

SUBSTITUTE FOR
SENATE BILL NO. 480

A bill to amend 1931 PA 189, entitled
"The insect pest and plant disease act,"
by amending section 9 (MCL 286.209), as amended by 1982 PA 157.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. **(1)** A person, firm, partnership, association, or
2 corporation growing or desiring to sell nursery stock in this
3 state shall, on or before October 31, 1982 and October 31 of each
4 year, ~~thereafter,~~ apply to the director for a license. ~~The~~
5 **Until September 30, 2003 or after September 30, 2007, the** annual
6 nursery license fee shall be \$50.00, **and beginning October 1,**
7 **2003 through September 30, 2007, the annual nursery license fee shall**
8 **be \$100.00. ~~The~~ Until September 30, 2003 or after September**
9 **30, 2007, the** annual license fee for plant growers or plant
10 dealers shall be \$20.00, **and beginning October 1, 2003 through**
11 **September 30, 2007, the annual license fee for plant growers or plant**

Senate Bill No. 480 as amended June 11, 2003

1 dealers shall be \$100.00. The annual license fee for nursery
 2 dealers shall be ~~-\$50.00-~~ \$100.00. For persons growing less than
 3 1/4 acre of nursery stock or utilizing less than 200 square feet
 4 of greenhouse space and only from October 1, 2003 through
 5 September 30, 2007, the fee for a license is \$40.00. License fees
 6 provided for in this act shall become due and payable at the
 7 office of the director on or before October 31 of each year.

8 (2) <<Fees Except as otherwise provided in subsection (3), fees>>
 collected under this act shall be paid into the
 9 general fund of the state and shall be used in enforcement of
 10 this act.

<<(3) Beginning October 1, 2003, the horticulture fund is created
 within the state treasury. The state treasurer may receive money or
 other assets from any source for deposit into the fund. From October 1,
 2003 until September 30, 2007, up to \$70,000.00 of the funds generated
 through licensing shall be deposited into the horticulture fund each
 year. The state treasurer shall direct the investments of the
 horticulture fund. The state treasurer shall credit interest and
 earnings from fund investments to the fund. Assets in the fund at the
 close of the fiscal year shall remain in the fund and shall not lapse to
 the general fund. The director shall administer the fund and shall
 expend money from the fund, upon appropriation, to provide for research
 projects, to develop and improve training programs, and to develop
 outreach materials for the purposes of safeguarding plants and plant
 products from unwanted plant pests. The director shall administer the
 fund with advice and consultation from a horticultural advisory
 committee. After September 30, 2007, the fund shall no longer exist and
 the money in the fund shall revert to the general fund for use as
 described in subsection (2).

(4) There is created a horticulture advisory committee. Members of
 this committee, to be named by the director, shall include
 representatives from the horticulture industry.>>

11 <<(5)>> This section ~~shall~~ **does** not apply to persons engaged in
 12 fruit growing who are not nurserymen but desire to sell or
 13 exchange surplus small fruit plants of their own growing, or to
 14 farmers or other persons who may sell or give away native shade
 15 trees, native shrubs, native vines, native hardy perennials, or
 16 native evergreens from their own premises.