHRONIC WASTING DISEASE or CWD. A transmissible
7 spongiform encephalopathy of cervids.

8 (5) CWD EXPOSED ANIMAL. An animal that is part of a
9 CWD positive herd, or that was part of a herd within five
10 years prior to that herd's designation as CWD positive, or an
11 animal that has been housed with or been in direct contact
12 with a positive animal, or an animal that has been on a
13 contaminated premises.

14 (6) CWD POSITIVE ANIMAL. An animal that has had a
15 diagnosis of CWD confirmed by means of an official CWD test.

16 (7) CWD POSITIVE HERD. A herd in which a CWD
17 positive animal resided at the time it was diagnosed and which
18 has not been released from quarantine.

19 (8) CWD SUSPECT ANIMAL. An animal for which a
20 department employee has determined that laboratory evidence or
21 clinical signs suggest a diagnosis of CWD, or a department
22 employee believes may have come into contact with or otherwise
23 been exposed to a CWD infected animal or material.

24 (9) DEPARTMENT. The Alabama Department of
25 Agriculture and Industries.

26 (10) HERD. A group of animals that are either of the
27 following:

1 a. Under common ownership or supervision, and are
2 grouped on one or more parts of any single premises such as a
3 lot, farm, or ranch.

4 b. Under common ownership or supervision on two or
5 more premises which are geographically separated but on which
6 animals have been interchanged or had direct or indirect
7 contact with one another.

8 (11) OFFICIAL CWD TEST. Any test for the diagnosis
9 of CWD approved by the department.

10 Section 2. (a) The department may pay for the
11 purchase and destruction of CWD positive animals, CWD exposed
12 animals, and CWD suspect animals. Except as otherwise provided
13 in this act, and subject to available funding, the amount of
14 the payment by the department under this act shall be 95
15 percent of the appraised value established in accordance with
16 Section 2, but the payment by the department shall not exceed
17 three thousand dollars (\$3,000) per animal.

18 (b) If a federal source makes a payment for an
19 animal for which indemnity is to be paid under this chapter,
20 and that federal payment exceeds five percent of the appraised
21 value established in accordance with Section 2, the amount of
22 the payment by the department for that animal shall be reduced
23 by the amount by which the federal payment exceeds five
24 percent of the appraised value.

25 (c) (1) There is established in the State Treasury a
26 separate fund known as the Chronic Wasting Disease Indemnity
27 Fund, to be administered by the department for purposes of

1 making payments under this act. At no time shall the amounts
2 within the Chronic Wasting Disease Indemnity Fund exceed five
3 hundred thousand dollars (\$500,000).

4 (2) Any payment by the department under this act
5 shall be drawn from the Chronic Wasting Disease Indemnity Fund
6 or other available funds.

7 Section 3. (a) The appraisal value of a cervid shall
8 be the fair market value, as determined by the meat or
9 breeding value of the animals.

10 (b) A payment for a cervid made under this act shall
11 be 95 percent of the appraised value, except as otherwise
12 provided in this act.

13 (c) A payment for a cervid under this act shall not
14 exceed three thousand dollars (\$3,000) per animal.

15 Section 4. (a) A claim for indemnity for the value
16 of a cervid under this act shall be documented on a form to be
17 provided by the department, and shall be presented to an
18 employee of the department authorized to accept the claims.

19 (b) The owner of the cervid shall certify on the
20 form that the cervids covered are, or are not, subject to any
21 mortgage. If the owner states there is a mortgage, the owner
22 and each person holding a mortgage on the cervids must consent
23 to the payment of indemnity to the person specified on the
24 form.

25 (c) The department shall not allow claims arising
26 out of the destruction of a cervid unless the cervid has been
27 appraised in accordance with this act and the appraisal has

1 been signed by all proper parties, including the owner and any
2 person with a mortgage on the animal.

3 Section 5. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.