§ 9-1303. Forest insects and other forest tree diseases.

For the purpose of control and preventing the spread of forest insects and forest tree diseases (except white pine blister rust and currant rust, covered by section 9-1301) the following provisions shall apply:

1. The department may enter into cooperative agreements with any other state, the federal government, any foreign government, any municipal subdivision of New York state or private individuals in order to obtain proper working agreements.

2. The department may accept and expend gifts of money for control and prevention work.

3. The department may conduct necessary investigations for the purpose of discovering better methods of control or prevention of spread of forest insects and forest tree diseases either within or without the state.

4. Duly authorized agents of the department may enter upon any lands for the purpose of determining if such property is infested with forest insects or forest tree diseases, and the extent of such infestation.

5. The department shall have the authority by order to establish quarantine districts in any part or parts of the state, and to prohibit the movement of materials which may be harboring forest insects or forest tree diseases in any of their different forms. On the making of such an order, the department shall cause a certified copy of the same to be filed in the office of the clerk of each county, affected by such quarantine, and shall give such other notice thereof as it may deem necessary. Such order shall be effective on and after the tenth day from the filing thereof.

6. The department shall have discretionary authority to poison forest areas in or near sections infested by insect pests or forest tree diseases.

7. The department may take steps to establish barrier or protective zones for the purpose of preventing the spread of forest insect and disease pests, and in so doing shall have the authority and right to enter upon private lands for this purpose, and thereon make such modifications in the composition of the forest growth as it may deem necessary. In such barrier or protective zones trees or other vegetation may be sprayed, cut, destroyed, or otherwise treated when in the judgment of the department, the same may be necessary, but the owner of the property shall be entitled to a just compensation for damage done through the acts of such agents, except that no compensation shall be paid for the destruction of infested trees.

8. The department shall have power to ascertain the amount of damage done upon lands of private owners by the acts of the agents of the department in establishing and maintaining barrier zones, by having an agent of the department appraise the same. If the owner is not satisfied with the amount of damage as fixed by such appraisal, he may, within six months after service upon him of a copy of such appraisal, take an appeal therefrom to the Court of Claims, which court is hereby authorized to pass upon the questions involved and determine the amount due such owner.

9. The department may by order make rules and regulations governing any and all operations designed for the purpose of preventing the spread of or for the purpose of controlling forest insects and forest tree diseases, their pupae, eggs and caterpillars, and plants or trees infested by them, all of which are hereby declared a public nuisance. Such rules and regulations shall become effective in any county on and after the tenth day from the filing of a certified copy in the office of the clerk of that county.

10. No action for trespass shall lie on account of entry on private lands by an agent of the department for the exercise of any power authorized by this section.

11. No person shall wilfully resist or obstruct the work of any agents duly employed by the department, engaged in the suppression of forest

insects or forest tree diseases.

12. The department shall have the authority to incur expenses in connection with the training of persons at points outside of the state of New York, if the same is deemed by it necessary.