

# HOUSE BILL No. 6057

May 11, 2006, Introduced by Reps. Stahl, Walker, Meyer and Nitz and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1931 PA 189, entitled  
"The insect pest and plant disease act,"  
by amending section 2 (MCL 286.202).

## 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; —  
 2 cuttings, grafts, scions, buds and all other parts of plants; and  
 3 fruit, vegetables, roots, bulbs, seeds, wood, lumber and all other  
 4 plant 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~~ **AND** other such  
 9 plants and plant parts for, or capable of, propagation. —  
 10 ~~excepting~~ **NURSERY STOCK DOES NOT INCLUDE** field, vegetable, ~~and~~  
 11 **OR** flower seeds, corms, ~~and~~ **OR** tubers.

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

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

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

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

1 basis.

2 (i) "Agent" means any person who solicits, takes orders, or  
3 sells nursery stock in this state for a nurseryman, dealer, or  
4 grower of nursery stock, but not on the premises or place of  
5 business.

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

9 (k) "Property" means real estate, personal property, and any  
10 thing or substance connected therewith, with or without value.

11 (l) "Commissioner of agriculture" or "director" means the  
12 director of the department. ~~of agriculture.~~

13 (M) "DEPARTMENT", UNLESS THE CONTEXT INDICATES OTHERWISE,  
14 MEANS THE DEPARTMENT OF AGRICULTURE. HOWEVER, AS USED IN SECTION  
15 28(3) WITH RESPECT TO A VIOLATION OF SECTION 23 OR A RULE  
16 PROMULGATED OR REGULATION ISSUED UNDER SECTION 23, DEPARTMENT MEANS  
17 THE DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT OF NATURAL  
18 RESOURCES, WHICHEVER IS ENFORCING THE QUARANTINE.

19 Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No.\_\_\_\_ or House Bill No. 6056(request no.  
21 06711'06) of the 93rd Legislature is enacted into law.