

## SENATE AMENDMENTS TO SENATE BILL 256

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

March 23

1 On page 1 of the printed bill, delete lines 5 through 29.

2 On page 2, delete lines 1 through 43 and insert:

3 “**SECTION 1.** ORS 571.015 is amended to read:

4 “571.015. (1) The Legislative Assembly finds and declares that the propagation and raising of  
5 nursery stock is an agricultural pursuit that should be regulated and assisted by the State Depart-  
6 ment of Agriculture. A nursery service shall be maintained within the department for the purpose  
7 of carrying out and enforcing the provisions of ORS 564.040, 564.991, 571.005 to 571.230 and 571.991.

8 “(2) The department [*is authorized to*] **may**:

9 “(a) Inspect the nursery stock of growers, dealers and other persons and places of business  
10 provided for under ORS 564.040, 564.991, 571.005 to 571.230 and 571.991.

11 “(b) **Establish certification standards**, issue certificates and permits and check the license and  
12 licensing of persons affected by ORS 564.040, 564.991, 571.005 to 571.230 and 571.991. **In estab-**  
13 **lishing certification standards under this paragraph, the department shall give consideration**  
14 **to any certification standards adopted by the federal government, another state or a national**  
15 **association for nurseries.**

16 “(c) **Establish an expedited permitting process for persons affected by ORS 564.040,**  
17 **564.991, 571.005 to 571.230 and 571.991 that participate in a department certification program**  
18 **and meet department certification standards.**

19 “[*c*] (d) Investigate violations of ORS 564.040, 564.991, 571.005 to 571.230 and 571.991.

20 “[*d*] (e) Disseminate information among growers relative to treatment of nursery stock for both  
21 prevention and elimination of attacks by plant pests and diseases.

22 “[*e*] (f) Carry out any other duties or responsibilities [*which*] **that** are of service to the nursery  
23 industry or [*which*] **that** may be necessary for the protection [*thereof*] **of the nursery industry.**

24 “**SECTION 2.** ORS 571.057 is amended to read:

25 “571.057. (1) Each person required to be licensed by ORS 571.055 shall [*make application for*  
26 *such*] **apply for a** license, or for renewal [*thereof*] **of a license**, on a form furnished by the State  
27 Department of Agriculture, [*which shall contain*] **that contains**:

28 “(a) The name and address of the applicant, the number of locations to be operated by the ap-  
29 plicant and the addresses [*thereof*] **of those locations**, and the assumed business name of the appli-  
30 cant;

31 “(b) If other than an individual, a statement whether [*such person*] **the applicant** is a partner-  
32 ship, corporation or other organization;

33 “(c) The gross dollar volume of sales or purchases of nursery stock by the applicant within  
34 Oregon during the prior calendar year or, if the applicant maintains sales records on a fiscal basis,  
35 the prior fiscal year; and

1 “(d) The type of business to be operated and, if applicant is an agent, the principals the appli-  
2 cant represents.

3 “(2) Each application for a license *[shall]* **must** be accompanied by a license fee as provided for  
4 by this section and any amounts required by ORS 571.075 (3). *[Such]* **An** application *[shall not be]*  
5 **is not** a public record but *[shall be]* **is** subject to audit and review by the department. An applicant  
6 for an original license or for a renewal license, without a full calendar year of prior nursery stock  
7 sales or purchase experience upon which to base the fees, shall base *[such]* **the** fees on an estimated  
8 annual gross dollar volume of sales or purchases of nursery stock by the applicant. Notwithstanding  
9 the provisions of ORS 571.075, upon application by *[such]* **the** person for a renewal of license for a  
10 subsequent year, the fees for the previous license year shall be adjusted to reflect the actual annual  
11 gross dollar volume of sales or purchases of nursery stock by *[such]* **the** applicant. Any additional  
12 fees found to be due *[shall]* **must** be paid to the department at the time of application for renewal  
13 of license. *[, or]* The department shall refund any overpayment found to be due the applicant.

14 “(3)(a) The **department shall establish the** license fees for growers and dealers *[shall be es-*  
15 *tablished by the department]* after consulting with the State Nursery Research and Regulatory Com-  
16 mittee and after public hearing in accordance with ORS chapter 183. *[Such fees shall be*  
17 *established]* **The department shall establish the fees** on the basis of annual gross dollar volume  
18 of sales or purchases of nursery stock within Oregon for the calendar year immediately preceding  
19 the license period.

20 “(b) The license fees *[shall]* **may** not be less than \$65 *[nor]* **or** more than *[\$20,000]* **\$40,000**. The  
21 millage rate *[shall be not]* **may not be** less than one-tenth mill *[nor]* **or** more than *[5]* **10** mills. The  
22 *[fees shall be established in such amount as shall be]* **department shall establish the fees in an**  
23 **amount** sufficient to allow the department to administer and enforce the provisions of ORS 564.040,  
24 564.991, 571.005 to 571.230 and 571.991.

25 “(c) In addition to and at the time of payment of the annual license fee, growers and dealers  
26 shall pay assessments for the expenses of carrying out the provisions of ORS 571.230 (2) and (3).  
27 Dealers shall pay 0.0002 times the gross dollar purchases in the previous license year. Growers shall  
28 pay 0.0002 times the gross dollar sales in the previous license year. *[In no event shall]* The assess-  
29 ment **may not** be less than \$10.

30 “(4) For florists and landscape contracting businesses, dealer and agent fees *[will]* **must** be  
31 computed on the basis of gross purchases of plants. For greenhouse operators and growers, including  
32 persons collecting native plants, fees *[will]* **must** be computed on the basis of gross sales of plants  
33 or sales value of plants produced in Oregon.

34 “(5) Each grower or dealer *[shall be]* **is** entitled to one sales location under the license of the  
35 grower or dealer. Each additional sales location, yard, branch store, stall or peddling vehicle main-  
36 tained by *[such person shall require]* **the grower or dealer requires** the payment of the full license  
37 fee for each of *[such]* **the** additional sales outlets. A grower who is also a dealer shall be licensed  
38 only as a grower.”.

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