

HOUSE BILL No. 4560

March 24, 2005, Introduced by Reps. Moore, Emmons, Kathleen Law, Vander Veen, Stewart, McDowell, Farrah, Leland, Sak, Plakas, LaJoy and Taub and referred to the Committee on Agriculture.

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 the title and section 9 (MCL 286.259) and by adding section 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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

1 agriculture; to prescribe penalties ~~for the violation of the~~
2 ~~provisions of this act; and to repeal certain acts and parts of~~
3 ~~acts~~ **AND CIVIL SANCTIONS; AND TO PROVIDE REMEDIES.**

4 Sec. 9. ~~Any person who shall violate any of the provisions of~~
5 ~~this act, shall be adjudged~~ **A PERSON WHO MAINTAINS A PUBLIC**
6 **NUISANCE IN VIOLATION OF SECTION 3 OR OTHERWISE VIOLATES THIS ACT,**
7 **EXCEPT AS PROVIDED IN SECTION 10, IS** guilty of a misdemeanor ~~—, and~~
8 ~~upon conviction be fined~~ **PUNISHABLE BY A FINE OF** not less than
9 \$25.00 or more than \$100.00 ~~for each and every offense, or by~~
10 imprisonment ~~in the county jail for a period of not to exceed~~
11 **MORE THAN** 90 days, or ~~by both. such fine and imprisonment at the~~
12 ~~discretion of the court; and the amount collected in fines shall be~~
13 ~~paid to the commissioner of agriculture and by the commissioner of~~
14 ~~agriculture turned into the state treasury and be used to help to~~
15 ~~defray the expenses of the enforcement of this act, in addition to~~
16 ~~the regular annual appropriation for the state department of~~
17 ~~agriculture. All rules and regulations shall be issued and~~
18 ~~promulgated in accordance with the provisions of Act No. 88 of the~~
19 ~~Public Acts of 1943.~~

20 **SEC. 10. (1) A PERSON WHO VIOLATES A RULE PROMULGATED OR ORDER**
21 **ISSUED UNDER THIS ACT THAT REQUIRES THE DESTRUCTION OF PLANTS IS**
22 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL BE FINED NOT**
23 **MORE THAN \$1,000.00 PLUS EXPENSES INCURRED BY THE DEPARTMENT IN**
24 **DESTROYING THE PLANTS.**

25 **(2) A PERSON WHO VIOLATES A QUARANTINE RULE PROMULGATED OR**
26 **QUARANTINE ORDER ISSUED UNDER THIS ACT IS RESPONSIBLE FOR A STATE**
27 **CIVIL INFRACTION AND SHALL BE FINED NOT LESS THAN \$1,000.00 OR MORE**

1 THAN \$10,000.00. HOWEVER, IF THE PERSON VOLUNTARILY REPORTED THE
2 VIOLATION TO THE DEPARTMENT BEFORE IT WAS OTHERWISE KNOWN TO THE
3 DEPARTMENT OR THE PERSON HAD REASON TO BELIEVE THE VIOLATION WAS
4 ABOUT TO BECOME KNOWN TO THE DEPARTMENT, THE PERSON SHALL BE FINED
5 NOT MORE THAN \$500.00.

6 (3) A PERSON WHO KNOWINGLY VIOLATES A QUARANTINE RULE
7 PROMULGATED OR QUARANTINE ORDER ISSUED UNDER THIS ACT IS GUILTY OF
8 A MISDEMEANOR AND MAY BE IMPRISONED FOR NOT MORE THAN 1 YEAR AND
9 SHALL BE FINED NOT LESS THAN \$1,000.00 OR MORE THAN \$10,000.00.

10 (4) A PERSON WHO INTENTIONALLY VIOLATES A QUARANTINE RULE
11 PROMULGATED OR QUARANTINE ORDER ISSUED UNDER THIS ACT, FOR THE
12 PURPOSE OF CAUSING DAMAGE TO PLANTS, NATURAL RESOURCES, OR
13 AGRICULTURAL, SILVICULTURAL, OR HORTICULTURAL PRODUCTS OR
14 RESOURCES, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
15 MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH.

16 (5) A PERSON WHO VIOLATES A QUARANTINE RULE PROMULGATED OR
17 QUARANTINE ORDER ISSUED UNDER THIS ACT IS LIABLE FOR ANY DAMAGES TO
18 PLANTS, NATURAL RESOURCES, OR AGRICULTURAL, SILVICULTURAL, OR
19 HORTICULTURAL PRODUCTS OR RESOURCES RESULTING FROM THE VIOLATION,
20 INCLUDING, BUT NOT LIMITED TO, COSTS INCURRED TO INVESTIGATE,
21 MONITOR, PREVENT, OR MINIMIZE SUCH DAMAGES.