

# SENATE BILL No. 498

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2-183; IC 14-23-1.

**Synopsis:** DNR sale of nursery stock and wildflower seeds. Authorizes the department of natural resources (department) to sell or distribute nursery stock (botanically classified hardy perennial or biennial trees, shrubs, vines, fruit pits, and other plants or plant parts capable of propagation) or wildflower seeds to: (1) an individual who resides in a state other than Indiana and who owns land in Indiana and submits an affidavit in which the individual affirms that the nursery stock or wildflower seeds will be planted in Indiana; (2) an individual who resides in a state other than Indiana and who does not sell or distribute nursery stock or wildflower seeds in Indiana (individual); (3) a business located in a state other than Indiana that does not sell or distribute nursery stock or wildflower seed in Indiana (business); and (4) a wholesale business that sells nursery stock or wildflower seeds in Indiana, that has been inspected and certified by and holds a dealer's license issued by the department's division of entomology and plant pathology, and that has elected to have information about itself published on the Internet web site of the department's division of forestry (wholesale business). Allows a sale or distribution to an individual, a business, or a wholesale business only if the department determines that the nursery stock or wildflower seeds to be sold or distributed are excess inventory. Provides that, if a nurseryman so elects, certain information about the nurseryman shall be published on the Internet web site of the department's division of forestry. Provides that a nurseryman may make this election only if the nurseryman's nursery has been inspected and certified by and holds a dealer's license issued by the department's division of entomology and plant pathology  
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**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Natural Resources.

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Digest Continued

and the nurseryman sells seedlings of trees or bushes. Provides that the total of nursery stock produced by the department in any calendar year may not exceed the total of nursery stock produced by the department in the previous calendar year by more than 15%.



Introduced

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 498

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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, 2015]: 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, 2015]: Sec. 2. (a) This section does not ~~apply to~~ **prohibit**  
8 following:
- 9 (1) The sale or distribution of nursery stock or wildflower seeds  
10 to the following:
- 11 (A) An individual who resides in Indiana.  
12 (B) A governmental entity.  
13 (C) A nonprofit organization or an educational institution.  
14 (D) An agricultural research program.



1           **(2) The sale or distribution of nursery stock or wildflower**  
 2           **seeds to an individual who resides in a state other than**  
 3           **Indiana and who:**

4               **(A) owns land in Indiana; and**

5               **(B) submits an affidavit in which the individual affirms**  
 6               **that the nursery stock or wildflower seeds will be planted**  
 7               **in Indiana.**

8           ~~(2)~~ **(3) The exchange of nursery stock or wildflower seeds with a**  
 9           **person or an entity.**

10          **(b) The department may not sell or distribute nursery stock or**  
 11          **wildflower seeds to the following:**

12           **(1) An individual who resides in a state other than Indiana**  
 13           **(except as provided in subsection (a)(2)), unless: the individual:**

14               ~~(A) owns land in Indiana; and~~

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

17               **(A) the department determines that the nursery stock or**  
 18               **wildflower seeds to be sold or distributed to the individual**  
 19               **are excess inventory; and**

20               **(B) the individual does not sell or distribute nursery stock**  
 21               **or wildflower seeds in Indiana.**

22           **(2) A business located in a state other than Indiana, unless:**

23               **(A) the department determines that the nursery stock or**  
 24               **wildflower seeds to be sold or distributed to the business**  
 25               **are excess inventory; and**

26               **(B) the business does not sell or distribute nursery stock or**  
 27               **wildflower seeds in Indiana.**

28           ~~(2)~~ **(3) A retail business that sells nursery stock or wildflower**  
 29           **seeds in Indiana.**

30           ~~(3)~~ **(4) A wholesale business that sells nursery stock or wildflower**  
 31           **seeds in Indiana, unless:**

32               **(A) the department determines that the nursery stock or**  
 33               **wildflower seeds to be sold or distributed to the wholesale**  
 34               **business are excess inventory; and**

35               **(B) the wholesale business:**

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

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

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

41          **(c) The department may accept orders for nursery stock or**  
 42          **wildflower seeds:**



1 (1) under subsection (b)(1) or (b)(2) only from February 1  
2 through April 30 of each year; and

3 (2) under subsection (b)(4) only from January 1 through April  
4 30 of each year.

5 (d) The department may sell excess nursery stock inventory to  
6 a wholesale business under subsection (b)(4) only at the  
7 department's cost of production of the nursery stock.

8 SECTION 3. IC 14-23-1-3 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2015]: **Sec. 3. (a) Subject to subsection (b), if the nurseryman  
11 elects to have the information published, the department shall  
12 publish on the Internet web site of the division of forestry the  
13 following information about a nurseryman:**

14 (1) The name of the nurseryman's business.

15 (2) The address of the nurseryman's business, including the  
16 name of the county in which the nurseryman's business is  
17 located.

18 (3) The contact information of the nurseryman's business,  
19 which may include the:

20 (A) telephone number;

21 (B) electronic mail address; and

22 (C) Internet web site;

23 of the nurseryman's business.

24 (4) Whether the nurseryman provides:

25 (A) retail sales;

26 (B) wholesale sales; or

27 (C) both retail sales and wholesale sales.

28 (5) The species of tree and bush seedlings that the nurseryman  
29 offers.

30 (6) Any other information that:

31 (A) the nurseryman wishes to publish; and

32 (B) the department accepts for publishing;

33 on the Internet web site.

34 (b) A nurseryman may not elect to have information published  
35 on the Internet web site of the division of forestry under subsection

36 (a) unless:

37 (1) the nurseryman's nursery has been inspected and certified  
38 under IC 14-24-5;

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

41 (3) the nurseryman sells seedlings of trees or bushes.

42 (c) To have the information described in subsection (a)



1 concerning the nurseryman published on the Internet web site of  
2 the division of forestry for a calendar year, a nurseryman must  
3 submit the information to the department on a form prepared by  
4 the department before January 1 of that year.

5 (d) Before February 1 of each year, the department shall update  
6 the Internet web site of the division of forestry with the  
7 information submitted under subsection (c). The information  
8 submitted by a nurseryman for publication on the Internet web site  
9 of the division of forestry under this section may be combined with  
10 the information published about the nurseryman under  
11 IC 14-24-10-4 in the Internet directory of persons who have  
12 obtained nursery certificates and nursery dealer licenses.

13 SECTION 4. IC 14-23-1-4 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2015]: Sec. 4. The total of nursery stock produced by the  
16 department in any calendar year may not exceed the total of  
17 nursery stock produced by the department in the previous calendar  
18 year by more than fifteen percent (15%).

