

HOUSE BILL No. 4985

July 13, 1989, Introduced by Reps. Willis Bullard, Randall, Bender and Gnodtke and referred to the Committee on Agriculture.

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 HIVES, THE

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

5 (2) THE DIRECTOR SHALL ALLOW, UNDER RULES PROMULGATED BY THE
6 DEPARTMENT OF AGRICULTURE, FOR INDEMNIFICATION OF THE OWNER OF A
7 HIVE OWNED BY A PERSON REGISTERED UNDER SECTION 3.

8 (3) THE PROCESS OF INDEMNIFICATION SHALL INCLUDE, BUT NOT BE
9 LIMITED TO, BOTH OF THE FOLLOWING FACTORS:

10 (A) AN APPRAISAL OBTAINED BY THE OWNER OF THE HIVE OF ANY
11 HIVE DESTROYED.

12 (B) PRICING CRITERIA FOR A HIVE DESTROYED BY ORDER OF THE
13 DIRECTOR WHICH SHALL BE BASED UPON STATE AGRICULTURAL STATISTICAL
14 SERVICE PRICING INFORMATION. IF STATE AGRICULTURAL STATISTICAL
15 SERVICE PRICING INFORMATION IS NOT AVAILABLE, THE DIRECTOR SHALL
16 USE AGRICULTURAL PRICING INFORMATION AVAILABLE FROM THE APIARY
17 INDUSTRY.

18 (4) THE AMOUNT OF INDEMNIFICATION SHALL BE 75% OF THE FAIR
19 MARKET VALUE OF A HIVE AS OF THE DATE OF DESTRUCTION EXCEPT THAT
20 ANY COMPENSATION RECEIVED OR CAPABLE OF BEING OBTAINED FROM ANY
21 SOURCE INCLUDING, BUT NOT LIMITED TO, SALVAGE VALUE SHALL BE
22 DEDUCTED FROM THIS FIGURE. THE OWNER OF THE HIVE SHALL FURNISH
23 AN AFFIDAVIT ATTESTING TO COMPENSATION RECEIVED, IF ANY, FROM ANY
24 OTHER SOURCE.

25 (5) INDEMNIFICATION PURSUANT TO THIS SECTION IS CONDITIONED
26 ON THE DESTRUCTION BY THE OWNER OF ANY INFECTED OR INFESTED HIVE
27 OR OTHER MATERIALS. THE ORDER OF THE DIRECTOR ALLOWING

1 INDEMNIFICATION SHALL STATE WHICH HIVE OR OTHER MATERIALS, IF
2 ANY, ARE TO BE DESTROYED.

3 (6) INDEMNIFICATION PURSUANT TO THIS SECTION SHALL BE
4 SUBJECT TO ANNUAL APPROPRIATIONS BY THE LEGISLATURE AND SHALL NOT
5 BE PAID FROM DEPARTMENT OF AGRICULTURE FUNDS DESIGNATED FOR ANY
6 OTHER PURPOSE. ANY AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT
7 OF AGRICULTURE AND AN OWNER OF HIVES SHALL CONTAIN A PROVISION
8 INDICATING THAT, NOTWITHSTANDING THE TERMS OF THE AGREEMENT,
9 INDEMNIFICATION SHALL BE SUBJECT TO APPROPRIATIONS BY THE
10 LEGISLATURE.

11 (7) ACCEPTANCE OF INDEMNIFICATION UNDER THIS SECTION DOES
12 NOT ENLARGE OR DIMINISH THE OWNER'S CIVIL REMEDY AGAINST A PERSON
13 RESPONSIBLE FOR THE OWNER'S LOSS EXCEPT THAT ACCEPTANCE OF THE
14 INDEMNITY OPERATES AS A RELEASE OF THE CLAIM OF THE OWNER AGAINST
15 THE STATE.

16 (8) THE DEPARTMENT OF AGRICULTURE SHALL NOT INDEMNIFY THE
17 OWNER OF A HIVE THAT COMES INTO THE POSSESSION OF THE OWNER WITH
18 THE OWNER'S KNOWLEDGE THAT THE HIVE OR COLONY IS DISEASED OR IS
19 SUSPECTED OF HAVING BEEN EXPOSED TO A BEE DISEASE.