

SENATE BILL NO. 126

INTRODUCED BY C. LARSEN, T. BROWN

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSING REQUIREMENTS AND FEES FOR
5 FIRMS, NURSERIES, AND PLANT DEALERS, AND SMALL PLANT VENDORS THAT SELL OR DISTRIBUTE
6 NURSERY STOCK; PROVIDING FOR RECIPROCAL LICENSURE; EXEMPTING SMALL PLANT VENDORS
7 FROM LICENSURE EXEMPTING CERTAIN FIRMS, NURSERIES, PLANT DEALERS, AND SMALL PLANT
8 VENDORS FROM LICENSURE; IMPOSING A FEE FOR CERTAIN PLANT INSPECTIONS; REQUIRING THE
9 DEPARTMENT OF AGRICULTURE TO ADOPT RULES; PROHIBITING REQUIRING THE DEPARTMENT OF
10 AGRICULTURE FROM ASSESSING A TO INCLUDE THE ACTUAL COSTS OF INSPECTION, SURVEYS, AND
11 OTHER SERVICES IN THE FEE FOR CERTAIN PLANT INSPECTIONS; ESTABLISHING A MINIMUM AND
12 MAXIMUM HOURLY FEE FOR INSPECTIONS; AMENDING SECTIONS 80-7-106 AND 80-7-108, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 80-7-106, MCA, is amended to read:

18 **"80-7-106. License required -- application and payment of license fee -- exemption.** (1) (a) ~~A~~
19 Except as provided in subsection (1)(b), a firm, nursery, or plant dealer, OR SMALL PLANT VENDOR engaging in the
20 business of selling or distributing nursery stock in this state shall obtain a license from the department. If the firm,
21 nursery, or plant dealer, OR SMALL PLANT VENDOR IS REQUIRED TO BE LICENSED AND sells or distributes nursery stock
22 at more than one location, the firm, nursery, or plant dealer, OR SMALL PLANT VENDOR shall obtain:

23 ~~_____ (a)(i) one license if its combined annual gross sales are less than \$10,000 \$5,000; and~~

24 ~~_____ (b)(ii) a license for each location if its gross annual sales are \$10,000 \$5,000 or more, THE FIRM, NURSERY,~~
25 PLANT DEALER, OR SMALL PLANT VENDOR SHALL OBTAIN A LICENSE FOR EACH TAXPAYER IDENTIFICATION NUMBER THE
26 FIRM, NURSERY, PLANT DEALER, OR SMALL PLANT VENDOR USES WHEN SELLING OR DISTRIBUTING NURSERY STOCK.

27 (b) A firm, nursery, or plant dealer, OR SMALL PLANT VENDOR IS NOT REQUIRED TO OBTAIN A LICENSE IN
28 MONTANA IF THE FIRM, NURSERY, PLANT DEALER, OR SMALL PLANT VENDOR:

29 (i) IS licensed as a nursery in another state is not required to obtain a license in Montana if AND the state
30 in which the firm, nursery, or plant dealer, OR SMALL PLANT VENDOR is licensed grants nonresident licenses to

1 residents of this state on the same basis; OR

2 (II) OPERATES ONLY IN MONTANA AND HAS LESS THAN \$1,000 IN GROSS ANNUAL SALES OF NURSERY STOCK; OR

3 (III) BUYS ALL OF ITS NURSERY STOCK FROM ONE OR MORE LICENSED FIRMS, NURSERIES, PLANT DEALERS, OR

4 SMALL PLANT VENDORS.

5 (C) A FIRM, NURSERY, PLANT DEALER, OR SMALL PLANT VENDOR THAT IS NOT REQUIRED TO OBTAIN A LICENSE

6 PURSUANT TO SUBSECTION (1)(B)(III) SHALL PROVIDE ITS ADDRESS OR PRIMARY BUSINESS LOCATION AND THE NAME AND

7 CONTACT INFORMATION OF ITS PRINCIPAL CONTACT PERSON TO THE DEPARTMENT.

8 (2) The license must be in the name of the firm, nursery, ~~or~~ plant dealer, OR SMALL PLANT VENDOR seeking
9 the license and expires on the anniversary date established by rule by the board of review established in
10 30-16-302. The applicant shall provide information that the department finds necessary to carry out the provisions
11 and purposes of this chapter and in the form determined by rule by the board of review established in 30-16-302.

12 ~~(3) A small plant vendor must be licensed but is exempt from the license fee requirements of this section.~~

13 ~~(4)(3) (a) A firm, nursery, or plant dealer, OR SMALL PLANT VENDOR that earns AT LEAST \$1,000 BUT less~~
14 ~~than \$1,000 \$5,000 in gross annual sales of nursery stock must be licensed but is exempt from licensing fees.~~

15 ~~(b) A firm, nursery, or plant dealer that earns \$1,000 but less than \$3,000 in gross annual sales of~~
16 ~~nursery stock shall pay a license fee of \$50 \$25.~~

17 ~~(c)(b) A firm, nursery, or plant dealer, OR SMALL PLANT VENDOR that earns \$3,000 but less than \$10,000~~
18 ~~\$5,000 or more in gross annual sales of nursery stock shall pay a license fee of \$125 \$95 \$100.~~

19 ~~(d) A firm, nursery, or plant dealer that earns \$10,000 or more in gross annual sales of nursery stock~~
20 ~~shall pay a license fee of \$160.~~

21 ~~(5)(4) The department may seek verification from the department of revenue as to whether a firm,~~
22 ~~nursery, or plant dealer, OR SMALL PLANT VENDOR has met the income thresholds established in this section have~~
23 ~~been met.~~

24 ~~(6)(5) A new applicant or a firm, nursery, or plant dealer, OR SMALL PLANT VENDOR failing to renew a~~
25 ~~license on or before the annual anniversary date provided for in subsection (2) shall pay an additional~~
26 ~~nonrefundable late fee of \$25 for each license.~~

27 ~~(7)(6) The fees required by the provisions of this section may be paid by credit card and may be~~
28 ~~discounted for payment processing charges paid by the department to a third party."~~

29

30 **Section 2.** Section 80-7-108, MCA, is amended to read:

