



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

INDEMNIFY BEE COLONIES

House Bill 4512

Sponsor: Rep. Willis C. Bullard, Jr.

**Committee: Agriculture, Forestry, and
Minerals**

Complete to 4-30-91

A SUMMARY OF HOUSE BILL 4512 AS INTRODUCED 3-11-91

Currently, under Public Act 412 of 1976, the director of the Department of Agriculture (MDA) can order the quarantine and destruction of diseased bee colonies. The bill would add a new section to the law allowing the director to pay an owner up to 75 percent of the fair market value of a colony ordered destroyed in order to control or eradicate bee diseases other than American foulbrood disease (the law already contains provisions pertaining to destruction of colonies affected by this disease).

Indemnification. If the director of the MDA decided that a bee colony had to be destroyed in order to control or eradicate a bee disease (other than American foulbrood disease), he or she could compensate (indemnify) the owner of the colony. Only bee owners registered with the state would be eligible for indemnification, though owners who had knowingly acquired a diseased colony (or a colony that the owner suspected had been exposed to a bee disease) would not be indemnified. "Fair market value" would be decided by prices paid for similar colonies within the 12 months immediately preceding the date that the colony was destroyed. Any compensation the owner received from another source would be deducted from the amount paid by the state, and the owner of the destroyed colony would have to provide an affidavit saying what compensation, if any, he or she had received from other sources.

Indemnification funds. Money for state compensation would have to be appropriated by the legislature, and indemnification agreements between the MDA and the owner of a state-destroyed bee colony would have to acknowledge that payments depended on whether or not the legislature appropriated the money. Money for indemnification could not be taken from MDA funds designated for other purposes.

By accepting indemnification, the owner would release any claim he or she had against the state, but it would not affect his or her right to take legal action against anyone responsible for the owner's loss.

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