

SUBSTITUTE FOR  
SENATE BILL NO. 946

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:

1       Sec. 2. As used in this act:

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

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

8       ~~—— (c) "Plants" and "plant products" means trees, shrubs, vines,~~

1 ~~fruit, forage and cereal plants and all other plants, cuttings,~~  
2 ~~grafts, scions, buds and all other parts of plants; and fruit,~~  
3 ~~vegetables, roots, bulbs, seeds, wood, lumber and all other plant~~  
4 ~~products.~~

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

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

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

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

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

27 ~~—— (i) "Agent" means any person who solicits, takes orders, or~~

1 ~~sells nursery stock in this state for a nurseryman, dealer, or~~  
2 ~~grower of nursery stock, but not on the premises or place of~~  
3 ~~business.~~

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

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

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

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

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

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

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

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

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

1 ENGAGED WITH A NURSERY GROWER OR NURSERY DEALER IN HANDLING NURSERY  
2 STOCK ON A CONSIGNMENT BASIS.

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

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

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

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

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

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

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

1           (N) "PROPERTY" MEANS REAL ESTATE, PERSONAL PROPERTY, AND ANY  
2 THING OR SUBSTANCE CONNECTED WITH REAL ESTATE OR PERSONAL PROPERTY  
3 WHETHER OR NOT IT HAS VALUE.

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

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

1 ~~in cellars, heeling in grounds, or warehouses to ascertain whether~~  
2 ~~it is infested with insect pests or infected with plant diseases~~  
3 ~~and assess an inspection fee.~~ **INSPECTIONS OF NURSERIES THAT**  
4 **DISTRIBUTE NURSERY STOCK INTERSTATE SHALL BE CONDUCTED ANNUALLY,**  
5 **PROVIDED THOSE NURSERIES ARE IN COMPLIANCE WITH THIS ACT. IF THE**  
6 **DIRECTOR CONDUCTS AN INSPECTION UNDER THIS SUBSECTION, THE DIRECTOR**  
7 **SHALL ASSESS AN INSPECTION FEE AS PROVIDED FOR IN THIS SECTION.**

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

22 (3) Certificates of inspection are valid from November 1 in 1  
23 year to October 31 of the following year. ~~Any~~ **A** nursery owner **OR**  
24 **NURSERY DEALER** may request a second inspection be performed, prior  
25 to offering for sale or removing or shipping **OF NURSERY STOCK** from  
26 a nursery or other premises. ~~, provided that~~ **THE DEPARTMENT SHALL**  
27 **PERFORM THE INSPECTION IF** the nursery owner, **NURSERY DEALER,** or

1 applicant pays an inspection fee based upon the actual cost to the  
2 department ~~of agriculture of such~~ **IN CONDUCTING THE** inspection.

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

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

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

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

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



1 provided for in this act ~~shall become~~ **ARE** due and payable at the  
2 office of the director on or before October 31 of each year. The  
3 fees imposed in this subsection are subject to subsection (8).

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

26 (3) Subject to subsection (4), license fees, inspection fees,  
27 and other noncriminal fees collected under ~~sections~~ **THIS SECTION**

1 ~~AND SECTION 6 and 9~~ and administrative fines imposed under this act  
2 shall be ~~paid~~**DEPOSITED** into the agriculture licensing and  
3 inspection fees fund, ~~created in subsection (2)~~, to be used,  
4 ~~pursuant to~~**UPON** appropriation, by the director in administering  
5 and carrying out those duties required by law under this act and to  
6 develop and improve training and outreach programs for the purpose  
7 of safeguarding plants ~~and~~**OR** plant products from unwanted plant  
8 pests.

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

1 ~~exist and the money in the fund shall revert to the agriculture~~  
2 ~~licensing and inspection fees fund for use as described in~~  
3 ~~subsection (2).~~

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

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

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

1 not confer eligibility of an applicant determined otherwise  
2 ineligible for issuance of a license. The director shall not  
3 discriminate against an applicant in the processing of the  
4 application based upon the fact that the license fee was refunded  
5 or discounted under ~~this~~ subsection (8).

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

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

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

24 (b) The number of applications denied.

25 (c) The number of applicants not issued a license within the  
26 90-day time period and the amount of money returned to licensees  
27 and registrants under subsection (8).

1           (10) As used in this section, "completed application" means an  
 2 application complete on its face and submitted with any applicable  
 3 licensing and inspection fees as well as any other information,  
 4 records, approval, security, or similar item required by law or  
 5 rule from a local unit of government, a federal agency, or a  
 6 private entity but not from another department or agency of ~~the~~  
 7 **THIS** state. ~~of Michigan.~~

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

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

27 (2) **A PERSON RECEIVING OR SELLING NURSERY STOCK ON A WHOLESALE**

1 BASIS SHALL MAINTAIN SHIPPING DOCUMENTS INCLUDING CERTIFICATES OF  
2 INSPECTION OF THE NURSERY STOCK FOR A PERIOD OF 36 MONTHS AFTER THE  
3 DATE OF RECEIPT OR SALE, WHICHEVER IS LATER. A PERSON THAT RECEIVES  
4 NURSERY STOCK ON A RETAIL BASIS IS NOT SUBJECT TO THIS SUBSECTION.

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