



# SENATE BILL No. 453

April 19, 1995, Introduced by Senators MC MANUS and GAST  
and referred to the Committee on Agriculture and Forestry.

A bill to amend section 6 of Act No. 189 of the Public Acts  
of 1931, entitled as amended

"The insect pest and plant disease act,"

being section 286.206 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 6 of Act No. 189 of the Public Acts of  
2 1931, being section 286.206 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 6. (1) The director shall cause to be inspected at  
5 least once each year during the growing season all nurseries in  
6 the state to ascertain whether they are infested with insect  
7 pests or infected with plant diseases. The director shall cause  
8 to be inspected all nursery stock which will be stored or offered  
9 for sale or which is stored in cellars, heeling-in grounds or  
10 warehouses to ascertain whether it is infested with insect pests

1 or infected with plant diseases and assess ~~the usual~~ AN  
2 inspection ~~fees based upon the cost of making the various~~  
3 ~~inspections required from time to time~~ FEE.

4 (2) If upon the inspection of any nursery stock ~~as above~~  
5 ~~provided.~~ it ~~shall appear~~ IS DETERMINED that ~~such~~ THE nurs-  
6 ery stock or nursery and its premises are apparently free from  
7 insect pests and plant diseases, and if the necessary inspection  
8 fees ~~which shall be assessed on the basis of the costs involved~~  
9 ~~in making the said inspection~~ have been paid, the director shall  
10 give or send to the owner of each nursery or OF THE nursery stock  
11 or TO the person in charge of the ~~same~~ NURSERY OR NURSERY STOCK  
12 a certificate executed by the director setting forth the fact of  
13 ~~such~~ THE inspection. If any inspections are requested by any  
14 nursery after September 1, the nursery or applicant shall pay, in  
15 addition to the ~~above charges~~ INSPECTION FEE, the expense of  
16 ~~such~~ THE inspector and mileage at the prevailing rate per mile,  
17 as established by the state administrative board, in going to and  
18 returning from ~~such~~ THE inspection, either from Lansing or the  
19 location of the nearest inspector.

20 (3) Certificates of inspection ~~shall expire on September~~  
21 ~~15, 1961, and on October 31 of each year thereafter, and they~~  
22 ~~shall be~~ ARE valid from November 1 in ~~one~~ 1 year to October 31  
23 of the following year. ~~It shall be unlawful for any~~

24 (4) A person ~~to~~ SHALL NOT sell or ~~to~~ offer for sale or  
25 ~~to~~ remove or ship from a nursery or other premises any nursery  
26 stock until ~~such~~ THE NURSERY stock has been officially  
27 inspected and a certificate or permit covering it has been

1 granted by the director, except that nursery stock may be shipped  
2 to the director without ~~such~~ AN inspection and certification.

3 ~~It shall be unlawful for the director to~~

4 (5) THE DIRECTOR SHALL NOT grant a certificate of inspection  
5 to private landowners who are about to sell or remove trees or  
6 plants originally supplied from the state or federal or state and  
7 federal nurseries or by any political subdivision or its  
8 agencies.

9 (6) THE DIRECTOR SHALL CHARGE AN INSPECTION FEE BASED UPON  
10 THE COST TO THE DEPARTMENT OF AGRICULTURE OF MAKING THE INSPEC-  
11 TION, INCLUDING THE COSTS OF SALARIES ATTRIBUTED TO OR CONNECTED  
12 WITH THE INSPECTIONS.

13 (7) THE DIRECTOR SHALL ADJUST THE SCHEDULE OF FEES FOR THE  
14 COSTS OF MAKING THE VARIOUS INSPECTIONS OF NURSERY STOCK, PLANTS,  
15 AND PLANT MATERIALS AS REQUIRED BY THIS ACT AND PROVIDE THAT EACH  
16 TYPE OF FEE CHARGED IS SUFFICIENT TO COVER THE COST OF THE  
17 INSPECTION. THE DIRECTOR SHALL REVIEW AND ADJUST ITS SCHEDULE OF  
18 FEES FOR THE INSPECTIONS AT THE END OF EACH FISCAL YEAR. THE  
19 DIRECTOR SHALL APPROVE ALL ADJUSTMENTS TO THE FEES BEFORE THEY  
20 ARE ADOPTED.