

SENATE BILL No. 946

February 14, 2012, Introduced by Senators CASWELL, JONES, BOOHER, GREEN, EMMONS, KAHN, MARLEAU, HANSEN, NOFS, COLBECK and JANSEN and referred to the Committee on Appropriations.

A bill to amend 1931 PA 189, entitled
"The insect pest and plant disease act,"
by amending sections 2, 4, 6, 9, 17, and 22 (MCL 286.202, 286.204,
286.206, 286.209, 286.217, and 286.222), sections 6 and 9 as
amended by 2007 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

~~—— (a) "Insect pests" means insects or other invertebrates
injurious to plants and plant products.~~

~~—— (b) "Plant diseases" means fungi, bacteria, nematodes, and
viruses, injurious to plants and plant products, and the
pathological condition in plants and plant products caused by
fungi, bacteria, nematodes, and viruses.~~

~~—— (c) "Plants" and "plant products" means trees, shrubs, vines,
fruit, forage and cereal plants and all other plants, cuttings,~~

~~grafts, scions, buds and all other parts of plants, and fruit, vegetables, roots, bulbs, seeds, wood, lumber and all other plant products.~~

~~—— (d) "Nursery stock" means all botanically classified hardy perennial or biennial trees, shrubs, vines, and plants, either domesticated or wild, cuttings, grafts, scions, buds, bulbs, rhizomes, or roots thereof, fruit pits, also other such plants and plant parts for, or capable of, propagation, excepting field, vegetable and flower seeds, corms and tubers.~~

~~—— (e) "Nursery" means any grounds or premises on or in which nursery stock is propagated, grown or cultivated for the purpose of distributing or selling same as a business.~~

~~—— (f) "Nurseryman" means any person, firm, partnership, association, or corporation owning, leasing, managing, or in charge of a nursery.~~

~~—— (g) "Plant grower" or "plant dealer" means any person, firm, partnership, association, or corporation growing or offering for sale herbaceous perennials, or biennial nursery stock, small fruit plants, or asparagus or rhubarb roots.~~

~~—— (h) "Nursery dealer" means any person, firm, partnership, association, or corporation not a grower or an original producer of nursery stock in this state, who buys nursery stock for the purpose of reselling or reshipping independently of the control of any nurseryman, nursery dealer or who is engaged with a nurseryman or dealer in handling nursery stock on a consignment basis.~~

~~—— (i) "Agent" means any person who solicits, takes orders, or sells nursery stock in this state for a nurseryman, dealer, or~~

1 grower of nursery stock, but not on the premises or place of
2 business.

3 ~~—— (j) "Places" means vessels, cars and other vehicles,~~
4 ~~buildings, docks, nurseries, orchards and other premises where~~
5 ~~plants and plant products are grown, kept, or handled.~~

6 ~~—— (k) "Property" means real estate, personal property, and any~~
7 ~~thing or substance connected therewith, with or without value.~~

8 ~~—— (l) "Commissioner of agriculture" or "director" means the~~
9 ~~director of the department of agriculture.~~

10 (A) "AGENT" MEANS A PERSON THAT SOLICITS, TAKES ORDERS, OR
11 SELLS NURSERY STOCK IN THIS STATE FOR A GROWER OR DEALER OF NURSERY
12 STOCK, BUT NOT ON THE PREMISES OR PLACE OF BUSINESS OF THE GROWER
13 OR DEALER OF NURSERY STOCK.

14 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL
15 DEVELOPMENT.

16 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN
17 EMPLOYEE OF THE DEPARTMENT AUTHORIZED BY THE DIRECTOR.

18 (D) "INSECT PESTS" MEANS INSECTS OR OTHER INVERTEBRATES
19 INJURIOUS TO PLANTS OR PLANT PRODUCTS.

20 (E) "NURSERY" MEANS ANY GROUNDS OR PREMISES ON OR IN WHICH
21 NURSERY STOCK IS PROPAGATED, GROWN, OR CULTIVATED FOR THE PURPOSE
22 OF DISTRIBUTING OR SELLING NURSERY STOCK AS A BUSINESS.

23 (F) "NURSERY DEALER" MEANS A PERSON THAT IS NOT A GROWER OR AN
24 ORIGINAL PRODUCER OF NURSERY STOCK IN THIS STATE, THAT BUYS NURSERY
25 STOCK FOR THE PURPOSE OF RESELLING OR RESHIPING INDEPENDENTLY OF
26 THE CONTROL OF ANY NURSERY GROWER OR NURSERY DEALER, OR THAT IS
27 ENGAGED WITH A NURSERY GROWER OR NURSERY DEALER IN HANDLING NURSERY

1 STOCK ON A CONSIGNMENT BASIS.

2 (G) "NURSERY GROWER" OR "NURSERYMAN" MEANS A PERSON OWNING,
3 LEASING, MANAGING, OR IN CHARGE OF A NURSERY.

4 (H) "NURSERY STOCK" MEANS ALL DOMESTICATED OR WILD BOTANICALLY
5 CLASSIFIED HARDY PERENNIAL OR BIENNIAL TREES, SHRUBS, VINES, AND
6 OTHER PLANTS; CUTTINGS, GRAFTS, SCIONS, BUDS, BULBS, RHIZOMES, OR
7 ROOTS OF ANY OF THESE; AND FRUIT PITS. NURSERY STOCK INCLUDES
8 PLANTS AND PLANT PARTS FOR, OR CAPABLE OF, PROPAGATION, EXCEPTING
9 FIELD, VEGETABLE, AND FLOWER SEEDS, CORMS, AND TUBERS.

10 (I) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
11 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

12 (J) "PLACES" MEANS VESSELS, CARS AND OTHER VEHICLES,
13 BUILDINGS, DOCKS, NURSERIES, ORCHARDS, AND OTHER PREMISES WHERE
14 PLANTS OR PLANT PRODUCTS ARE GROWN, KEPT, OR HANDLED.

15 (K) "PLANT DISEASES" MEANS FUNGI, BACTERIA, NEMATODES, AND
16 VIRUSES, INJURIOUS TO PLANTS OR PLANT PRODUCTS, AND THE
17 PATHOLOGICAL CONDITION IN PLANTS OR PLANT PRODUCTS CAUSED BY FUNGI,
18 BACTERIA, NEMATODES, AND VIRUSES.

19 (L) "PLANT GROWER" OR "PLANT DEALER" MEANS A PERSON GROWING OR
20 OFFERING FOR SALE HERBACEOUS PERENNIALS, OR BIENNIAL NURSERY STOCK,
21 SMALL-FRUITED PLANTS, OR ASPARAGUS OR RHUBARB ROOTS.

22 (M) "PLANTS OR PLANT PRODUCTS" MEANS TREES, SHRUBS, VINES,
23 FRUIT, FORAGE AND CEREAL PLANTS, AND ALL OTHER PLANTS, CUTTINGS,
24 GRAFTS, SCIONS, BUDS, AND ALL OTHER PARTS OF PLANTS; INCLUDING
25 FRUIT, VEGETABLES, ROOTS, BULBS, PIPS, SEEDS, WOOD, LUMBER, AND ALL
26 OTHER PLANT PRODUCTS.

27 (N) "PROPERTY" MEANS REAL ESTATE, PERSONAL PROPERTY, AND ANY

1 **THING OR SUBSTANCE CONNECTED WITH REAL ESTATE OR PERSONAL PROPERTY**
 2 **WHETHER OR NOT IT HAS VALUE.**

3 ~~Sec. 4. Any nursery, nurseryman, dealer, plant grower or agent~~
 4 **A PERSON** desiring to sell or give away nursery stock in this state
 5 shall ~~make application~~ **APPLY** in writing before April 1 of each year
 6 to the director for the inspection of ~~his~~ **THE** nursery stock growing
 7 in this state. ~~, or failing to give such notice, such nursery,~~
 8 ~~nurseryman, dealer, plant grower or agent shall be~~ **A PERSON THAT**
 9 **FAILS TO APPLY FOR THE INSPECTION OF NURSERY STOCK AS REQUIRED**
 10 **UNDER THIS SECTION IS** liable for the additional expense of the
 11 ~~inspector~~ **DEPARTMENT** for the inspection of the nursery stock. The
 12 application shall be ~~made~~ **SUBMITTED** under the true name of the
 13 ~~nursery grower or dealer, as the case may be.~~ **PERSON.** If an assumed
 14 name is used, the proprietor's name and address ~~must~~ **SHALL** also
 15 appear on the application. ~~This requirement shall also apply~~ **AND**
 16 in all advertising or printed matter used or distributed.

17 Sec. 6. (1) The director shall cause to be inspected ~~at least~~
 18 ~~once each~~ **NOT LESS THAN EVERY OTHER** year ~~during the growing season~~
 19 ~~all nurseries in the state~~ **EACH NURSERY LOCATED IN THIS STATE, AND**
 20 **EACH NURSERY DEALER LOCATED IN THIS STATE THAT RECEIVES NURSERY**
 21 **STOCK FROM OTHER STATES OR COUNTRIES, INCLUDING ANY NURSERY STOCK**
 22 **FOUND AT THAT NURSERY OR NURSERY DEALER THAT WILL BE SOLD, OFFERED**
 23 **FOR SALE, OR REMOVED OR SHIPPED FROM THE NURSERY** to ascertain
 24 whether they are infested with insect pests or infected with plant
 25 diseases. ~~The director shall cause to be inspected all nursery~~
 26 ~~stock which will be stored or offered for sale or which is stored~~
 27 ~~in cellars, heeling in grounds, or warehouses to ascertain whether~~

~~it is infested with insect pests or infected with plant diseases~~
~~and assess an inspection fee.~~ **INSPECTIONS OF NURSERIES THAT**
DISTRIBUTE NURSERY STOCK INTERSTATE SHALL BE CONDUCTED ANNUALLY,
PROVIDED THOSE NURSERIES ARE IN COMPLIANCE WITH THIS ACT. IF THE
DIRECTOR CONDUCTS AN INSPECTION UNDER THIS SUBSECTION, THE DIRECTOR
SHALL ASSESS AN INSPECTION FEE AS PROVIDED FOR IN THIS SECTION.

(2) If upon the inspection of any nursery stock ~~it is~~
~~determined~~ **THE DEPARTMENT DETERMINES** that the nursery stock or
nursery and its premises are apparently free from insect pests and
plant diseases, and if the necessary inspection fees have been
paid, the director shall give or send to the owner of each ~~each~~ **THE**
nursery or of the nursery stock or to the person in charge of the
nursery or nursery stock a certificate executed by the director
setting forth the fact of the inspection. ~~If any inspections are~~
~~requested by any nursery after September 1, the nursery or~~
~~applicant shall pay, in addition to the inspection fee, the expense~~
~~of the inspector and mileage at the prevailing rate per mile, as~~
~~established by the state administrative board, in going to and~~
~~returning from the inspection, either from Lansing or the location~~
~~of the nearest inspector.~~

(3) Certificates of inspection are valid from November 1 in 1
year to October 31 of the following year. ~~Any~~ **A** nursery owner **OR**
NURSERY DEALER may request a second inspection be performed, prior
to offering for sale or removing or shipping **OF NURSERY STOCK** from
a nursery or other premises. ~~, provided that~~ **THE DEPARTMENT SHALL**
PERFORM THE INSPECTION IF the nursery owner, **NURSERY DEALER,** or
applicant pays an inspection fee based upon the actual cost to the

1 department ~~of agriculture of such~~ **IN CONDUCTING THE** inspection.

2 (4) A person shall not sell, offer for sale, or remove or ship
3 from a nursery or other premises any nursery stock until the
4 nursery stock has been officially inspected and a certificate or
5 permit covering it has been granted by the director, except that
6 nursery stock may be shipped to the director without an inspection
7 and certification.

8 (5) The director shall not grant a certificate of inspection
9 to ~~private landowners who are about~~ **PERSONS THAT INTEND** to sell or
10 remove ~~trees or plants~~ **NURSERY STOCK** originally supplied from the
11 state, federal, or state and federal nurseries or by any political
12 subdivision or its agencies.

13 (6) The director shall charge an inspection fee based upon the
14 cost to the department ~~of agriculture of~~ making the inspection.
15 However, the director shall adjust the schedule of fees for the
16 costs of making the various inspections of nursery stock, plants,
17 and plant materials as required by this act. The director shall
18 review and adjust its schedule of fees for the inspections at the
19 end of each fiscal year. In any given fiscal year, the director may
20 raise ~~initial~~ inspection fees by ~~no~~ **NOT** more than 50%. **AN AMOUNT**
21 **DETERMINED BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL**
22 **PERCENTAGE CHANGE IN THE DETROIT-ANN ARBOR-FLINT CONSUMER PRICE**
23 **INDEX OVER THE 1-YEAR PERIOD. AN ADJUSTMENT UNDER THIS SUBSECTION**
24 **SHALL NOT EXCEED 5% EVEN IF THE AMOUNT DETERMINED BY THE STATE**
25 **TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE OVER**
26 **THE 1-YEAR PERIOD IS MORE THAN 5%. IF THE CUMULATIVE ANNUAL**
27 **PERCENTAGE CHANGE OVER THE 1-YEAR PERIOD IS LESS THAN ZERO, A**

1 CUMULATIVE ANNUAL PERCENTAGE CHANGE OF ZERO SHALL BE USED FOR THE
 2 ADJUSTMENT. THE ADJUSTMENT SHALL BE ROUNDED TO THE NEAREST DOLLAR
 3 TO SET EACH YEAR'S FEE UNDER THIS SUBSECTION, BUT THE ABSOLUTE
 4 VALUE SHALL BE CARRIED OVER AND USED TO CALCULATE THE NEXT ANNUAL
 5 ADJUSTMENT. ~~The commission of agriculture~~DIRECTOR shall approve
 6 all adjustments to the ~~initial~~ fees before they are adopted.

7 Sec. 9. (1) A person ~~, firm, partnership, association, or~~
 8 ~~corporation~~ growing or desiring to sell nursery stock in this state
 9 shall, on or before ~~October 31, 1982 and~~ October 31 of each year,
 10 apply to the director for a license. ~~After September 30, 2012, the~~
 11 ~~annual nursery license fee shall be \$50.00. Until September 30,~~
 12 ~~2012, the~~ A PERSON THAT IS A NURSERY DEALER THAT ONLY PURCHASES
 13 NURSERY STOCK GROWN IN THIS STATE BY A NURSERY GROWER IN THIS STATE
 14 THAT HOLDS A VALID NURSERY LICENSE AND CERTIFICATE OF INSPECTION IS
 15 NOT REQUIRED TO APPLY FOR A LICENSE, BUT INSTEAD SHALL, ON OR
 16 BEFORE OCTOBER 31 OF EACH YEAR, REGISTER WITH THE DIRECTOR AS A
 17 NURSERY DEALER. THE FEE TO REGISTER AS A NURSERY DEALER IS \$35.00.
 18 THE annual nursery license fee shall be ~~IS~~ \$100.00. ~~After September~~
 19 ~~30, 2012, the annual license fee for plant growers or plant dealers~~
 20 ~~shall be \$20.00. Until September 30, 2012, the~~ THE annual license
 21 fee for plant growers or plant dealers shall be ~~IS~~ \$100.00. The
 22 annual license fee for nursery dealers shall be ~~IS~~ \$100.00. ~~Until~~
 23 ~~September 30, 2012, and for~~ FOR persons growing less than 1/4 acre
 24 of nursery stock or utilizing less than 200 square feet of
 25 greenhouse space, the fee for a license is \$40.00. License fees
 26 provided for in this act shall become ARE due and payable at the
 27 office of the director on or before October 31 of each year. The

1 fees imposed in this subsection are subject to subsection (8).

2 (2) The agriculture licensing and inspection fees fund is
 3 created within the state treasury. The state treasurer may receive
 4 license and inspection fees and administrative and civil fines
 5 received pursuant to this act and other acts, as provided for by
 6 law, that are administered by the department of agriculture. ~~FOR~~
 7 **DEPOSIT INTO THE AGRICULTURE LICENSING AND INSPECTION FEES FUND.**
 8 The ~~fund~~-**STATE TREASURER** may **ALSO** receive money or other assets
 9 from any **OTHER** source for deposit into the **AGRICULTURE LICENSING**
 10 **AND INSPECTION FEES** fund. The state treasurer shall direct the
 11 investment of the **AGRICULTURE LICENSING AND INSPECTION FEES** fund
 12 and shall credit to the **AGRICULTURE LICENSING AND INSPECTION FEES**
 13 fund interest earnings from fund investments. Money in the
 14 **AGRICULTURE LICENSING AND INSPECTION FEES** fund at the close of the
 15 fiscal year shall remain in the fund and shall not lapse to the
 16 general fund. The department of agriculture shall expend money from
 17 the **AGRICULTURE LICENSING AND INSPECTION FEES** fund, upon
 18 appropriation, for the purpose of administering and carrying out
 19 those duties required by law under this act and other acts, as
 20 provided by law, that are administered by the department. The
 21 department of agriculture shall be the administrator of the
 22 **AGRICULTURE LICENSING AND INSPECTION FEES** fund for auditing
 23 purposes.

24 (3) Subject to subsection (4), license fees, inspection fees,
 25 and other noncriminal fees collected under ~~sections~~-**THIS SECTION**
 26 **AND SECTION 6 and 9** and administrative fines imposed under this act
 27 shall be ~~paid~~-**DEPOSITED** into the agriculture licensing and

1 inspection fees fund, ~~created in subsection (2),~~ to be used,
2 ~~pursuant to~~ **UPON** appropriation, by the director in administering
3 and carrying out those duties required by law under this act and to
4 develop and improve training and outreach programs for the purpose
5 of safeguarding plants ~~and~~ **OR** plant products from unwanted plant
6 pests.

7 (4) ~~Beginning October 1, 2003, the~~ **THE** horticulture fund is
8 created within the state treasury. The state treasurer may receive
9 money or other assets from any source for deposit into the
10 **HORTICULTURE** fund. ~~From October 1, 2003 until September 30, 2012,~~
11 ~~up~~ **UP** to \$70,000.00 of the funds generated through licensing may be
12 deposited into the horticulture fund each year. The state treasurer
13 shall direct the investments of the horticulture fund. The state
14 treasurer shall credit interest and earnings from **HORTICULTURE** fund
15 investments to the **HORTICULTURE** fund. Assets in the **HORTICULTURE**
16 fund at the close of the fiscal year shall remain in the
17 **HORTICULTURE** fund and shall not lapse to the general fund. The
18 director shall administer the **HORTICULTURE** fund and shall expend
19 money from the **HORTICULTURE** fund, upon appropriation, to provide
20 for research projects, to develop and improve training programs,
21 and to develop outreach materials for the purposes of safeguarding
22 plants ~~and~~ **OR** plant products from unwanted plant pests. The
23 director shall administer the **HORTICULTURE** fund with advice and
24 consultation from a ~~THE~~ horticultural advisory committee created in
25 subsection (5). ~~After September 30, 2012, the fund shall no longer~~
26 ~~exist and the money in the fund shall revert to the agriculture~~
27 ~~licensing and inspection fees fund for use as described in~~

1 ~~subsection (2).~~

2 (5) There is created a horticulture advisory committee.
3 Members of this committee, to be named by the director, shall
4 include representatives from the horticulture industry.

5 (6) This section does not apply to persons engaged in fruit
6 growing ~~who~~ **THAT** are not ~~nurserymen~~ **NURSERY GROWERS** but desire to
7 sell or exchange surplus small fruit plants of their own growing,
8 or to farmers or other persons ~~who~~ **THAT** may sell or give away
9 ~~native-WILD~~ shade trees, ~~native-WILD~~ shrubs, ~~native-WILD~~ vines,
10 ~~native-WILD~~ hardy perennials, or ~~native-WILD~~ evergreens from their
11 own premises.

12 (7) ~~Beginning July 23, 2004, the~~ **THE** director shall issue an
13 initial or renewal license **UNDER THIS SECTION** not later than 90
14 days after ~~the applicant files a~~ completed application ~~. Receipt of~~
15 ~~the application is considered the date the application~~ **FOR THE**
16 **LICENSE** is received by ~~any agency or~~ **THE** department. ~~of the state~~
17 ~~of Michigan.~~ If the application is considered incomplete by the
18 director, the director shall notify the applicant in writing, or
19 make the information electronically available, within 30 days after
20 receipt of the incomplete application, describing the deficiency
21 and requesting the additional information. The 90-day period is
22 tolled upon notification by the director of a deficiency until the
23 date the requested information is received by the director. The
24 determination of the completeness of an application does not
25 operate as an approval of the application for the license and does
26 not confer eligibility of an applicant determined otherwise
27 ineligible for issuance of a license. The director shall not

1 discriminate against an applicant in the processing of the
2 application based upon the fact that the license fee was refunded
3 or discounted under ~~this~~ subsection (8).

4 (8) If the director fails to issue or deny a license within
5 the time required by this section, the director shall return the
6 license fee and shall reduce the license fee for the applicant's
7 next renewal application, if any, by 15%. The failure to issue a
8 license within the time required under this section does not allow
9 the department ~~of agriculture~~ to otherwise delay the processing of
10 the application, and that application, upon completion, shall be
11 placed in sequence with other completed applications received at
12 that same time.

13 (9) ~~Beginning October 1, 2005, the~~ **THE** director shall submit a
14 report by December 1 of each year to the standing committees and
15 appropriations subcommittees of the senate and house of
16 representatives concerned with agricultural issues. The director
17 shall include all of the following information in the report
18 concerning the preceding fiscal year:

19 (a) The number of initial and renewal applications the
20 department received and completed within the 90-day time period
21 described in subsection (7).

22 (b) The number of applications denied.

23 (c) The number of applicants not issued a license within the
24 90-day time period and the amount of money returned to licensees
25 and registrants under subsection (8).

26 (10) As used in this section, "completed application" means an
27 application complete on its face and submitted with any applicable

1 licensing and inspection fees as well as any other information,
 2 records, approval, security, or similar item required by law or
 3 rule from a local unit of government, a federal agency, or a
 4 private entity but not from another department or agency of ~~the~~
 5 **THIS** state. ~~of Michigan.~~

6 Sec. 17. (1) ~~It shall be unlawful for any~~ **A** person, ~~firm,~~
 7 ~~partnership, association or corporation to~~ **SHALL NOT** sell within
 8 this state any nursery stock unless ~~such~~ **THE** nursery stock has been
 9 ~~officially inspected and a certificate issued by the director~~
 10 stating that ~~such~~ **THE** nursery stock has been inspected and found
 11 **APPARENTLY** free from insect pests and plant diseases. ~~It shall,~~
 12 ~~however, be the privilege of a nurseryman~~ **HOWEVER, A NURSERY GROWER**
 13 or plant grower holding a valid certificate covering nursery stock
 14 grown by him ~~to~~ **OR HER MAY** ship under the certificate nursery stock
 15 grown for him **OR HER** elsewhere or purchased by him **OR HER** from
 16 other states or countries, if all ~~such~~ **OF THE** nursery stock is
 17 received under ~~an official~~ **A** certificate acceptable to the director
 18 ~~and~~ **THAT** states that it has been inspected where grown and found to
 19 be apparently free from insect pests and diseases. The director
 20 ~~shall~~ **MAY** also have authority to inspect or re-inspect **REINSPECT** at
 21 any time or place any nursery stock shipped in **WITHIN THIS STATE** or
 22 **SHIPPED** into ~~the~~ **THIS** state ~~and to treat it as hereinafter~~
 23 ~~provided. It shall be contrary to the provisions of this act for~~
 24 ~~any person, firm, association, partnership, tourist or corporation~~
 25 ~~to~~ **AS PROVIDED IN THIS SECTION. EXCEPT AS PROVIDED IN THIS**
 26 **SUBSECTION, A PERSON SHALL NOT** ship into or transport within this
 27 state any nursery stock unless ~~same~~ **IT** has first been inspected by

1 the director. In the case of plants moving from a nursery or other
 2 premises, a tag bearing a valid certificate issued to the ~~person,~~
 3 ~~firm, partnership, association or corporation~~ **NURSERY GROWER OR**
 4 **PERSON** owning or in charge of ~~the nursery or other~~ premises from
 5 where the plants have been moved ~~must~~ **SHALL** be in plain sight and
 6 attached to some of the plants on the vehicle used to transport the
 7 plants. All ~~native~~ **WILD** trees, herbaceous perennials, and shrubs
 8 taken up from ~~farmers'~~ **A PERSON'S** woodlots, forests, or other
 9 premises other than a nursery, when being shipped into or
 10 transported on the highways of ~~the~~ **THIS** state, shall have attached
 11 to each plant a special tag furnished at cost by the director,
 12 which tag shall ~~remain on~~ **NOT BE REMOVED FROM** the plant or plants
 13 after they are replanted, and shall have plainly printed ~~thereon~~ **ON**
 14 **THE TAG** the fact that this plant is of ~~native~~ **WILD** stock and is not
 15 nursery grown and ~~such fact~~ **THIS INFORMATION** shall be clearly and
 16 legibly stated in all advertising media offering ~~same~~ **THE PLANT** for
 17 sale. Carrying uninspected nursery stock in vehicles is prohibited,
 18 ~~by law,~~ and the director is ~~authorized to~~ **MAY** post **SIGNS ON** the
 19 highways warning tourists and other carriers against the
 20 transportation of wild trees, **HERBACEOUS** perennials, and shrubs and
 21 ~~he is also authorized to~~ **OR SHE MAY** cooperate with the department
 22 of ~~conservation~~ **NATURAL RESOURCES** and seek the cooperation of the
 23 Michigan state police or local law enforcing officials in the
 24 enforcement of ~~the provisions of this law~~ **ACT**.

25 (2) **A PERSON RECEIVING OR SELLING NURSERY STOCK ON A WHOLESALE**
 26 **BASIS SHALL MAINTAIN SHIPPING DOCUMENTS INCLUDING CERTIFICATES OF**
 27 **INSPECTION OF THE NURSERY STOCK FOR A PERIOD OF 36 MONTHS AFTER THE**

1 DATE OF RECEIPT OR SALE, WHICHEVER IS LATER. A PERSON THAT RECEIVES
2 NURSERY STOCK ON A RETAIL BASIS IS NOT SUBJECT TO THIS SUBSECTION.

3 ~~Sec. 22. Any owner of plants or plant products which are not~~
4 ~~nursery stock and which he~~ A PERSON THAT wishes to ship PLANTS OR
5 PLANT PRODUCTS into another state or country may ~~apply to~~ REQUEST
6 THAT the ~~commissioner of agriculture for an inspection of the same~~
7 ~~with reference to the presence of~~ DIRECTOR INSPECT THE PLANTS OR
8 PLANT PRODUCTS FOR insect pests or diseases OR OTHER FACTORS likely
9 to prevent the acceptance of ~~such~~ THE plants OR PLANT PRODUCTS in
10 ~~such~~ THAT state or country. ~~, agreeing in his application~~ THE
11 REQUEST SHALL INCLUDE AN AGREEMENT to pay in full the expenses of
12 the inspection. ~~, and upon~~ UPON receipt of ~~such application~~ A
13 REQUEST and agreement UNDER THIS SECTION, or as soon thereafter as
14 may be conveniently practicable, the ~~commissioner of agriculture~~
15 DIRECTOR shall comply with ~~such~~ THE request ~~, and,~~ upon the receipt
16 of the expenses of the inspection, ~~he~~ shall issue to the applicant
17 a certificate to the facts disclosed.