

HOUSE BILL No. 4562

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

A bill to amend 1931 PA 189, entitled
"The insect pest and plant disease act,"
(MCL 286.201 to 286.226) by amending the title, as amended by 1984
PA 88, and by adding sections 28 and 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to regulate the sale and distribution of nursery stock,
3 plants, and plant products; to prevent the introduction into and
4 the dissemination within this state of insect pests and plant
5 diseases; to provide for the destruction and control of insect
6 pests and plant diseases; to provide for the destruction **OR**
7 **TREATMENT** of certain plants ~~by owners of certain fruit trees~~ **OR**
8 **PLANT PRODUCTS**; to provide for license and to provide for
9 inspection; and imposing certain powers and duties on the director

1 of agriculture; to provide for the promulgation of rules; ~~and~~ to
2 prescribe penalties AND CIVIL SANCTIONS; AND TO PROVIDE REMEDIES.

3 SEC. 28. (1) A PERSON, OTHER THAN A PERSON WHO IS REQUIRED TO
4 BE LICENSED UNDER THIS ACT, WHO VIOLATES SECTION 20 OR AN ORDER
5 ISSUED UNDER SECTION 20 IS RESPONSIBLE FOR A STATE CIVIL INFRACTION
6 AND SHALL BE FINED NOT MORE THAN \$1,000.00 PLUS EXPENSES INCURRED
7 BY THE DEPARTMENT IN ABATING THE NUISANCE.

8 (2) IF A PERSON WHO IS REQUIRED TO BE LICENSED UNDER THIS ACT
9 VIOLATES SECTION 20 OR AN ORDER ISSUED UNDER THIS SECTION 20, THE
10 DIRECTOR SHALL IMPOSE ON THE PERSON AN ADMINISTRATIVE FINE OF NOT
11 MORE THAN \$1,000.00 PLUS EXPENSES INCURRED BY THE DEPARTMENT IN
12 ABATING THE NUISANCE.

13 (3) A PERSON, OTHER THAN A PERSON WHO IS REQUIRED TO BE
14 LICENSED UNDER THIS ACT, WHO VIOLATES SECTION 23 OR A RULE
15 PROMULGATED OR REGULATION ISSUED UNDER SECTION 23, OR WHO VIOLATES
16 SECTION 18(B) OR A PERMIT ISSUED UNDER SECTION 18(B) WITH RESPECT
17 TO AN INSECT PEST OR PLANT DISEASE THAT IS THE BASIS OF A
18 QUARANTINE IMPOSED BY THE DIRECTOR OR THE UNITED STATES DEPARTMENT
19 OF AGRICULTURE, IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND
20 SHALL BE FINED NOT LESS THAN \$1,000.00 OR MORE THAN \$10,000.00.
21 HOWEVER, IF THE PERSON VOLUNTARILY REPORTED THE VIOLATION TO THE
22 DEPARTMENT BEFORE IT WAS OTHERWISE KNOWN TO THE DEPARTMENT OR THE
23 PERSON HAD REASON TO BELIEVE THE VIOLATION WAS ABOUT TO BECOME
24 KNOWN TO THE DEPARTMENT, THE PERSON SHALL BE FINED NOT MORE THAN
25 \$500.00.

26 (4) IF A PERSON WHO IS REQUIRED TO BE LICENSED UNDER THIS ACT
27 VIOLATES SECTION 23 OR A RULE PROMULGATED OR REGULATION ISSUED

1 UNDER SECTION 23, OR VIOLATES SECTION 18(B) OR A PERMIT ISSUED
2 UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR PLANT DISEASE
3 THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE DIRECTOR OR THE
4 UNITED STATES DEPARTMENT OF AGRICULTURE, THE DIRECTOR SHALL IMPOSE
5 ON THE PERSON AN ADMINISTRATIVE FINE OF NOT LESS THAN \$1,000.00 OR
6 MORE THAN \$10,000.00. HOWEVER, IF THE PERSON VOLUNTARILY REPORTED
7 THE VIOLATION TO THE DEPARTMENT BEFORE IT WAS OTHERWISE KNOWN TO
8 THE DEPARTMENT OR THE PERSON HAD REASON TO BELIEVE THE VIOLATION
9 WAS ABOUT TO BECOME KNOWN TO THE DEPARTMENT, THE DIRECTOR SHALL
10 IMPOSE ON THE PERSON AN ADMINISTRATIVE FINE OF NOT MORE THAN
11 \$500.00.

12 (5) A PERSON WHO KNOWINGLY VIOLATES SECTION 23 OR AN ORDER
13 ISSUED OR RULE PROMULGATED UNDER SECTION 23, OR WHO KNOWINGLY
14 VIOLATES SECTION 18(B) OR A PERMIT ISSUED UNDER SECTION 18(B) WITH
15 RESPECT TO AN INSECT PEST OR PLANT DISEASE THAT IS THE BASIS OF A
16 QUARANTINE IMPOSED BY THE DIRECTOR OR THE UNITED STATES DEPARTMENT
17 OF AGRICULTURE, IS GUILTY OF A MISDEMEANOR AND MAY BE IMPRISONED
18 FOR NOT MORE THAN 1 YEAR AND SHALL BE FINED NOT LESS THAN \$1,000.00
19 OR MORE THAN \$10,000.00.

20 (6) A PERSON WHO INTENTIONALLY VIOLATES SECTION 23 OR AN ORDER
21 ISSUED OR RULE PROMULGATED UNDER SECTION 23, OR WHO INTENTIONALLY
22 VIOLATES SECTION 18(B) OR A PERMIT ISSUED UNDER SECTION 18(B) WITH
23 RESPECT TO AN INSECT PEST OR PLANT DISEASE THAT IS THE BASIS OF A
24 QUARANTINE IMPOSED BY THE DIRECTOR OR THE UNITED STATES DEPARTMENT
25 OF AGRICULTURE, FOR THE PURPOSE OF CAUSING DAMAGE TO PLANTS, PLANT
26 PRODUCTS, NATURAL RESOURCES, OR AGRICULTURAL, SILVICULTURAL, OR
27 HORTICULTURAL PRODUCTS OR RESOURCES, IS GUILTY OF A FELONY

1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
2 NOT MORE THAN \$250,000.00, OR BOTH.

3 (7) A PERSON WHO VIOLATES SECTION 23 OR A RULE PROMULGATED OR
4 ORDER ISSUED UNDER SECTION 23, OR WHO VIOLATES SECTION 18(B) OR A
5 PERMIT ISSUED UNDER SECTION 18(B) WITH RESPECT TO AN INSECT PEST OR
6 PLANT DISEASE THAT IS THE BASIS OF A QUARANTINE IMPOSED BY THE
7 DIRECTOR OR THE UNITED STATES DEPARTMENT OF AGRICULTURE, IS LIABLE
8 FOR ANY DAMAGES TO PLANTS, PLANT PRODUCTS, NATURAL RESOURCES, OR
9 AGRICULTURAL, SILVICULTURAL, OR HORTICULTURAL PRODUCTS OR RESOURCES
10 RESULTING FROM THE VIOLATION, INCLUDING, BUT NOT LIMITED TO, COSTS
11 INCURRED TO INVESTIGATE, MONITOR, PREVENT, OR MINIMIZE SUCH
12 DAMAGES.

13 (8) AS USED IN THIS SECTION, "PERSON" MEANS THAT TERM AS
14 DEFINED IN SECTION 16A.

15 SEC. 29. VIOLATIONS DESCRIBED IN SECTION 28 ARE NOT SUBJECT TO
16 SECTION 24 OR 26.