

Act No. 108
Public Acts of 1993
Approved by the Governor
July 15, 1993
Filed with the Secretary of State
July 16, 1993

STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993

Introduced by Reps. Alley, DeMars, Gnodtke and Middaugh

ENROLLED HOUSE BILL No. 4090

AN ACT to amend the title and sections 1, 11, and 14 of 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," section 1 as amended by Act No. 312 of the Public Acts of 1984, section 11 as amended by Act No. 13 of the Public Acts of 1985, and section 14 as amended by Act No. 443 of the Public Acts of 1982, being sections 286.801, 286.811, and 286.814 of the Michigan Compiled Laws; to add section 8a; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 11, and 14 of Act No. 412 of the Public Acts of 1976, section 1 as amended by Act No. 312 of the Public Acts of 1984, section 11 as amended by Act No. 13 of the Public Acts of 1985, and section 14 as amended by Act No. 443 of the Public Acts of 1982, being sections 286.801, 286.811, and 286.814 of the Michigan Compiled Laws, are amended and section 8a is added to read as follows:

TITLE

An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts.

Sec. 1. As used in this act:

- (a) "Bee disease" means American or European foulbrood, sacbrood, bee paralysis, parasites of bees, or other disease or abnormal condition of the egg, larval, pupal, or adult stages of bees.
- (b) "Bees" means any life stage of the common honey bee, *Apis mellifera* L.
- (c) "Director" means the director of the department of agriculture.
- (d) "Exotic strain of bees" means African or Africanized bees or any other developed strain of bees known to be harmful but not known to be present ordinarily in this state.

Sec. 8a. (1) If the division has provided the owner of 1 or more colonies not less than 30 days to remedy a bee disease within the colony or colonies and determines that the control or eradication of bee disease warrants the destruction of 1 or more colonies, the division shall order, in writing, the destruction of those colonies except that in the case of the destruction of colonies infected with American foulbrood disease, the division shall order their destruction in the manner provided for in section 8.

(2) The division shall indemnify the owner of a colony in the amount of 75% of the fair market value of a colony as of the date of destruction, less any compensation received from any source including, but not limited to, compensation for salvage value. Fair market value shall be determined by evidence of sales of similar colonies within the 12 months immediately preceding the date of destruction of the colonies. The owner of the colony shall furnish an affidavit attesting to compensation received, if any, from any other source.

(3) Indemnification pursuant to this section shall be subject to annual appropriations by the legislature and shall not be paid from department of agriculture funds designated for any other purpose. An agreement between the department of agriculture and an owner of the colonies shall contain a provision specifying that, notwithstanding the terms of the agreement, indemnification is subject to appropriations by the legislature.

(4) Acceptance of indemnification under this section operates as a release of the claim of the owner against the state but does not enlarge or diminish the owner's civil remedy against a person responsible for the owner's loss.

(5) The department of agriculture shall not indemnify the owner of a colony acquired by the owner with knowledge that the colony is diseased or that it may have been exposed to a bee disease.

Sec. 11. (1) If the director determines that there exists in this state or in any other state, territory, or district a serious bee disease, or an exotic strain of bees, the director may impose and enforce a quarantine restricting the transportation into, within, or through the state, of bees, bee products, or article of any character capable of carrying bee diseases.

(2) The director may promulgate rules to carry out this act, including rules to provide for seizure, inspection, disinfection, destruction, or other disposition of bees, beekeeping equipment, or bee products capable of carrying or transmitting bee diseases.

(3) The director shall promulgate rules authorized by subsection (2) pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 14. (1) A person who wishes to ship bees or beekeeping equipment into another state or country may apply to the director for an inspection for serious bee diseases likely to prevent the acceptance of the bees or beekeeping equipment in the state or country, and shall acknowledge in the application that person's obligation to pay full expenses of the inspection.

(2) Upon receipt of the application or as soon after receipt as may be conveniently practicable, the director shall comply with the request.

Section 2. Sections 2, 3, 4, 5a, 6, 7, 8, 9, 10, 12, 13, 15, and 16 of Act No. 412 of the Public Acts of 1976, being sections 286.802, 286.803, 286.804, 286.805a, 286.806, 286.807, 286.808, 286.809, 286.810, 286.812, 286.813, 286.815, and 286.816 of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.