



Reprinted  
February 4, 2014

---

---

## SENATE BILL No. 177

---

DIGEST OF SB 177 (Updated February 3, 2014 3:41 pm - DI 77)

**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 a retail or wholesale licensed nursery in 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 the nursery. Allows the department to sell excess nursery and wildflower stock to an Indiana wholesale business if certain conditions are met. Allows the department to sell excess nursery stock at cost to a Indiana wholesale nursery. 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.

---

---

### Delph, Kruse

---

---

January 8, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

January 28, 2014, amended, reported favorably — Do Pass.

February 3, 2014, read second time, amended, ordered engrossed.

---

---

SB 177—LS 6870/DI 77





Reprinted  
February 4, 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 (2) A retail business that sells nursery stock or wildflower seeds

14 (3) (2) A retail or wholesale business that sells nursery stock or  
15 wildflower seeds in Indiana, unless:

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

18 (B) the retail or wholesale business:

19 (i) has been inspected and certified under IC 14-24-5;  
20 and

21 (ii) holds a dealer's license under IC 14-24-7.

22 The department may accept orders under this clause only  
23 from January 1 through April 30 each year. The  
24 department may sell excess nursery stock inventory to a  
25 wholesale business at the department's cost of production  
26 of the nursery stock.

27 SECTION 3. IC 14-23-1-3 IS ADDED TO THE INDIANA CODE  
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
29 1, 2014]: Sec. 3. (a) Subject to subsection (b), the department shall  
30 publish on the division of forestry's Internet web site the  
31 information required under subsection (b) if a nurseryman:

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

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

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

36 elects to have the information published on the division's Internet  
37 web site.

38 (b) If a nurseryman described in subsection (a) elects to have  
39 information about a nursery published on the division of forestry's  
40 Internet web site, the nurseryman must submit to the department  
41 on a form prepared by the department the following information:

42 (1) The name of the nursery business.



- 1           **(2) The address of the nursery, including the name of the**
- 2           **county in which the nursery is located.**
- 3           **(3) The contact information of the nursery, which may include**
- 4           **the nursery's phone number, electronic mail address, and**
- 5           **Internet web site.**
- 6           **(4) Whether the nursery provides retail sales, wholesale sales,**
- 7           **or both.**
- 8           **(5) The species of tree and bush seedlings that the nursery**
- 9           **offers.**
- 10          **(6) Any other information allowed by the department.**

11          **The information must be submitted before January 1 of each year.**

12          **(c) Before February 1 of each year, the department shall update**

13          **the division of forestry's Internet web site with the information**

14          **required under this section. The information for the Internet web**

15          **site required under this section may be combined with the**

16          **information required for the Internet directory under**

17          **IC 14-24-10-4.**

18          SECTION 4. IC 14-23-1-4 IS ADDED TO THE INDIANA CODE

19          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

20          1, 2014]: **Sec. 4. The department may not increase the total**

21          **production of nursery stock produced under this chapter by more**

22          **than fifteen percent (15%) of the department's total production**

23          **amount of nursery stock for the previous year less the amount of**

24          **excess nursery stock as of February 1 of the calender 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.



## SENATE MOTION

Madam President: I move that Senate Bill 177 be amended to read as follows:

Page 2, line 9, delete "," and insert ".".

Page 2, line 9, strike "unless:".

Page 2, delete lines 13 through 18.

Page 2, strike line 19.

Page 2, delete line 20.

Page 2, line 21, strike "(3)" and insert "**(2)**".

Page 2, line 21, after "A" insert "**retail or**".

Page 2, line 23, delete "(1)", begin a new line double block indented and insert:

**"(A)"**.

Page 2, line 25, delete "(2)", begin a new line double block indented and insert:

**"(B)"**.

Page 2, line 25, after "the" insert "**retail or**".

Page 2, line 26, delete "(A)", begin a new line triple block indented and insert:

**"(i)"**.

Page 2, line 26, after "IC 14-24-5;" insert "**and**".

Page 2, line 27, delete "(B)", begin a new line triple block indented and insert:

**"(ii)"**.

Page 2, line 27, delete "IC 14-24-7; and" and insert "**IC 14-24-7.**"

Page 2, delete lines 28 through 30.

Page 2, line 31, beginning with "The" begin a new line double block indented.

Page 2, line 31, delete "subdivision" and insert "**clause**".

Page 2, line 32, after "year." insert "**The department may sell excess nursery stock inventory to a wholesale business at the department's cost of production of the nursery stock.**".

Page 3, line 29, after "year" insert "**less the amount of excess nursery stock as of February 1 of the calender year**".

(Reference is to SB 177 as printed January 29, 2014.)

DELPH

