

APIARY LAW (EXCERPT)
Act 412 of 1976

286.808a Control or eradication of bee disease; order to destroy colonies; indemnification.

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.

History: Add. 1993, Act 108, Imd. Eff. July 16, 1993