

THE INSECT PEST AND PLANT DISEASE ACT (EXCERPT)
Act 189 of 1931

286.206 Inspections of nurseries; fee; certificate of inspection; validity; prohibitions; basis for charging inspection fee; review and adjustment of fees schedule.

Sec. 6.

(1) The director shall cause to be inspected not less than every other year each nursery located in this state, and each nursery dealer located in this state that receives nursery stock from other states or countries, including any nursery stock found at that nursery or nursery dealer that will be sold, offered for sale, or removed or shipped from the nursery to ascertain whether they are infested with insect pests or infected with plant diseases. 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 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 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.

(3) Certificates of inspection are valid from November 1 in 1 year to October 31 of the following year. 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. 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 department in conducting the inspection.

(4) A person shall not sell, 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 persons that intend to sell or remove nursery stock originally supplied from the state, 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 making the inspection. However, 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 inspection fees by not more than an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit-Ann Arbor-Flint consumer price index over the 1-year period. An adjustment under this subsection shall not exceed 5% even if the amount determined by the state treasurer to reflect the cumulative annual percentage change over the 1-year period is more than 5%. If the cumulative annual percentage change over the 1-year period is less than zero, a cumulative annual percentage change of zero shall be used for the adjustment. The adjustment shall be rounded to the nearest dollar to set each year's fee under this subsection, but the absolute value shall be carried over and used to calculate the next annual adjustment. The commission of agriculture and rural development shall approve all adjustments to the fees before they are adopted.

History: 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- Am. 1937, Act 71, Imd. Eff. June 11, 1937 ;-- CL 1948, 286.206 ;-- Am. 1955, Act 255, Eff. Feb. 3, 1956 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1995, Act 137, Imd. Eff. July 10, 1995 ;-- Am. 2007, Act 84, Imd. Eff. Sept. 30, 2007 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

Admin Rule: R 285.610.1 et seq. and R 285.619.1 et seq. of the Michigan Administrative Code.