

# SENATE BILL No. 911

December 4, 2001, Introduced by Senator MC COTTER and referred to the Committee on Government Operations.

A bill to amend 1945 PA 72, entitled

"An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts,"

by amending section 5 (MCL 286.255).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. The ~~commissioner~~ DIRECTOR of THE DEPARTMENT OF  
2 agriculture and his OR HER inspectors, deputies, assistants, and  
3 ~~employees shall have authority to~~ EMPLOYEES MAY enter upon any  
4 premises in the state for the purpose of examining trees, shrubs,  
5 vines, and plants for the presence of destructive insects or dis-  
6 eases, and, if any such insects or diseases are found, may, under  
7 the provisions of this act, take ~~such~~ THE steps as may be  
8 necessary to exterminate them. No damage shall be awarded for

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1 the destruction of any trees, shrubs, vines, plants, or fruit or  
2 for injury to same if done by the ~~commissioner~~ DIRECTOR OF THE  
3 DEPARTMENT of agriculture or his OR HER authorized inspectors and  
4 assistants, in accordance with the provisions of this act, ~~→~~  
5 ~~Provided, It is deemed~~ AND THE DIRECTOR CONSIDERS IT necessary  
6 in order to suppress dangerous insects and diseases, when the  
7 trees, shrubs, vines, and plants have already been attacked by  
8 dangerous insects or diseases. Whenever any dangerous plant dis-  
9 ease, or destructive insect, which is new to or which has not  
10 become widely prevalent or distributed through or within the  
11 state is found upon any trees, shrubs, vines, or plants, in case  
12 it is ~~deemed~~ CONSIDERED necessary in order to prevent the  
13 spread and the dissemination of said insect, or disease, the  
14 ~~commissioner~~ DIRECTOR of THE DEPARTMENT OF agriculture may  
15 cause any tree, shrub, vine, or plant likely to be attacked by  
16 such insect or disease, and which are growing within 3,000 feet  
17 of where ~~said~~ THE dangerous insect or disease has been found,  
18 to be treated with approved remedies, or, if this is not feasi-  
19 ble, to be destroyed. ~~→: Provided, It~~ HOWEVER, IF IT becomes  
20 necessary to destroy any trees, shrubs, vines, or plants which  
21 have not already become attacked by said new and dangerous insect  
22 or disease, the owner shall be recompensed for their actual  
23 value, the amount to be fixed by 3 parties, 1 to be selected by  
24 the owner, another by the ~~commissioner~~ DIRECTOR of THE DEPART-  
25 MENT OF agriculture, and the third party to be selected by the  
26 other 2 so selected. The amount awarded, when approved by the  
27 ~~commissioner of~~ DIRECTOR OF THE DEPARTMENT OF agriculture,

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1 shall be certified to the ~~auditor general~~ STATE TREASURER, who  
2 shall draw a warrant on the state treasurer for the payment of  
3 the same from the general fund of the state.