

INSECT PESTS AND PLANT DISEASES (EXCERPT)
Act 72 of 1945

286.255 Authority to enter upon premises; treatment to prevent spread of disease; owners recompensed for loss.

Sec. 5. The director of the department of agriculture and his or her inspectors, deputies, assistants, and employees may enter upon any premises in the state for the purpose of examining trees, shrubs, vines, and plants for the presence of destructive insects or diseases, and, if any such insects or diseases are found, may, under the provisions of this act, take the steps as may be necessary to exterminate them. No damage shall be awarded for the destruction of any trees, shrubs, vines, plants, or fruit or for injury to same if done by the director of the department of agriculture or his or her authorized inspectors and assistants, in accordance with the provisions of this act, and the director considers it necessary in order to suppress dangerous insects and diseases, when the trees, shrubs, vines, and plants have already been attacked by dangerous insects or diseases. Whenever any dangerous plant disease, or destructive insect, which is new to or which has not become widely prevalent or distributed through or within the state is found upon any trees, shrubs, vines, or plants, in case it is considered necessary in order to prevent the spread and the dissemination of said insect, or disease, the director of the department of agriculture may cause any tree, shrub, vine, or plant likely to be attacked by such insect or disease, and which are growing within 3,000 feet of where the dangerous insect or disease has been found, to be treated with approved remedies, or, if this is not feasible, to be destroyed. However, if it becomes necessary to destroy any trees, shrubs, vines, or plants which have not already become attacked by said new and dangerous insect or disease, the owner shall be recompensed for their actual value, the amount to be fixed by 3 parties, 1 to be selected by the owner, another by the director of the department of agriculture, and the third party to be selected by the other 2 so selected. The amount awarded, when approved by the director of the department of agriculture, shall be certified to the state treasurer, who shall draw a warrant on the state treasurer for the payment of the same from the general fund of the state.

History: 1945, Act 72, Eff. Sept. 6, 1945;—CL 1948, 286.255;—Am. 2002, Act 175, Imd. Eff. Apr. 23, 2002.