

**PROPOSED AMENDMENTS TO  
SENATE BILL 256**

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 propa-  
5 gation and raising of nursery stock is an agricultural pursuit that should  
6 be regulated and assisted by the State Department of Agriculture. A nursery  
7 service shall be maintained within the department for the purpose of carry-  
8 ing out and enforcing the provisions of ORS 564.040, 564.991, 571.005 to  
9 571.230 and 571.991.

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

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

14 “(b) **Establish certification standards**, issue certificates and permits  
15 and check the license and licensing of persons affected by ORS 564.040,  
16 564.991, 571.005 to 571.230 and 571.991. **In establishing certification stan-**  
17 **dards under this paragraph, the department shall give consideration**  
18 **to any certification standards adopted by the federal government, an-**  
19 **other state or a national association for nurseries.**

20 “(c) **Establish an expedited permitting process for persons affected**  
21 **by ORS 564.040, 564.991, 571.005 to 571.230 and 571.991 that participate**  
22 **in a department certification program and meet department certifica-**

1 **tion standards.**

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

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

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

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

11 “571.057. (1) Each person required to be licensed by ORS 571.055 shall  
12 [*make application for such*] **apply for a** license, or for renewal [*thereof*] **of**  
13 **a license**, on a form furnished by the State Department of Agriculture,  
14 [*which shall contain*] **that contains:**

15 “(a) The name and address of the applicant, the number of locations to  
16 be operated by the applicant and the addresses [*thereof*] **of those locations**,  
17 and the assumed business name of the applicant;

18 “(b) If other than an individual, a statement whether [*such person*] **the**  
19 **applicant** is a partnership, corporation or other organization;

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

23 “(d) The type of business to be operated and, if applicant is an agent, the  
24 principals the applicant represents.

25 “(2) Each application for **a** license [*shall*] **must** be accompanied by a li-  
26 cense fee as provided for by this section and any amounts required by ORS  
27 571.075 (3). [*Such*] **An** application [*shall not be*] **is not** a public record but  
28 [*shall be*] **is** subject to audit and review by the department. An applicant for  
29 an original license or for a renewal license, without a full calendar year of  
30 prior nursery stock sales or purchase experience upon which to base the fees,

1 shall base [*such*] **the** fees on an estimated annual gross dollar volume of  
2 sales or purchases of nursery stock by the applicant. Notwithstanding the  
3 provisions of ORS 571.075, upon application by [*such*] **the** person for a re-  
4 newal of license for a subsequent year, the fees for the previous license year  
5 shall be adjusted to reflect the actual annual gross dollar volume of sales  
6 or purchases of nursery stock by [*such*] **the** applicant. Any additional fees  
7 found to be due [*shall*] **must** be paid to the department at the time of ap-  
8 plication for renewal of license.[, *or*] The department shall refund any over-  
9 payment found to be due the applicant.

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

17 “(b) The license fees [*shall*] **may** not be less than \$65 [*nor*] **or** more than  
18 [*\$20,000*] **\$40,000**. The millage rate [*shall be not*] **may not be** less than one-  
19 tenth mill [*nor*] **or** more than [5] **10** mills. The [*fees shall be established in*  
20 *such amount as shall be*] **department shall establish the fees in an**  
21 **amount** sufficient to allow the department to administer and enforce the  
22 provisions of ORS 564.040, 564.991, 571.005 to 571.230 and 571.991.

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

29 “(4) For florists and landscape contracting businesses, dealer and agent  
30 fees [*will*] **must** be computed on the basis of gross purchases of plants. For

1 greenhouse operators and growers, including persons collecting native  
2 plants, fees *[will]* **must** be computed on the basis of gross sales of plants or  
3 sales value of plants produced in Oregon.

4 “(5) Each grower or dealer *[shall be]* **is** entitled to one sales location un-  
5 der the license of the grower or dealer. Each additional sales location, yard,  
6 branch store, stall or peddling vehicle maintained by *[such person shall re-*  
7 *quire]* **the grower or dealer requires** the payment of the full license fee for  
8 each of *[such]* **the** additional sales outlets. A grower who is also a dealer  
9 shall be licensed only as a grower.”.

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