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STATE OF WISCONSIN )  
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STATE DEPARTMENT OF AGRICULTURE )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, D. N. McDowell, Director of the State Department of Agriculture, and custodian of the official records of said department, do hereby certify that the annexed rules relating to plant movements and special inspections (Wis. Adm. Code ch. Ag 23) were duly adopted by this department on January 28, 1965.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and  
affixed the official seal  
of the department at Madison,  
Wisconsin, this 28th  
day of January, A. D.  
1965.

D. N. McDowell  
Director

Docket No. 691.

ORDER OF THE STATE DEPARTMENT OF AGRICULTURE  
ADOPTING RULES

Pursuant to authority vested in the State Department of Agriculture by sections 93.07 (1) and (12), 94.56 (1) and 94.60, Wis. Stats., the State Department of Agriculture hereby adopts rules as follows:

Chapter Ag 23 of the Wisconsin administrative code is adopted to read:

Chapter Ag 23

PLANT MOVEMENTS; SPECIAL INSPECTIONS

Ag 23.01 Definitions. (1) "Department" is the State Department of Agriculture.

(2) "Plant pest" is any plant pest as defined in section 93.01 (16), Wis. Stats.

(3) "Plants or other materials" includes all plants and plant products, all nursery stock, and any other matter capable of carrying plant pest infestations or transmitting plant diseases.

(4) "Nursery stock" is nursery stock as defined in section 94.60 (1) (a), Wis. Stats.

Ag 23.02 Authorized movement. (1) Except as otherwise prohibited by law or rules or by the terms of any notice or order issued by the department, plants or other materials may be moved from any premises, subject at all times to inspection by the department.

(2) The department shall impose plant quarantines and other

restrictions on the movement of plants or other materials whenever a serious plant pest hazard is evidenced. Any movement of a specific plant species shall be prohibited when affected with a serious pest infestation.

Ag 23.03 Import restrictions. (1) Nursery stock may not be imported or brought into this state from any other state, territory or foreign country without a permit from the department unless it has been inspected by plant inspection authorities of the state, territory or country of origin, or federal plant inspection authorities, and a certificate of inspection issued certifying that such nursery stock was inspected and no evidence of plant disease or plant pest infestation was found. All permits or certificates of inspection shall be securely attached to or accompany nursery stock being shipped or brought into this state.

(2) Applications for a permit to import uninspected nursery stock shall be made to the department in writing. The department may require prior inspection as a condition of entry or deny the application if in its judgment a serious plant pest hazard exists.

Ag 23.04 Shipment of plant pests. (1) Plant pests or other living plant pathogens may not be imported or brought into this state from any other state, territory or foreign country for research purposes or other use without a permit from the department as required by section 94.544, Wis. Stats. Annual permits may be granted to educational institutions and commercial establishments importing plant pests or pathogens on a recurring basis from the same suppliers under such conditions as the department may prescribe.

(2) Applications shall be made on forms prescribed by the de-

partment identifying the species or variety of plant pests to be moved, the origin and destination of the shipment, and a statement of intended use.

(3) Packages or containers used for shipment shall be constructed and secured in a manner which will prevent the escape of plant pests or any pathogenic organisms or the infection or infestation of plants or other materials during the course of movement. Permits issued by the department shall be securely attached to the outside of each package or container unless shipment is being made under an annual permit in which event the department permit number shall be clearly shown on each package or container.

Ag 23.05 Nursery stock collected from private sources. (1)  
Persons engaged in the business of collecting and selling non-nursery grown nursery stock from the wild or uncultivated state, or from other than officially inspected sources, including other wild plant species as described in section 29.546, Wis. Stats., shall be licensed as a nurseryman or dealer as provided by section 94.60, Wis. Stats. Such nursery stock or plants may not be sold unless inspected by the department either on the premises where grown or on the premises of the nurseryman or dealer after such nursery stock or plants have been assembled. The license application shall include a list of all sources from which such nursery stock will be collected.

(2) Any special inspection of such plants shall be subject to the payment of fees as provided in Wis. Adm. Code section Ag 23.08.

Ag 23.06 Plant pest detection and control. Within available resources, the department shall conduct a continuing program of survey, detection, and public information on plant pests and the movement of plants or other materials to prevent the spread of plant

diseases and plant pest infestations in this state.

Ag 23.07 Special inspections. (1) Persons requiring special inspection and certification of nursery stock, plants, plant products or other materials as to freedom from infestation or infection with plant pests or for purposes of interstate or international sale or movement or for any other purpose, may make application to the department for such services pursuant to section 94.61, Wis. Stats., subject to the payment of fees as prescribed in Wis. Adm. Code section Ag 23.08.

(2) Except where immediate inspection is required, all requests for special inspections and certification shall be submitted to the department at least 10 days in advance of the requested inspection date on forms prescribed by the department. Applications shall specify the purpose or purposes for which inspection is required.

(3) Annual or routine inspections for investigational or enforcement purposes on the premises of any nurseryman or dealer shall not be considered as special inspections under section 94.60 (2), Wis. Stats. Inspections made at the request of any nurseryman or dealer for special certification shall be considered as special inspections subject to payment of fees as prescribed herein.

Ag 23.08 Special inspection fees. (1) Fees for any special inspection and certification shall be \$6 for each hour or major fraction thereof, including travel time to and from the place of inspection not otherwise required except for the making of the special inspection; or if less than one-half hour, a minimum fee of \$2 shall be charged. There shall be a maximum charge of \$25 per day plus travel costs.

(2) Wherever possible the making of special inspections shall be integrated with other routine or regularly scheduled inspections at the convenience of the department.

(3) Inspection fees are payable to the department and collectible by court action as a claim of the state. Delinquent payments shall be grounds for cancellation of further inspection service and certification.

Ag 23.09 Construction. Nothing in this chapter shall be construed to authorize the movement of plants or other materials contrary to any other statute, ordinance, rule, or order of the department.

The rules contained herein shall take effect on March 1, 1965.

Dated: January 28, 1965.

STATE DEPARTMENT OF AGRICULTURE

By           /s/ D. N. McDowell            
Director