

Act No. 52
Public Acts of 2005
Approved by the Governor
June 27, 2005
Filed with the Secretary of State
June 27, 2005
EFFECTIVE DATE: June 27, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Reps. Moore, Emmons, Kathleen Law, Vander Veen, Stewart, McDowell, Farrah, Leland, Sak, Plakas, LaJoy and Taub

ENROLLED HOUSE BILL No. 4560

AN ACT 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 agriculture; to prescribe penalties and civil sanctions; and to provide remedies.

Sec. 9. (1) Subject to subsection (2), a person who maintains a public nuisance in violation of section 3 or otherwise violates this act is guilty of a misdemeanor punishable by a fine of not less than \$25.00 or more than \$100.00 or by imprisonment for not more than 90 days, or both.

(2) Beginning September 1, 2005, subsection (1) does not apply to a violation described in section 10.

Sec. 10. (1) A person who violates a rule promulgated or order issued under this act that requires the destruction of plants is responsible for a state civil infraction and shall be fined not more than \$1,000.00 plus expenses incurred by the department in destroying the plants.

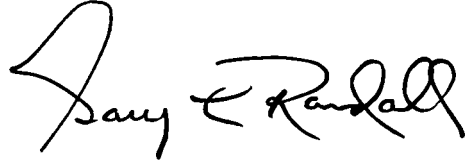
(2) A person who violates a quarantine rule promulgated or quarantine order issued under this act is responsible for a state civil infraction and shall be fined not less than \$1,000.00 or more than \$10,000.00. However, if the person voluntarily reported the violation to the department before it was otherwise known to the department or the person had reason to believe the violation was about to become known to the department, the person shall be fined not more than \$500.00.

(3) Beginning September 1, 2005, a person who knowingly violates a quarantine rule promulgated or quarantine order issued under this act is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than \$1,000.00 or more than \$10,000.00.

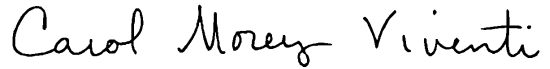
(4) Beginning September 1, 2005, a person who intentionally violates a quarantine rule promulgated or quarantine order issued under this act, for the purpose of causing damage to plants, natural resources, or agricultural, silvicultural, or horticultural products or resources, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$250,000.00, or both.

(5) A person who violates a quarantine rule promulgated or quarantine order issued under this act is liable for any damages to plants, natural resources, or agricultural, silvicultural, or horticultural products or resources resulting from the violation, including, but not limited to, costs incurred to investigate, monitor, prevent, or minimize such damages.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor