

with

SB 38

Page 1 of 1

SENATE AGRICULTURE

EXHIBIT NO. 2

DATE SB 38

BILL NO. 1-27-09

Aubyn Curtiss

From: <linda.mycek@curlewseed.com>
To: <SenatorCurtissSD1@gmail.com>
Sent: Monday, January 26, 2009 5:50 PM
Subject: nursery license fee revision

Senator Aubyn Curtiss
Helena, Montana

Dear Senator Curtiss,

I am replying to your letter to the Montanian, Libby, Montana dated January 14, 2009 regarding the newly required annual \$100 licensing fee of coniferous products and plant dealers and nurseries for sales less than \$1,000.00. The license used to be free-no fee for sales less than \$1,000.00. I did not pay the fee for 2009. My business is new-three years old. In 2008 I took my business to Washington State and got a license there for \$25.00

Also, I did not like getting threatening letters from the licensing department in Montana for not renewing my license for 2008. I sent them an email explaining that I had no sales in Montana and that I had a nursery license from Washington State.

Profits on sales usually run about 10% of gross. Paying \$100 on less than \$1,000.00 worth of sales is not affordable.

Thank you for your support.

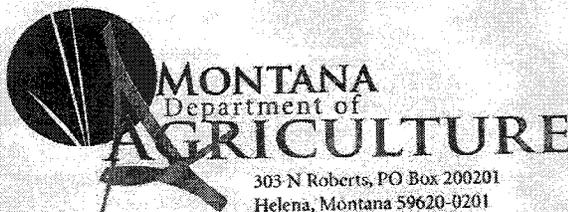
Good luck passing the bill to exempt plant dealers earning less than \$1,000.00 per year!

Sincerely,

Linda Mycek
President
Curlew Seed, Inc.
300 Kroupa Road
Curlew, WA 99118
509-540-7167
linda.mycek@curlewseed.com
www.curlewseed.com

1/27/2009

Brian Schweitzer
Governor



303 N Roberts, PO Box 200201
Helena, Montana 59620-0201

Ron de
Dij

406.444.3144 • Fax: 406.444.5409 • agr@mt.gov • www.agr.mt.gov

November 3, 2008

Curlw Seed
130 Woodland Road
Libby, MT 59923

Dear Owner,

Our records show that Curlw Seed has not renewed its nursery license. Curlw Seed's nursery license expired on 2/29/2008. Montana law, section 80-7-106, Montana Code Annotated (MCA) requires that all nurseries obtain a nursery license for each location engaged in selling or distributing nursery stock in the state of Montana. A nursery, by statute, is defined as a business or location where nursery stock is grown or offered for sale or resale or as part of a landscape service. It is a violation to engage in the business of selling or distributing nursery stock without a nursery license and may be subject to a civil penalty of up to \$1,000 per Administrative Rules of Montana (ARM) 4.12.1430(2).

If you are no longer selling or distributing nursery stock in Montana please provide written notification to the Montana Department of Agriculture at P.O. Box 200201, Helena, MT 59620-0201, agr@mt.gov, or 406-444-9466 so that your nursery license(s) can be cancelled and your name removed from our nursery license delinquent list. If you have a current license, please contact the Department so that we may work with you and the Department of Revenue to correct the state's records.

To avoid being assessed a civil penalty, please submit your nursery license renewal, annual nursery license fee of \$95.00, and late fee of \$25 for each nursery location, as stated on your notices sent to you on 1/29/2008, 3/5/2008, and 5/21/2008 by the Department of Revenue, to One-Stop Licensing within five (5) business days. **Please make checks payable to One-Stop Licensing.** Licenses and fees should be remitted to the Department of Revenue, One-Stop Licensing and should be sent to the following address: One-Stop Licensing, Department of Revenue, P.O. Box 5805, Helena, MT 59604-5805. Additional information may be obtained from One-Stop Licensing, at (406)-444-6900 or on the web at <http://mt.gov/revenue/programsandservices/onestop-nursery.asp>.

Thank you for your immediate attention to this matter. If you have any questions or concerns please contact the Pest Management Program Manager, Patricia Denke, PhD at (406)-444-3790, or by email at pdenke@mt.gov.

Sincerely,
Donna Rise
Donna Rise, Bureau Chief
Pest Management Bureau

cc: Patricia Denke
Case File
District Field Office

*email sent
11/15/09*

1/27/2009