

SENATE BILL No. 1079

March 8, 2000, Introduced by Senator MC COTTER and referred to the Committee on Government Operations.

A bill to amend 1974 PA 181, entitled

"An act to provide for the testing, condemnation and disposal of livestock and livestock products; to provide for the testing of certain livestock; to provide for the quarantine of certain livestock; to prescribe the conditions of condemnation; to provide for the indemnification of owners of quarantined or disposed livestock or livestock products; to provide for recovery of the costs of testing, condemnation, disposal, and indemnification; and to prescribe the powers and duties of the department of agriculture,"

by amending sections 3b and 7 (MCL 287.73b and 287.77); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3b. (1) Upon application in a manner prescribed by the
2 director, a person owning livestock or livestock products dis-
3 posed under section 2 or a person owning livestock ~~which~~ THAT
4 were quarantined by the director for an indefinite period and
5 ~~which~~ THAT were destroyed by the person while the livestock
6 were under quarantine, if the contamination is not due to

1 negligence of the owner, and if the contamination is not due to
2 the negligence or actions of some other identifiable party, shall
3 receive indemnification from the state in an amount which is
4 equal to 75% of the fair market value for the livestock or live-
5 stock products on the date the appraisal is made and as if the
6 livestock or livestock products were not contaminated.

7 ~~(2) Upon application in a manner prescribed by the direc-~~
8 ~~tor, a person owning livestock which is quarantined under section~~
9 ~~3a shall receive indemnification from the state for 75% of the~~
10 ~~loss of income due to the quarantine. As used in this subsec-~~
11 ~~tion, "loss of income due to the quarantine" means the income~~
12 ~~which the person owning the livestock would have received but for~~
13 ~~the quarantine and destruction of livestock, covering the period~~
14 ~~from the date of the quarantine to December 31, 1978, less com-~~
15 ~~penensation for damages relating to the quarantine received from~~
16 ~~any other source. This subsection shall expire September 30,~~
17 ~~1979.~~

18 (2) ~~(3)~~ The director shall issue a certificate to the
19 owner OF LIVESTOCK DESCRIBED IN SUBSECTION (1). The certificate
20 may be presented by the owner to the director for payment in the
21 amount of 75% of the appraised value of the livestock or live-
22 stock products, or 75% of the loss of income due to the quaran-
23 tine, or both, less compensation for damages relating to the
24 livestock or livestock products received from any other source.
25 An affidavit signed by the owner or custodian attesting to the
26 amount of compensation for damages relating to the livestock or

1 livestock products received from any other source shall accompany
2 the certificate.

3 (3) ~~(4)~~ Before the owner may receive indemnification from
4 the state under this section, the owner shall execute and sign a
5 subrogation agreement assigning to the state the rights of the
6 owner to a cause of action to recover damages for loss due to the
7 contamination from a toxic material, not exceeding the amount of
8 indemnification paid to the owner under this act.

9 (4) ~~(5)~~ Acceptance of indemnification under this section
10 does not enlarge or diminish the owner's civil remedy against a
11 person responsible for the owner's loss, except that acceptance
12 does constitute a release of the claim of the owner against this
13 state.

14 Sec. 7. (1) A person who commits ~~+~~ ANY of the following
15 is guilty of a felony:

16 (a) Contaminates livestock to receive indemnification or
17 reimbursement from the state under this act or to have the direc-
18 tor test, condemn, or dispose of livestock under this act.

19 (b) Intentionally makes a false statement on an application
20 for indemnification or reimbursement under this act.

21 (c) Intentionally violates a condition of quarantine under
22 this act.

23 (2) A person who violates any other provision of this act
24 ~~or a rule promulgated under this act~~ is guilty of a
25 misdemeanor.

26 Enacting section 1. Section 4 of 1974 PA 181, MCL 287.74,
27 is repealed.