

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AGRICULTURE LICENSE  
5 REQUIREMENT LAWS; REVISING THE DEFINITIONS OF "NURSERY" AND "NURSERY STOCK";  
6 REMOVING LICENSE FEES FOR SOD FARMERS; AND AMENDING SECTIONS 80-7-105 AND 80-7-106,  
7 MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 80-7-105, MCA, is amended to read:

12 **"80-7-105. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions  
13 apply:

14 (1) "Firm" means an individual, company, partnership, association, or corporation.

15 (2) "Landscape service" means a firm that buys, sells, or resells nursery stock.

16 (3) (a) "Nursery" means the business or location where nursery stock is grown, offered for sale, or  
17 distributed.

18 (b) The term does not include a sod farm or a turf farm.

19 (4) "Nursery stock" means botanically classified plants or parts of plants, including but not limited to  
20 tropical potted plants, ~~and aquatic plants, and turf or sod grass.~~ Certain plants and plant materials intended for  
21 human or animal consumption and not intended for planting may not be considered nursery stock, including the  
22 following:

23 (a) commodity plants and their seeds;

24 (b) pasture grasses;

25 (c) cut plants not for propagation;

26 (d) fruits or vegetables for human or animal consumption;

27 (e) cut trees and products that are going to be processed to a point that they no longer represent a  
28 pest risk; and

1 (f) plant debris for disposal or processing.

2 (5) "Plant dealer" means a firm that buys plants or plant products from a producer for the purpose of  
3 offering the plants or plant products for sale or resale or as part of a landscape service.

4 (6) "Plant inspection certificate" means a document issued by the department or the plant pest  
5 regulatory agency of another state that declares that the nursery stock, plants, or plant material grown by the  
6 firm named on the certificate is apparently free of injurious plant pests.

7 (7) "Plant pest" means an insect, weed, fungus, virus, bacteria, or other organism that can directly or  
8 indirectly injure or cause damage in a plant or a product of a plant and that meets the criteria as a pest  
9 established by department rule. For purposes of this chapter, noxious weeds, as defined in 7-22-2101, or other  
10 exotic weeds are defined as plant pests."  
11

12 **Section 2.** Section 80-7-106, MCA, is amended to read:

13 **"80-7-106. License required -- application and payment of license fee -- exemption.** (1) (a)

14 Except as provided in subsection (1)(b), a firm, nursery, plant dealer, or landscape service engaging in the  
15 business of selling or distributing nursery stock in this state shall obtain a license from the department for each  
16 location.

17 (b) A firm, nursery, plant dealer, or landscape service is not required to obtain a license in Montana if  
18 the firm, nursery, plant dealer, or landscape service is licensed as a nursery in another state and the state in  
19 which the firm, nursery, plant dealer, or landscape service is licensed grants nonresident licenses to residents  
20 of this state on the same basis.

21 (2) The license must be in the name of the firm, nursery, plant dealer, or landscape service seeking  
22 the license and expires on the anniversary date established by rule by the board of review established in 30-16-  
23 302. The applicant shall provide information that the department finds necessary to carry out the provisions and  
24 purposes of this chapter and in the form determined by rule by the board of review established in 30-16-302.

25 (3) (a) The license fees for each location for a firm, nursery, or plant dealer are as follows:

Gross annual sales of nursery stock:	Fee range:
not more than \$5,000	\$25 to \$35

\$5,001 to \$75,000	\$135 to \$185
\$75,001 to \$150,000	\$200 to \$250
\$150,001 to \$250,000	\$300 to \$350
Over \$250,000	\$400 to \$450

1 (b) A landscape service shall pay a license fee of not less than \$150 or more than \$200. A landscape  
2 service that sells nursery stock shall pay a license fee for either a landscape service or a nursery, whichever is  
3 greater.

4 ~~(c) A sod farmer shall pay a license fee of not less than \$220 or more than \$270.~~

5 ~~(d)~~(c) The department may adjust by rule a license fee within the fee range described in this  
6 subsection (3) to maintain funding for this part. When calculating a license fee, the department shall adjust  
7 gross sales down to the nearest dollar.

8 (4) A new applicant or a firm, nursery, plant dealer, or landscape service failing to renew a license for  
9 any location on or before the annual anniversary date provided for in subsection (2) shall pay an additional  
10 nonrefundable late fee of \$25 for the license for the location.

11 (5) The fees required by this section may be paid by credit card."

12 - END -