

HOUSE BILL No. 6112

September 17, 1998, Introduced by Rep. Wetters and referred to the Committee on Agriculture.

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 12 and 14 (MCL 287.712 and 287.714), as amended by 1996 PA 369.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. (1) The director may issue a quarantine on animals
2 or premises in this state for the purpose of controlling or pre-
3 venting the spread of a known or suspected infectious, conta-
4 gious, or toxicological disease. WITHIN 30 DAYS AFTER ESTABLISH-
5 ING A QUARANTINE, THE DIRECTOR SHALL ESTABLISH BUFFER ZONES
6 AROUND THE QUARANTINED AREA. WITHIN 1 YEAR AFTER ESTABLISHING
7 THE BUFFER ZONES, THE DIRECTOR SHALL TEST ANY CATTLE LOCATED
8 WITHIN THE BUFFER ZONE.

9 (2) A person shall not move animals that are under
10 quarantine without permission from the director.

1 (3) A person shall not allow animals under quarantine to
2 mingle or have contact with other animals not under quarantine
3 without permission by the director.

4 (4) A person shall not import into this state an animal from
5 another state or jurisdiction if that animal is under quarantine
6 by the other state or jurisdiction unless that person obtains
7 prior permission from the director.

8 (5) A person shall not import into this state an animal spe-
9 cies from an area under quarantine for that species for any
10 infectious, contagious, or toxicological disease unless permis-
11 sion is granted from the director.

12 (6) The director may prescribe procedures for the identifi-
13 cation, inventory, separation, mode of handling, treatment, feed-
14 ing, and caring for the quarantined animals to prevent the quar-
15 antined animals from infecting or exposing nonquarantined animals
16 to infectious, contagious, or toxicological diseases.

17 (7) The director may prescribe procedures required before an
18 animal and premises are released from quarantine.

19 (8) An animal found running at large in violation of a quar-
20 antine may be killed by a law enforcement agent. The director
21 may enlist the cooperation of a law enforcement agency to enforce
22 the provisions of this quarantine. A law enforcement agent kil-
23 ling an animal due to a quarantine under this section is not
24 subject to liability for the animal.

25 Sec. 14. (1) If it is determined by the director that the
26 control or eradication of a disease or condition of livestock
27 warrants the slaughter, destruction, or other disposition of the

1 livestock, the director shall order the slaughter, destruction,
2 or other disposition of the livestock. If the director has
3 signed an order for the slaughter, destruction, or other disposi-
4 tion of livestock, the director shall notify the attorney general
5 and the house and senate appropriations committees and the
6 department of management and budget on the issue of indemnity
7 under this section. The director may approve facilities for the
8 orderly disposal of animals, animal products, and animal feeds
9 for the purpose of controlling or preventing the spread of an
10 infectious, contagious, or toxicological disease. The director
11 may select a site or method for the disposal with the advice of
12 the director of the department of environmental quality.

13 (2) The director may, under rules promulgated by the depart-
14 ment, allow indemnification for the slaughter, destruction, or
15 other disposition of animals due to livestock diseases or toxico-
16 logical contamination. If the director has signed an order for
17 the slaughter, destruction, or other disposition of livestock,
18 the owner may apply for indemnification. All animals shall be
19 treated as grade status animals for purposes of indemnification.
20 The director shall appraise and inventory the condemned
21 livestock. The appraisals and inventories shall be on forms
22 approved by the director. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN
23 SUBSECTION (3), THE director shall use state agricultural statis-
24 tical service pricing information to determine the value of con-
25 demned livestock. If state agricultural statistical service
26 pricing information is not available, the director shall use
27 agricultural pricing information from commercial livestock

1 auction markets and other livestock market information as
2 determined by the director to determine the value of condemned
3 livestock. ~~Indemnification~~ EXCEPT AS OTHERWISE PROVIDED IN
4 SUBSECTION (3), INDEMNIFICATION shall be based upon 75% of the
5 fair market value of that type of livestock on the date of the
6 appraisal as if the livestock was grade status and marketable for
7 the purpose for which the livestock was intended, not to exceed
8 \$1,250.00 for each animal, less any compensation received, or to
9 be received, from any other source including, but not limited to,
10 indemnification by the United States department of agriculture,
11 insurance, salvage value, or any monetary value obtained to
12 encourage disposal of infected or exposed livestock in accordance
13 with a disease control or eradication program. The owner shall
14 furnish to the department all records indicating other sources of
15 indemnity. An affidavit signed by the owner attesting to the
16 amount of compensation for the livestock received or to be
17 received from any other source shall accompany the appraisal cer-
18 tificate prior to indemnification under this section.

19 (3) IN AREAS QUARANTINED DUE TO THE NATURAL OUTBREAK OF
20 TUBERCULOSIS, THE INDEMNIFICATION AMOUNT SHALL NOT EXCEED
21 \$2,500.00 PER ANIMAL. IN AREAS OF THE STATE THAT ARE QUARANTINED
22 BECAUSE OF THE OUTBREAK OF DISEASE IN WILD ANIMAL POPULATIONS,
23 INDEMNIFICATION SHALL ALSO INCLUDE PAYMENT TO THE OWNER FOR THAT
24 PORTION OF DEBT SERVICE AND LOST INCOME WHICH IS DIRECTLY RELATED
25 TO THE QUARANTINED LIVESTOCK ENTERPRISE ON THAT FARM. DEBT SERV-
26 ICE SHALL INCLUDE ANY PRINCIPAL AND INTEREST DUE ON OPERATIONAL,
27 EQUIPMENT, FACILIITY, OR MORTGAGE LOANS FOR THE PERIOD OF TIME

1 FACILITIES ON THE FARM ARE QUARANTINED AND UNUSABLE FOR THE
2 PURPOSE FOR WHICH THEY WERE INTENDED.

3 (4) ~~-(3)-~~ The department may provide for indemnity pursuant
4 to this section not to exceed \$10,000.00 per order, from any line
5 item in the annual budget for the department in the applicable
6 fiscal year. Any agreement greater than \$10,000.00 entered into
7 between the department and an owner of livestock shall contain a
8 provision indicating that, notwithstanding the terms of the
9 agreement, indemnification shall be subject to specific appropri-
10 ations by the legislature and not be paid from department funds.

11 (5) ~~-(4)-~~ Acceptance of indemnification under this section
12 does not enlarge or diminish the owner's civil remedy against a
13 person responsible for the owner's loss except that acceptance of
14 the indemnity constitutes a release of the claim of the owner
15 against the state.

16 (6) ~~-(5)-~~ The right to indemnity from the state for animals
17 condemned and ordered slaughtered, destroyed, or otherwise dis-
18 posed of by the director applies only to native livestock.
19 Indemnification shall not apply to livestock determined by the
20 department to be imported without meeting import requirements
21 such as official interstate health certificate or official inter-
22 state certificate of veterinary inspection, required testing,
23 required vaccination, or for livestock determined by the depart-
24 ment to have been illegally moved within this state. An owner is
25 not entitled to indemnity from the state for an animal that comes
26 into the possession of the owner with the owner's knowledge that
27 the animal is diseased or is suspected of having been exposed to

1 an infectious, contagious, or toxicological disease. In
2 addition, the director shall not indemnify an owner for animals
3 that have been exposed to an animal that comes in to the posses-
4 sion of the owner with the owner's knowledge that the animal is
5 diseased or is suspected of having been exposed to an infectious,
6 contagious, or toxicological disease.

7 (7) ~~-(6)-~~ A premises that has been depopulated shall be
8 cleaned and disinfected as prescribed by the director.

9 (8) ~~-(7)-~~ Repopulation of the premises, except as approved
10 by the director, shall not confer eligibility for future indem-
11 nity under this section.

12 (9) ~~-(8)-~~ The department may cooperate and coordinate with
13 the secretary of the United States department of agriculture or
14 the secretary's authorized representative or other governmental
15 departments or agencies regarding indemnification under this
16 section.