

Act No. 137  
Public Acts of 1995  
Approved by the Governor  
June 27, 1995  
Filed with the Secretary of State  
July 9, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Senators McManus and Gast

# **ENROLLED SENATE BILL No. 453**

AN ACT to amend section 6 of Act No. 189 of the Public Acts of 1931, entitled as amended "An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction of certain plants by owners of certain fruit trees; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; and to prescribe penalties," being section 286.206 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 6 of Act No. 189 of the Public Acts of 1931, being section 286.206 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 6. (1) The director shall cause to be inspected at least once each year during the growing season all nurseries in the state to ascertain whether they are infested with insect pests or infected with plant diseases. The director shall cause to be inspected all nursery stock which will be stored or offered for sale or which is stored 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.

(2) If upon the inspection of any nursery stock it is determined 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 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 nursery owner may request a second inspection be performed, prior to offering for sale or removing or shipping from a nursery or other premises, provided that the nursery owner or applicant pays an inspection fee based upon the actual cost to the department of agriculture of such inspection.

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

(5) The director shall not grant a certificate of inspection to private landowners who are about to sell or remove trees or plants originally supplied from the state or federal or state and federal nurseries or by any political subdivision or its agencies.

(6) The director shall charge an inspection fee based upon the cost to the department of agriculture of making the inspection.

(7) The director shall adjust the schedule of fees for the costs of making the various inspections of nursery stock, plants, and plant materials as required by this act. The director shall review and adjust its schedule of fees for the inspections at the end of each fiscal year. In any given fiscal year, the director may raise initial inspection fees by no more than 50%. The commission of agriculture shall approve all adjustments to the initial fees before they are adopted.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.

