



January 29, 2014

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## SENATE BILL No. 177

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DIGEST OF SB 177 (Updated January 27, 2014 12:59 pm - DI 109)

**Citations Affected:** IC 14-8; IC 14-23.

**Synopsis:** Sale of seedlings and wildflower seeds. Relocates a provision that allows the sale and distribution of nursery stock or wildflower seeds to certain individuals who reside in a state other than Indiana. Provides that the department of natural resources (department) may sell and distribute to an individual or a business in a state other than Indiana nursery stock or wildflower seeds that the department determines are excess inventory. Limits the period that the department can sell excess nursery and wildflower stock to a person or business in another state. Prohibits the department from selling or distributing nursery stock or wildflower seeds to a business that sells nursery stock or wildflower seeds in Indiana. (Current law prohibits the department from selling or distributing nursery stock or wildflower seeds to any business that sells nursery stock or wildflower seeds.) Allows the department to sell excess nursery and wildflower stock to an Indiana wholesale business if certain conditions are met. Places a limit on an increase to the department's annual production of nursery stock. Requires the department to publish certain information concerning nurseries that sell seedlings on the division of forestry's Internet web site. Allows the nurseryman to determine whether the nursery's information is published on the division's Internet web site.

**Effective:** July 1, 2014.

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January 8, 2014, read first time and referred to Committee on Agriculture and Natural Resources.  
January 28, 2014, amended, reported favorably — Do Pass.

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SB 177—LS 6870/DI 77





January 29, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 177

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-8-2-183 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 183. "Nurseryman", for  
3 purposes of **IC 14-23-1 and** IC 14-24, means a person who owns,  
4 leases, manages, or controls a nursery.
- 5 SECTION 2. IC 14-23-1-2, AS ADDED BY P.L.82-2007,  
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2014]: Sec. 2. (a) This section does not apply to the following:  
8 (1) The sale or distribution of nursery stock or wildflower seeds  
9 to the following:  
10 (A) An individual who resides in Indiana.  
11 (B) A governmental entity.  
12 (C) A nonprofit organization or an educational institution.  
13 (D) An agricultural research program.  
14 (2) The exchange of nursery stock or wildflower seeds with a  
15 person or an entity.  
16 (3) **The sale or distribution of nursery stock or wildflower**

SB 177—LS 6870/DI 77



1 seeds to an individual who resides in a state other than  
2 Indiana, and who:

3 (A) owns land in Indiana; and

4 (B) submits an affidavit that affirms that the nursery stock  
5 or wildflower seeds will be planted in Indiana.

6 (b) The department may not sell or distribute nursery stock or  
7 wildflower seeds to the following:

8 (1) A business or an individual who resides in a state other than  
9 Indiana, unless: ~~the individual:~~

10 (A) owns land in Indiana; and

11 (B) submits an affidavit that affirms that the nursery stock or  
12 wildflower seeds will be planted in Indiana.

13 (A) the department determines the nursery stock or  
14 wildflower seeds are excess inventory; and

15 (B) the individual or business does not sell or distribute  
16 nursery stock or wildflower seeds in Indiana.

17 The department may accept orders under this subdivision  
18 only from February 1 through April 30 each year.

19 (2) A retail business that sells nursery stock or wildflower seeds  
20 in Indiana.

21 (3) A wholesale business that sells nursery stock or wildflower  
22 seeds in Indiana, unless:

23 (1) the department determines the nursery stock or  
24 wildflower seeds are excess inventory; and

25 (2) the wholesale business:

26 (A) has been inspected and certified under IC 14-24-5;

27 (B) holds a dealer's license under IC 14-24-7; and

28 (C) has elected to have the business's information  
29 published on the division of forestry's Internet web site  
30 under section 3 of this chapter.

31 The department may accept orders under this subdivision  
32 only from January 1 through April 30 each year.

33 SECTION 3. IC 14-23-1-3 IS ADDED TO THE INDIANA CODE  
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
35 1, 2014]: Sec. 3. (a) Subject to subsection (b), the department shall  
36 publish on the division of forestry's Internet web site the  
37 information required under subsection (b) if a nurseryman:

38 (1) whose nursery has been inspected and certified under  
39 IC 14-24-5;

40 (2) who holds a dealer's license under IC 14-24-7; and

41 (3) who sells seedlings of trees or bushes;

42 elects to have the information published on the division's Internet



- 1 web site.
- 2 (b) If a nurseryman described in subsection (a) elects to have
- 3 information about a nursery published on the division of forestry's
- 4 Internet web site, the nurseryman must submit to the department
- 5 on a form prepared by the department the following information:
- 6 (1) The name of the nursery business.
- 7 (2) The address of the nursery, including the name of the
- 8 county in which the nursery is located.
- 9 (3) The contact information of the nursery, which may include
- 10 the nursery's phone number, electronic mail address, and
- 11 Internet web site.
- 12 (4) Whether the nursery provides retail sales, wholesale sales,
- 13 or both.
- 14 (5) The species of tree and bush seedlings that the nursery
- 15 offers.
- 16 (6) Any other information allowed by the department.
- 17 The information must be submitted before January 1 of each year.
- 18 (c) Before February 1 of each year, the department shall update
- 19 the division of forestry's Internet web site with the information
- 20 required under this section. The information for the Internet web
- 21 site required under this section may be combined with the
- 22 information required for the Internet directory under
- 23 IC 14-24-10-4.
- 24 SECTION 4. IC 14-23-1-4 IS ADDED TO THE INDIANA CODE
- 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 26 1, 2014]: Sec. 4. The department may not increase the total
- 27 production of nursery stock produced under this chapter by more
- 28 than fifteen percent (15%) of the department's total production
- 29 amount of nursery stock for the previous year.



## COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 177, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 16 and 17, begin a new line block indented and insert:

**"The department may accept orders under this subdivision only from February 1 through April 30 each year."**

Page 2, line 20, delete "Indiana." and insert "**Indiana, unless:**

**(1) the department determines the nursery stock or wildflower seeds are excess inventory; and**

**(2) the wholesale business:**

**(A) has been inspected and certified under IC 14-24-5;**

**(B) holds a dealer's license under IC 14-24-7; and**

**(C) has elected to have the business's information published on the division of forestry's Internet web site under section 3 of this chapter.**

**The department may accept orders under this subdivision only from January 1 through April 30 each year."**

Page 3, after line 11, begin a new paragraph and insert:

**"SECTION 4. IC 14-23-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The department may not increase the total production of nursery stock produced under this chapter by more than fifteen percent (15%) of the department's total production amount of nursery stock for the previous year."**

and when so amended that said bill do pass.

(Reference is to SB 177 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 7, Nays 0.

