

HOUSE BILL No. 4512

March 11, 1991, Introduced by Reps. Willis Bullard, London, Randall and Strand and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend Act No. 412 of the Public Acts of 1976,
entitled

"An act to revise and consolidate the law relative to the suppression of serious diseases among bees; to prescribe powers and duties of the director of the department of agriculture; to prescribe penalties; to provide for registration and regulation of apiaries; and to repeal certain acts and parts of acts,"

as amended, being sections 286.801 to 286.821 of the Michigan Compiled Laws, by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 412 of the Public Acts of 1976, as
2 amended, being sections 286.801 to 286.821 of the Michigan
3 Compiled Laws, is amended by adding section 8a to read as
4 follows:

5 SEC. 8A. (1) IF IT IS DETERMINED BY THE DIRECTOR OR HIS OR
6 HER AUTHORIZED REPRESENTATIVE THAT THE CONTROL OR ERADICATION OF
7 BEE DISEASE WARRANTS THE DESTRUCTION OF 1 OR MORE COLONIES, THE

1 DIRECTOR SHALL ORDER, IN WRITING, THE DESTRUCTION OF THOSE
2 COLONIES EXCEPT THAT IN THE CASE OF THE DESTRUCTION OF COLONIES
3 INFECTED WITH AMERICAN FOULBROOD DISEASE, THE DIRECTOR SHALL
4 ORDER THEIR DESTRUCTION IN THE MANNER PROVIDED FOR IN SECTION 8.

5 (2) THE DIRECTOR SHALL ALLOW FOR INDEMNIFICATION OF THE
6 OWNER OF A COLONY OWNED BY A PERSON REGISTERED UNDER SECTION 3 IN
7 THE AMOUNT OF 75% OF THE FAIR MARKET VALUE OF A COLONY AS OF THE
8 DATE OF DESTRUCTION EXCEPT THAT ANY COMPENSATION RECEIVED FROM
9 ANY SOURCE INCLUDING, BUT NOT LIMITED TO, SALVAGE VALUE SHALL BE
10 DEDUCTED FROM THIS FIGURE. FAIR MARKET VALUE SHALL BE DETERMINED
11 BY EVIDENCE OF SALES OF SIMILAR COLONIES WITHIN THE 12 MONTHS
12 IMMEDIATELY PRECEDING THE DATE OF DESTRUCTION OF THE COLONIES.
13 THE OWNER OF THE COLONY SHALL FURNISH AN AFFIDAVIT ATTESTING TO
14 COMPENSATION RECEIVED, IF ANY, FROM ANY OTHER SOURCE.

15 (3) INDEMNIFICATION PURSUANT TO THIS SECTION SHALL BE
16 SUBJECT TO ANNUAL APPROPRIATIONS BY THE LEGISLATURE AND SHALL NOT
17 BE PAID FROM DEPARTMENT OF AGRICULTURE FUNDS DESIGNATED FOR ANY
18 OTHER PURPOSE. ANY AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT
19 OF AGRICULTURE AND AN OWNER OF THE COLONIES SHALL CONTAIN A PRO-
20 VISION INDICATING THAT, NOTWITHSTANDING THE TERMS OF THE AGREE-
21 MENT, INDEMNIFICATION SHALL BE SUBJECT TO APPROPRIATIONS BY THE
22 LEGISLATURE.

23 (4) ACCEPTANCE OF INDEMNIFICATION UNDER THIS SECTION DOES
24 NOT ENLARGE OR DIMINISH THE OWNER'S CIVIL REMEDY AGAINST A PERSON
25 RESPONSIBLE FOR THE OWNER'S LOSS EXCEPT THAT ACCEPTANCE OF THE
26 INDEMNITY OPERATES AS A RELEASE OF THE CLAIM OF THE OWNER AGAINST
27 THE STATE.

1 (5) THE DEPARTMENT OF AGRICULTURE SHALL NOT INDEMNIFY THE
2 OWNER OF A COLONY THAT COMES INTO THE POSSESSION OF THE OWNER
3 WITH THE OWNER'S KNOWLEDGE THAT THE COLONY IS DISEASED OR IS SUS-
4 PECTED OF HAVING BEEN EXPOSED TO A BEE DISEASE.