

# HOUSE BILL No. 5692

March 12, 1992, Introduced by Reps. Gernaat, Weeks, McBryde, Hickner, Randall, Harder, Dalman, Bodem, DeLange, Walberg, Gnodtke, Goss and London and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend the title and sections 1, 2, 3, 4, 5, 7, 8, 9, and 12 of Act No. 313 of the Public Acts of 1929, entitled

"An act to provide for the control and eradication of white pine blister rust; to provide for the destruction of trees, plants and bushes infected with white pine blister rust; to authorize the commissioner of agriculture to remove, appraise and pay for healthy host plants necessarily destroyed; to declare certain plants and bushes a public nuisance; to authorize the commissioner to set aside fruiting currant and gooseberry and white pine growing districts as control areas; to provide for co-operation between state departments; to authorize the promulgation of rules and regulations; to provide funds for carrying out the purposes of this act; and to provide penalties for its violation,"

being sections 286.101, 286.102, 286.103, 286.104, 286.105, 286.107, 286.108, 286.109, and 286.112 of the Michigan Compiled Laws; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5, 7, 8, 9,  
2 and 12 of Act No. 313 of the Public Acts of 1929, being sections

1 286.101, 286.102, 286.103, 286.104, 286.105, 286.107, 286.108,  
2 286.109, and 286.112 of the Michigan Compiled Laws, are amended  
3 to read as follows:

4 TITLE

5 An act to provide for the control and eradication of white  
6 pine blister rust; to provide for the destruction of trees,  
7 plants and bushes infected with white pine blister rust; to  
8 authorize the ~~commissioner~~ DIRECTOR of agriculture to remove  
9 ~~appraise and pay for healthy~~ host plants; ~~necessarily~~  
10 ~~destroyed;~~ to declare certain plants and bushes a public nui-  
11 sance; to authorize the ~~commissioner to set aside~~ DIRECTOR OF  
12 AGRICULTURE TO ESTABLISH fruiting currant and gooseberry and  
13 white pine growing districts as control areas; to provide for  
14 ~~co-operation~~ COOPERATION between state departments; to  
15 ~~authorize~~ PROVIDE FOR the promulgation of rules; ~~and regula-~~  
16 ~~tions; to provide funds for carrying out the purposes of this~~  
17 ~~act;~~ and to provide REMEDIES AND penalties for its violation.

18 Sec. 1. ~~For the purposes of~~ AS USED IN this act: ~~the~~  
19 ~~following words, names and terms shall be construed respectively~~  
20 ~~to mean:~~

21 (a) ~~Commissioner. The commissioner~~ "DIRECTOR" MEANS THE  
22 DIRECTOR of agriculture AND ANY DESIGNATED AGENTS OR EMPLOYEES OF  
23 THE DIRECTOR.

24 (b) ~~Cultivated black currants. Plants~~ "CULTIVATED OR  
25 EUROPEAN BLACK CURRANTS" MEANS PLANTS, SEEDS, roots, cuttings,  
26 MERISTEMS, or scions of Ribes nigrum L.

1 (c) ~~Currants and gooseberries: Plants~~ "CURRANTS AND  
 2 GOOSEBERRIES" MEANS PLANTS, roots, cuttings, MERISTEMS, or scions  
 3 belonging to the ~~genera~~ GENUS Ribes L. ~~and Grossularia~~  
 4 ~~(Tourn.) Mill.~~

5 (d) ~~White pine blister rust control area: An~~ "WHITE PINE  
 6 BLISTER RUST CONTROL AREA" MEANS AN area established by state  
 7 authority ~~—~~ wherein the planting ~~and~~ OR possession of  
 8 ~~currant and gooseberry plants~~ CURRANTS AND GOOSEBERRIES is pro-  
 9 hibited for the purpose of protecting the white pines on such  
 10 area from damage by white pine blister rust.

11 (e) ~~Fruiting currant and gooseberry control area: An~~  
 12 "FRUITING CURRANT AND GOOSEBERRY CONTROL AREA" MEANS AN area  
 13 established by state authority wherein the planting or possession  
 14 of white pines is prohibited for the purpose of protecting fruit-  
 15 ing currants and gooseberries in such areas from damage by the  
 16 white pine blister rust.

17 (f) ~~White pine: Plants~~ "WHITE PINE" MEANS PLANTS of any  
 18 species belonging to the genus Pinus which bear their needles in  
 19 clusters of 5.

20 (g) ~~White pine blister rust: The~~ "WHITE PINE BLISTER  
 21 RUST" MEANS THE fungous disease caused by Cronartium ribicola  
 22 (Fischer).

23 (H) "RESISTANT VARIETIES" MEANS VARIETIES OF GENUS RIBES L.  
 24 RESISTANT TO WHITE PINE BLISTER RUST AS DETERMINED BY THE  
 25 DIRECTOR.

26 (I) "SUSCEPTIBLE VARIETIES" MEANS VARIETIES OF GENUS RIBES  
 27 L. SUSCEPTIBLE TO WHITE PINE BLISTER RUST.

1        Sec. 2. (1) ~~The fungous disease commonly known as the~~  
 2 ~~white~~ WHITE pine blister rust ~~caused by the organism Cronartium~~  
 3 ~~ribicola Fischer, is hereby declared~~ IS CONSIDERED to be a dan-  
 4 gerous forest pest in all its stages. ~~, and it shall be the duty~~  
 5 ~~of the commissioner of agriculture to~~

6        (2) THE DIRECTOR SHALL enforce ~~the measures hereinafter~~  
 7 ~~specified for the control of this pest. The commissioner of~~  
 8 ~~agriculture is hereby empowered to make such rules and~~  
 9 ~~regulations~~ THIS ACT IN ORDER TO CONTROL THE INFESTATION AND  
 10 SPREAD OF WHITE PINE BLISTER RUST DISEASE. THE DIRECTOR MAY  
 11 PROMULGATE RULES as are necessary to carry out the provisions of  
 12 this act and all state departments ~~co-operating~~ COOPERATING  
 13 with the state department of agriculture shall ~~issue and~~ NOT  
 14 promulgate rules ~~and regulations~~ for the control and eradica-  
 15 tion of the white pine blister rust ~~in harmony~~ WHICH ARE IN  
 16 CONFLICT with those ~~issued and~~ promulgated by the ~~state~~  
 17 ~~department of agriculture so that the work carried on may all be~~  
 18 ~~along the same line~~ DIRECTOR.

19        Sec. 3. Any white pines, currants, or gooseberries within  
 20 the state which are found to be infected with white pine blister  
 21 rust are ~~hereby declared~~ CONSIDERED TO BE a public nuisance. ~~—~~  
 22 ~~and any such~~ SUCH diseased plants and any and all wild plants of  
 23 the ~~genera Ribes and Grossularia,~~ GENUS RIBES L. may be  
 24 destroyed ~~forthwith~~ by order of the ~~commissioner or his~~  
 25 ~~agents~~ DIRECTOR. Any currants, gooseberries, or white pines not  
 26 infected with white pine blister rust may be destroyed by the

1 ~~commissioner or his agents where~~ DIRECTOR AS HE OR SHE  
2 DETERMINES necessary in carrying out the purposes of this act.  
3 Sec. 4. ~~The~~ EXCEPT IN THE CASE OF RESISTANT VARIETIES,  
4 THE cultivated black currant is ~~hereby declared~~ CONSIDERED a  
5 public nuisance. Planting, possessing, growing, propagating,  
6 selling, or offering for sale plants, roots, SEEDS, or cuttings  
7 of cultivated black currants within the state is ~~hereby~~  
8 prohibited. Such roots, cuttings, or plants now planted or grow-  
9 ing may be destroyed by the ~~commissioner or his agents~~  
10 DIRECTOR.

11 Sec. 5. The ~~commissioner is hereby authorized and empow-~~  
12 ~~ered to promulgate~~ DIRECTOR MAY ISSUE, by letter, publication,  
13 poster, or other means, information concerning the white pine  
14 blister rust and to designate ~~by the aforesaid means of~~  
15 ~~promulgation~~ WHITE PINE blister rust control areas within the  
16 state in which control measures are necessary or advisable. In  
17 designating fruiting currant and gooseberry control areas, the  
18 ~~commissioner~~ DIRECTOR shall use due care to fix their bounda-  
19 ries so as to include areas where currants and gooseberries are  
20 grown on a commercial scale and where their value for this pur-  
21 pose is clearly greater than the use of the area for the produc-  
22 tion of white pine. In designating white pine blister rust con-  
23 trol areas, the ~~commissioner~~ DIRECTOR shall use due care to fix  
24 their boundaries so as to protect white pines on such areas from  
25 damage by white pine blister rust. ~~It shall be the duty of~~  
26 ~~every land owner~~ A LANDOWNER within such A designated ~~areas to~~  
27 AREA SHALL carry out such control measures as are ordered by the

1 ~~commissioner~~ DIRECTOR, including the removal and destruction of  
 2 any or all wild and cultivated BLACK currants and gooseberries or  
 3 white pines. ~~No currants~~ CURRANTS or gooseberries shall NOT be  
 4 planted within ~~such~~ A white pine blister rust control ~~areas~~  
 5 AREA without written permission from the ~~commissioner~~  
 6 DIRECTOR. ~~No white~~ WHITE pines shall NOT be planted within  
 7 ~~such~~ fruiting currant or gooseberry control areas without writ-  
 8 ten permission of the ~~commissioner~~ DIRECTOR. If ~~the owner~~ A  
 9 LANDOWNER fails to destroy ~~the above named plants~~ CURRANTS OR  
 10 GOOSEBERRIES WITHIN A FRUITING CURRANT OR GOOSEBERRY CONTROL AREA  
 11 within the time specified by the ~~commissioner~~ DIRECTOR, the  
 12 ~~commissioner~~ DIRECTOR shall cause ~~said~~ THE plants to be  
 13 destroyed and the expense ~~thereof~~ OF THEIR DESTRUCTION shall be  
 14 a lien upon the owner's land. Such lien shall have the same  
 15 effect and may be collected in the same manner as taxes upon such  
 16 land. Any ~~moneys~~ MONEY so collected shall be paid into the  
 17 state treasury. ~~and credited to the fund provided for this~~  
 18 ~~work.~~

19 Sec. 7. The ~~commissioner and his agents shall have the~~  
 20 ~~right to~~ DIRECTOR MAY enter upon any private or public lands to  
 21 determine the presence or the absence of white pine blister rust  
 22 in any of its stages and to carry out measures for its control.

23 Sec. 8. (1) The ~~commissioner~~ DIRECTOR may ~~co-operate~~  
 24 COOPERATE with the United States department of agriculture, with  
 25 the department of ~~conservation~~ NATURAL RESOURCES, and with  
 26 counties, townships, associations, institutions, and individuals  
 27 for the suppression and control of white pine blister rust, and

1 shall carry on such investigations of ~~the disease~~ WHITE PINE  
 2 BUSTER RUST and its control as ~~are deemed~~ THE DIRECTOR  
 3 CONSIDERS advisable. ~~by the commissioner.~~

4 (2) The department of ~~conservation~~ NATURAL RESOURCES shall  
 5 have control of all state owned lands and ~~it shall be its duty~~  
 6 ~~to co operate~~ COOPERATE with the department of agriculture in  
 7 the control of the white pine blister rust on all state lands and  
 8 the expense so incurred shall be borne by the department of  
 9 ~~conservation~~ NATURAL RESOURCES.

10 Sec. 9. The ~~commissioner is hereby authorized and empow~~  
 11 ~~ered to~~ DIRECTOR MAY prohibit and prevent or regulate the entry  
 12 into or movement within the state ~~from any part thereof to any~~  
 13 ~~other part,~~ of any white pines or any plants of genus ~~Ribes or~~  
 14 ~~Grossularia~~ RIBES L. when such plants are to be shipped into  
 15 WHITE PINE blister rust control areas.

16 Sec. 12. ~~Any~~ A person violating ~~any of the provisions~~  
 17 ~~of~~ this act ~~shall be~~ IS guilty of a misdemeanor ~~and shall be~~  
 18 ~~punished~~ PUNISHABLE by a fine of not more than ~~100 dollars~~  
 19 \$100.00 or imprisonment for not more than 90 days, OR BOTH, and  
 20 costs of prosecution. ~~, or both such fine and imprisonment in~~  
 21 ~~the discretion of the court.~~

22 Section 2. Section 6 of Act No. 313 of the Public Acts of  
 23 1929, being section 286.106 of the Michigan Compiled Laws, is  
 24 repealed.