



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4560 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Tim Moore

House Committee: Agriculture

Senate Committee: Agriculture, Forestry and Tourism

CONTENT

The bill would amend Public Act 72 of 1945 (which concerns plant diseases and insects) to establish the following penalties for the violation of a rule promulgated or order issued under the Act that imposed a quarantine or required the destruction of plants:

- A violation of a rule or order that required the destruction of plants would be a State civil infraction subject to a fine of up to \$1,000, plus expenses incurred by the Department of Agriculture in destroying the plants.
- A violation of a quarantine rule or order would be a State civil infraction subject to a fine of not less than \$1,000 or more than \$10,000 (or a maximum fine of \$500 for a person who voluntarily reported the violation).
- Beginning September 1, 2005, a knowing violation of a quarantine rule or order would be a misdemeanor punishable by a fine of not less than \$1,000 or more than \$10,000 and imprisonment for up to one year.
- Beginning September 1, 2005, an intentional violation of a quarantine rule or order for the purpose of causing damage to plants, natural resources, or agricultural, silvicultural, or horticultural products or resources, would be a felony punishable by imprisonment for up to five years and/or a maximum fine of \$250,000.
- A person who violated a quarantine rule or order would be liable for any damage to plants, natural resources, or agricultural, silvicultural, or horticultural products or resources resulting from the violation.

MCL 286.259 et al.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

House Bills 4560 (S-1), 4562 (S-1), 4567 (S-1), and 4613 would have an indeterminate fiscal impact on State and local government. To the extent that they would create new civil infractions, misdemeanors, and felonies, the bills would increase criminal justice costs. Local units would incur the costs of misdemeanor probation and incarceration in a local facility, which both vary by county. The State would incur the costs of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000. Public libraries would benefit from additional civil infraction and penal fines.

To the extent that the bills would allow the Department of Agriculture to order administrative fines and collect reimbursement from violators for costs incurred in investigating, monitoring, preventing, and minimizing the damage of certain violations, they could increase departmental revenue.

Date Completed: 6-8-05

Fiscal Analyst: Bethany Wicksall

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