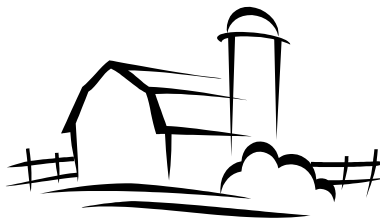

Occupational Regulation Review

Nursery Stock Distributor



**Report of the Agriculture Committee Pursuant to the
Occupational Board Reform Act (§§84-933 to 84-948)**

Date: December 15, 2024

Introduction

The Occupational Board Reform Act (§§84-933 to 84-948 of the Nebraska Revised Statutes) was enacted by the Nebraska Legislature to establish a process for systematic examination of occupational regulations in Nebraska. The Act assigns a primary responsibility to the standing committees of the Legislature to perform periodic evaluation of those occupational regulations that fall within the subject matter jurisdiction of each committee.

Such evaluation is to include identifying the underlying public welfare objectives intended to be served by a set of occupational regulations and whether such public welfare concerns remain valid or have evolved. The goal of the Occupational Board Reform Act is to realize the public welfare interests with the least burdensome forms of regulation. The evaluation is to determine whether existing regulations impose an excessive or unnecessary barrier to entry into, or burden to participate in, an occupation that limits competition, entrepreneurial opportunities or availability of services in relation to the public welfare benefits intended.

§84-940 defines occupational regulation to mean “a statute, rule, regulation, practice, policy or other state law requiring an individual to possess certain personal qualifications or to comply with registration requirements to use an occupational title or work in a lawful occupation.” Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

Licensing of nursery stock distributors is a regulation that falls within the jurisdiction of the Agriculture Committee. This report is submitted to fulfill the requirements of the Agriculture Committee under §84-948 of the Occupational Board Reform Act with respect to this occupational regulation.

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Occupation: Nursery Stock Distributor

Occupational Board: Nebraska Department of Agriculture

Statutory Citation: Plant Protection & Plant Pest Act (§§2-1072 to 2-10,117)

Description of Occupation:

Nursery stock distributors include persons, or business entities, who grow, sell, gather or distribute live plants, or the bulbs, roots, cuttings, seedlings, etc. of plants capable of propagation, that are used in private residential and commercial locations, institutional campuses and outdoor public places, for interior decorative or exterior landscaping purposes. The term includes the familiar retail businesses that identify themselves as greenhouse nurseries offering a variety of home, garden and landscaping plants sold as individual plants or groupings of plants to the ultimate consumer. For purposes of this report, nursery stock distributors also include persons or businesses that act as dealers of nursery stock and those who cultivate or gather plants or their propagative parts, sold directly to final consumers or supplied wholesale to nursery retail businesses or other nursery stock growers or distributors. Additionally, nursery stock distributors include persons or businesses who purchase and/or install trees, bushes and perennial plantings for others as a landscaping service.

Description of Occupational Regulation:

Plant Protection and Plant Pest Act:

Under §2-1091.01 of the Plant Protection & Plant Pest Act (Act), no person shall engage in nursery stock distribution in Nebraska without a valid license. §2-1083 of the Act defines nursery stock to mean:

"all botanically classified hardy perennial or biennial plants, trees, shrubs, and vines, either domesticated or wild, cuttings, grafts, scions, buds, bulbs, rhizomes, or roots thereof, and such plants and plant parts for, or capable of, propagation, excluding plants grown for indoor use, annual plants, florist stock, cut flowers, sod, turf, onions, potatoes, or seeds of any such plant."

Nursery stock distributors are defined by §2-1083.01 to include persons engaged in any of the following:

- (1) The acquisition and further distribution of nursery stock;*
- (2) The utilization of nursery stock for landscaping or purchase of nursery stock for other persons;*
- (3) The distribution of nursery stock with a mechanical digger, commonly known as a tree spade, or by other means;*
- (4) The solicitation of or taking orders for sales of nursery stock in the state; or*
- (5) The growing and distribution of nursery stock or active involvement in the management or supervision of a nursery.*

Persons who exclusively grow or distribute plants grown for indoor use, annual plants, florist stock, cut flowers, sod, turf, onions, potatoes, or seeds of any such plant, that are excluded from the definition of nursery stock are not required to be licensed but may request licensure. Licenses expire on December 31 of each year and renewal license applications are due by January 1, although licenses

may be renewed after the deadline with a late renewal fee.¹ Applications for a license and annual renewal are on forms provided by the Department (see appendix). The license fee is established annually by the Department of Agriculture within a statutory maximum according to the schedule of fees set forth in §2-1091.02. Applicants are charged a base fee not to exceed \$140 for the first acre of a nursery location plus an additional fee not to exceed \$6 per acre for each additional acre.² A separate license fee is required for each distinct nursery location. Nursery stock dealers and landscaping services who do not maintain nursery stock pay the base fee.

No person may distribute nursery stock unless sound, healthy, reasonably capable of growth, labeled correctly, free from plant pests, and stored or displayed under conditions which shall maintain its vigor as outlined in rules and regulations. All nursery stock distributed within, into or out of Nebraska shall be labeled with the correct common or botanical name, the place of origin and the license or its equivalent issued by the recognized authorizing agency stating that the nursery from which the nursery stock originates has been inspected. As a condition of licensure, applicants sign a written pledge to only acquire and distribute nursery stock sourced from other state licensed distributors or from stock approved by appropriate authorities in the state of origin. Distributors are also subject to recordkeeping requirements including maintaining a record of stock acquired and sold.

Nursery stock grown in the state, including nursery stock collected in the wild, is subject to inspection and certification of compliance with the Act. It is a duty of the distributor to request inspection prior to sale or distribution. The cost of inspection is included in the license fee if requested with the initial license application or with a renewal application submitted on or prior to January 1. All other inspections are charged an inspection fee of up to \$27 per hour plus travel costs. The Department may order a withdrawal from distribution of any nursery stock at a location, although the order may be limited to certain plants or stock from certain portions of the nursery location. Additionally, the Department may order treatment, destruction or removal of nursery stock as appropriate to prevent the dissemination of plants that harbor plant pests or plants that are nuisance plants.

Licensees are subject to administrative fine for violations of the Act, and the Department may place a licensee under probation, or suspend or revoke a license for repeated and serious violations of the Act that present a danger to the public welfare. In addition, the Department may refer violators for potential criminal penalties and/or injunctive relief.

Federal Plant Protection Act:

The authorities of the Department of Agriculture under the Plant Protection & Plant Pest Act coordinate with similar authorities of the USDA under the federal Plant Protection Act (7 U.S.C. §§7701-7772 and §§7781-7786). §7712 of the Act authorizes the Secretary of Agriculture to “*prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States*”. The Act vests

¹ In addition to the annual license fee, distributors who fail to obtain an initial license or are late in submitting a renewal application pay 25% of the fee per month up to 100% of the annual license fee.

² For the current year, the license fee is \$83 for the first acre, and \$3.61 for each additional acre.

specific authority for the Secretary of Agriculture to promulgate regulations to implement the Act, including regulations requiring that *“any plant, plant product, biological control organism, noxious weed, article, or means of conveyance moved in interstate commerce be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant, plant product, biological control organism, noxious weed, article, or means of conveyance is to be moved”*.

Under the Act, the Secretary may require persons importing, exporting or moving plants in interstate commerce to obtain a permit for such purpose and to require that plants be accompanied by a certificate of inspection. The Secretary may declare quarantine regions within the U.S. or within other trading nations and bar or restrict the movement of plants or transport articles into or within the U.S. that originate from or are destined for a quarantine area. Such restrictions may require that *“each shipment must include documentation certifying the nursery stock is in compliance with the applicable quarantine(s).”*

The federal act is described here to show that Nebraska’s licensure program supports an inspection and certification infrastructure that enable interstate nursery stock movements in compliance with federal and other state restrictions and requirements. At both the state and federal level, regulators coordinate inspection, certification, treatment, movement and disposal regulations to be interlocking and consistent to facilitate the movement of nursery stock in interstate commerce. This interrelationship between individual state nursery stock regulations and federal/interstate efforts at plant pest mitigation is reinforced in the following USDA/AHPIS’ response to an email inquiry:

- How do state licensure and inspection/certification programs interact with related APHIS programs under federal authorities?
Typically, States regulate nursery stock certification and licensing requirements under a plant pest law and/or a nursery law at the state level. These laws impact both intrastate and interstate movement of nursery stock and plant pests. The Federal Plant Protection Act prohibits or restricts the importation, exportation, and interstate movement of plants, plant products, certain biological control organisms, noxious weeds, and plant pests. The State does not derive authority from the Federal Plant Protection Act. Instead, Federal and State agencies work together, cooperatively, to leverage their individual authorities to protect plant health domestically and safeguard trade.
- Has APHIS compiled a State-by-State summary of licensure requirements?
APHIS has not compiled a state-by-state summary of licensure requirements. However, the National Plant Board maintains a summary of State nursery stock and greenhouse-grown plant laws and regulations, with a focus on shipping and quarantine requirements. These State summaries are intended to assist with the interstate shipping of nursery stock. This information can be found at [State Law & Regulation Summaries - National Plant Board](#).
- Can you provide a list of state and Federal quarantines that are in effect, including plant pests of particular concern to Nebraska?
There is no comprehensive list of State and Federal plant pest quarantines. A list of Federal domestic quarantines by State can be found on the [APHIS Plant Pests and Diseases](#) website. There are no Federal quarantines regulating plant pests or nursery stock originating in Nebraska. Therefore, the State has the ability to move nursery stock without Federal intervention.

Occupational Board Information:

Report contents specified under subdivisions (3)(a) through (f) of §84-948 are not applicable to this occupation. The Nebraska Department of Agriculture, a code agency, is solely responsible for the receipt and processing of license applications, and the issuance, monitoring and discipline of licensees and lack of licensure. These functions are not delegated to an industry board and qualification for licensure largely prescribed by statute.

Regulatory Activity and Costs:

To assist the Agriculture Committee in preparing this report Chairman Steve Halloran submitted an inquiry form to the Director of the Department of Agriculture. The information in this section consists of information provided in the Department’s response.

Nursery Stock Distributor License 5-year Summary

	2023/24	2022/23	2021/22	2020/21	2019/20
License Activity					
New	48	82	60	60	43
Renewal	1091	1108	1107	1112	1111
Applications Denied	0	0	0	0	0
License Fee Revenue	100,699	102,785	101,410	103,174	118,706
Phyto Certification Fee Revenue	299,829	289,194	255,758	275,103	253,881
Other Fee Revenue	16,834	12,455	13,668	13,922	19,294
Disciplinary/Enforcement Activity					
Complaints Received	1	2	NA	NA	NA
Licenses Suspended, Revoked, Cancelled or Limited	0	0	0	0	0
Disciplinary Actions for Lack of Licensure	0	0	0	0	0
Administrative Fines and referrals for equitable relief or criminal proceedings	0	0	0	0	0

Enforcement Activity

A. Please list and briefly describe any disciplinary actions taken against licensees over the past 5 years.

Warning letters are issued to licensees doing business without a license. There have also been nurseries who distributed unhealthy stock, requiring the business to remove plants to an off-sale status.

B. Does the agency perform routine or regular examinations/inspections/audits of licensees? If so, how many are performed per year?

Yes, each licensed **grower** is inspected once a year (approx. 1160). Each licensed **dealer** is inspected at least once every three years. If plant material is restricted and pulled from sale it can be reinspected if corrective treatments are an option.

- C. Does the agency perform complaint/investigative examinations/inspections/audits of licensees? If so, how many of these have been performed over the past 5 years.
 Yes. Licensed growers are the main subject for complaints. Investigative inspections are completed - compliance with the license requirements being the goal. There are less than five (5) per year.

Cost of Regulation:

- A. Please list staff positions to support the Agency’s operations under the Nebraska Plant Pest & Plant Protection Act.
 Administrator, Program Manager, Survey Coordinator, Export Specialist, four (4) field inspectors.
- B. If possible to isolate costs, please provide annual expenditures by the Agency to carry out the Plant Pest and Plant Protection Act for each of the past 5 fiscal years. Please categorize expenditures by general, cash, federal or other fund source.

Fund Source	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
General	75,199.51	80,610.43	59,454.85	31,399.39	32,924.48
Cash	396,305.27	472,072.73	476,100.35	592,455.88	588,943.03
Federal	182,576.86	139,340.71	130,115.07	102,182.94	99,134.50
Grand Total	654,081.64	692,023.87	665,670.27	726,038.21	721,002.01

Comparison to Other States’ Regulation:

Given the public interest in preventing the introduction and dissemination of plant pests through distribution of nursery stock, and the need for related businesses anywhere in the nation to obtain necessary certifications to meet requirements for movements of nursery stock in interstate commerce, the essential elements of regulation of nursery stock distribution present in Nebraska, are largely replicated by all states.

Included in the appendix is a summary of comparable nursery stock distributor license/certification regulations for each of the states bordering Nebraska including related fees. All of these states require either in statute or regulation that certain types of nursery stock distributors be licensed or registered. States also vary in the breadth of horticulture related businesses that are regulated. All states with the exception of Wyoming annually or periodically inspect and certify grower and retail nursery business locations, and regulate sod growers on a mandatory or voluntary business. States vary slightly in exclusions of distributors of non-hardy plants, other plants such as indoor household

plants, and propagating components of plants that present little risk of harboring plant pests or of becoming naturalized as a nuisance plant. Most states also regulate those businesses providing landscaping services, including the acquisition and installation of plants for clients.

States may vary on the frequency of, and requirement for, mandatory certification inspections of nursery grower and distributor locations. All states provide phytosanitary certification inspections necessary to meet any state, federal or in some cases, requirements of other nations, to lawfully export plants to those locations, typically at cost. Fees for licensure/registration, and required annual or periodic certification inspections vary considerably. However, it is difficult to directly compare fees charged by other states as states vary in the allocation of program costs between state general tax revenues and the regulated public.

Occupational Board Reform Act Analysis:

Assumptions underlying the creation of the occupational regulation:

Requiring licensure to engage in the business or occupation of nursery stock distributor is an element of an overall effort to prevent entry, establishment, and spread of economically and environmentally significant pests. The Act's findings and declaration of policy recognizes that the cultivation and movement of nursery stock is a vector for the dissemination of plant pests.³

§2-1073 -- It is hereby declared to be the public policy of the State of Nebraska and the purpose of the Plant Protection and Plant Pest Act to protect and foster the health, prosperity, and general welfare of Nebraska residents by preserving and protecting the plant industry and the agricultural interests of the state. Because of the importance of the plant industry and agricultural interests to the welfare and economy of the state and the damage which can result from the uncontrolled proliferation of plant pests, there is a need to impose standards and restrictions on the movement and care of plants and the movement, treatment, control, and eradication of plant pests within the state.

Do the policy justifications/need for regulation identified when the occupational regulation was enacted remain valid?

There is a persistent risk of introduction of economically and environmentally injurious plants and plant pests through interstate and international movements of nursery stock and that risk is amplified by changing climate patterns that enable a greater number and variety of plant pests to potentially establish and persist in the state.

Most states and foreign countries have quarantines, requirements, and regulations that must be met before a plant or plant product may be imported into their state or country. Nebraska plants

³ The term plant pest includes both destructive organisms, e.g. insects, bacteria, fungi, etc., that may be hosted by nursery plants, and nursery stock plants that themselves may become noxious and destructive to agricultural productivity or natural habitats, if they become naturalized into new areas.

and plant products would not be admissible into the receiving state or foreign country unless those shipments were inspected and certified by the appropriate plant regulatory agency.

What potential costs or consequences to the consuming public or society at large might arise due to poor quality of services provided by, or unethical conduct of, persons subject to the occupational regulation?

Regular inspections performed as a condition of licensure and necessary certifications facilitates regular monitoring and surveillance to lessen the likelihood of undetected introduction and dissemination of plant pests and nuisance plants through the movements of nursery stock into Nebraska and throughout the state. It can be reasonably anticipated that the state would experience more frequent and widespread incidents of plants pests impairing agricultural productivity and management of natural resources. This in turn would likely trigger greater restrictions and regulations imposed by other states and potentially the federal government for nursery stock originating in Nebraska. Nebraska’s nursery industry would find it more difficult to access national and international markets.

Occupational board statement of efficacy:

- A. Please provide a brief description of the benefits of the occupational regulation.
Licensure of nursery stock distributors under the Plant Protection and Plant Pest Act facilitates inspection and certification activities which guard against the introduction and spread of agricultural, horticultural and ecological pests and assists the private sector marketing of nursery stock.

- B. Please provide a brief description of potential harm should the occupational regulation be discontinued.
Discontinuing the oversight and surveillance of nursery stock could put the state’s industry at risk for unwanted and devastating pests that would otherwise not be monitored and controlled.

Occupational regulation in relation to Occupational Board Reform Act policy:

The requirements to operate as a nursery stock distributor are arguably not an occupational regulation as contemplated for purposes of the Occupational Board Reform Act. While there may be sole proprietor businesses operated by individuals, e.g. landscape consultants and installers, that perform activities that meet the definition of nursery stock distributor, the nursery stock distributor license is arguably a business license excluded from the definition of “occupational regulation” by §84-940(3)(a)

(3) Occupational regulation does not include (a) business licensure, facility licensure, building permit requirements, or zoning and land-use regulation except to the extent that the same state laws that require a business license, a facility license, a building permit, or zoning and land-use regulation also regulate an individual's personal qualifications to perform a lawful occupation, . . .

The Act imposes no personal experience, training, or competency certification or other qualifications for individuals to lawfully engage in nursery stock distribution, either as an individual entrepreneurial activity, a business entity, or as an employee of a nursery stock business. The license requirement and regulations governing nursery stock distribution are for the purpose of avoiding and mitigating risks of introduction of destructive pests into the state. While there is an element of consumer protection in that the Department may enforce standards for viability, handling, labeling and display which helps assure consumers receive the value they pay for, consumer protection from unhealthy and nonviable plants is an incidental benefit of the licensure program.

Agriculture Committee Recommendations

The Agriculture Committee does not recommend any changes to the licensing requirement to engage in the activities defined as nursery stock distribution. As discussed elsewhere in the document, the nursery stock distributor license is a business license, not an occupational regulation within the context of the Occupational Board Reform Act.

Appendix

Summary of Nursery Stock Distributor Regulation of States Bordering Nebraska.

Kansas

Licensed/certified entities: “Live Plant Dealer” -- Any person, unless excluded by regulation, who engages in the following as a business: (1) Grows live plants for sale or distribution; (2) buys or obtains live plants for the purpose of reselling or reshipping within this state; or (3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings. By statute, Kansas excludes sponsors of limited duration plant sales for charitable fundraising purposes and businesses giving plants for advertising or promotional purposes from license requirement but requires registration of such events. By regulation, Kansas exempts dealers who do not import or export plants from the state and whose annual gross receipts from the distribution of plants does not exceed \$10,000.

Items regulated: Kansas defines “live plants” broadly to include any plant or plant part, cultivated or propagated unless exempted by regulation. By regulation, Kansas exempts: (a) Field and forage crops; (b) seeds of any kind; (c) cut flowers and cut greenery not used for propagation; and (d) fruits and vegetables used for food or feed

License Fees: Live Plant Dealer License – annual fee of \$80 / location (Statutory Max \$100 / location) Kansas also imposes an additional \$5 per license dedicated to an emergency response fund.

Other Fees: Inspection – \$30 / hour (statutory max \$45) + mileage

Certification -- \$20 for domestic shipment, \$50 for international shipment (Statutory max - \$50). Kansas regulators may also include reimbursement for the costs of any federal certification documents acquired in the certification fee.

Iowa

Licensed/certified entities: “Nursery grower” – A person who grows or propagates nursery stock for distribution. Also “nursery dealer” -- Any person who does not grow nursery stock but who obtains, takes title to, and possession of, nursery stock and moves it or offers it for movement to the ownership of other persons. Iowa statutes and regulations do not articulate exemptions for any person or entity meeting these definitions.

Items regulated: Trees, shrubs, vines, berry plants, greenhouse plants and all other nursery plants; forage and cereal plants, and all other parts of plants; cuttings, grafts, scions, buds, and all other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all other plant products.

License Fees: Iowa does not impose a license requirement. However, any person or entity acting as a nursery grower or nursery stock dealer are required to annually apply for certification of each location which is granted upon inspection.

Other Fees: By statute, fees for inspections and certifications are not less than \$25 nor greater than \$500. Fees for annual certification of dealer and grower stock is \$25 + \$5 for each additional acre per

location. Fees for phytosanitary certifications and other inspections performed for purposes other than annual certification are at cost to the agency.

Missouri

Licensed/certified entities: "**Nursery dealer**", any person not a grower of nursery stock in this state who: (a) Buys nursery stock for the purpose of reselling or reshipping within the state of Missouri; or (b) Makes landscape plans or plants nursery stock and negotiates in the purchase of nursery stock for clients; or (c) Transplants or moves nursery stock from place to place within this state for other persons for a consideration in payment for the nursery stock, for the planting of same, or for both nursery stock and planting; or (d) Gives nursery stock as a premium or promotion; "**Nursery**", any land, ground or premises within this state on or in which nursery stock is propagated or grown for sale, or any land, ground or premises within this state on or in which nursery stock is being fumigated, packed or stored;

Items regulated: Nursery stock defined as all plants having a persistent woody stem, perennials, bulbs, roots, crowns, corms, rhizomes and tubers capable of propagating, including strawberry, asparagus and rhubarb, but excluding seed potatoes and other garden vegetables and grass sod, stolons and plugs distributed for the purpose of propagation are also included in the term nursery stock

License Fees: Missouri does not impose a license requirement. However, any person or entity acting as a nursery dealer or owning/operating a nursery are required to annually apply for certification of each location which is granted upon inspection.

Other Fees: Annual nursery inspection/certification -- < 1/2 acre \$50, ½ - 1 acres \$75, + \$5 /acre above \$1 acre (per location); phytosanitary and other inspection/certification for purposes other than annual certification -- \$50 / hour (1st hour + \$40 each additional hour) + \$50 certification issuance fee; phytosanitary certificate issued on previously inspected item(s) \$50; phytosanitary inspection of items if transported to an inspection location \$25; nursery dealer annual registration/inspection \$125 / outlet, restricted nursery dealer (< \$2000 annual sales) \$50; nonprofit nursery dealer \$125; greenhouse inspection \$50 -\$70 depending on size plus \$20 per 25,000 sq ft above 50,000 sq. ft.

Wyoming

Licensed entities: "Nursery stock dealers" --any person who obtains nursery stock to be offered for sale or distribution; "Nursery stock salesman" means any person selling, distributing or soliciting orders for delivery of nursery stock directly to the ultimate consumer from a supply on hand at a location other than a nursery stock dealer's place of business; By regulatory interpretation, Wyoming excludes persons who occasionally grow and sell plants if not a regular or continuous business activity

Items regulated: "Nursery stock" -- (A) All field-grown, greenhouse-grown or collected wild stock of woody plants such as fruit, forest, windbreak, shade and ornamental trees, shrubs or vines for fruit production, ornamental or protective plantings and herbaceous perennials used as ornamentals, (B) All plants, rooted cuttings and plants with roots attached grown from bulbs, corms, tubers, rhizomes or other vegetative parts, whether produced out-of-doors or under glass and whether grown in open ground or in benches, boxes, pots or other containers; (C) All bulbs, corms, pips, rhizomes, tubers,

roots, cuttings, scions, grafts or other vegetative parts of plants; (D) All ground cover, including sod, plugs and vegetative mulches and compost.

License Fees: \$25 per distinct location up to \$100. Wyoming does not require annual inspection/certification of nursery stock. Inspections are performed upon complaint or cause, and as staffing and time allow. There are no inspection fees

Other Fees: Wyoming does perform requested phytosanitary inspection/certification at cost.

South Dakota

Licensed/certified entities: "Nurseryman" – Any person or entity who grows all or a portion of the nursery stock he sells. "Nursery Stock Dealer" – A person other than a nurseryman who buys nursery stock for the purpose of reselling or reshipping; who makes landscape plans using nursery stock and negotiates the purchase of nursery stock for clients; or who contracts to furnish and plant nursery stock. Growers of sod, decorative, annuals or related plant products. Non-profit organizations (such as garden clubs) may sell or trade nursery stock only after giving 10 days advance notification to the Department of Agriculture of the time and place of the sale.

Items regulated: "Nursery stock," trees, shrubs, or other plants having a persistent woody stem; all herbaceous perennials; and parts of either of those which are capable of propagation, except for seeds, true bulbs, rhizomes, corms, and tubers while in a dormant condition;

License Fees: Nurseryman --\$200 (except < \$5,000 annual sales \$42.50); Nursery stock dealer -- <\$,5000 annual sales \$70. \$5,001 - \$20,000 annual sales \$115. > \$20,000 annual sales \$200, \$140 plus \$5 for each acre of growing field and \$5 for each 10,000 square feet of growing greenhouse; if a grower or dealer of decorative plants, annual plants, sod, or related plant products.

Other Fees: The fees for inspection, obtaining samples, or issuing certificates are as follows: On site inspection – \$200; Field Inspection – \$250 for the first acre and \$2 for each additional acre; State certificate – \$50; Federal Certificate – \$125; Reissue State or Federal Certificate – \$25

Colorado

Licensed/certified entities: Any person selling or advertising the sale of nursery stock shall annually register. Colorado provides four categories of registration, nurseries, collectors, landscape contractors, and sod growers

Items regulated: Nursery stock -- Any hardy plant or herbaceous or woody plant that I) Survives Colorado winters; and II) Is grown, collected or kept for sale or distribution, including the following deciduous or evergreen trees, shrubs, woody vines, turfgrass sod and ornamental grasses and any nonhardy plant or plant part to be distributed in another state that requires plant inspection and certification before being transferred into that state.

Registration Fees: Annual, \$90 per business

Other Fees: Colorado statutes delegate authority to the Department of Agriculture to conduct inspection on a risk-based schedule, and upon complaint or information of potential violations. The Department's website states that all nurseries and sod growing operations are inspected annually. Inspection fee is \$45 / hour with a minimum of 1 hour. Others are inspected upon request, complaint or information or as inspection resources allow.

APPLICATION FOR A NURSERY STOCK DISTRIBUTOR LICENSE



Return completed application, with payment to:

Nebraska Department of Agriculture (NDA)
Central Fee Collection
P.O. Box 94668
Lincoln, NE 68509
Phone: (402) 471-2351



E-mail: agr.plant@nebraska.gov Web site: www.nda.nebraska.gov

A Nebraska Nursery Stock Distributor License is required by the Nebraska Plant Protection and Plant Pest Act of any person distributing perennial or woody nursery stock in Nebraska. Initial applications must be received prior to the beginning of distribution. If not received prior to the beginning of distribution, initial applications shall be considered delinquent and shall have an additional late fee assessed of 25% per month.

This application shall be accompanied by an annual license fee of **\$83.00 for the first acre and \$3.61 for each additional acre** on which nursery stock is held, for each location from which nursery stock is distributed. VISA, MasterCard, check, or money order accepted. All Nursery Stock Distributor Licenses expire at the end of the calendar year. You must renew your license annually, as long as you continue to distribute nursery stock.

Any person growing perennial or woody nursery stock must also complete the request (below) for certification of Nebraska-grown nursery stock. After NDA has received your completed application, a nursery inspector will inspect the nursery stock grown in Nebraska, and you will receive certification for that plant material, if applicable to your business.

Total acres on which nursery stock is held _____ Fees due \$ _____ (\$83.00 + \$3.61 for each additional acre)

Business Name _____ Manager's Name _____

Business Address (physical address of location to be licensed) _____

City _____ State _____ Zip _____ County _____

Phone (primary) _____ Phone (alternate) _____ Fax Number _____

E-mail Address _____ Web site _____

Mailing Address (if different from above) _____

City _____ State _____ Zip _____

Tree spade operator? Yes No Size of Tree Spade _____

Do you distribute nursery stock outside of Nebraska? Yes No Do you distribute nursery stock wholesale? Yes No

Do you distribute nursery stock at farmers' markets? Yes No If so, list the market locations: _____

REQUEST FOR CERTIFICATION OF NEBRASKA-GROWN NURSERY STOCK

Nebraska-grown nursery stock must be inspected and certified by NDA, prior to distribution. If you grow nursery stock in Nebraska, fill out the following section:

Types of nursery stock grown (*check all that apply*):

_____ African Violets (AFV)	_____ Deciduous Trees (DCT)	_____ Evergreen trees (EVT)
_____ Collector (COL)	_____ Aquatic Plants (AQU)	_____ Perennials (PER)
_____ Deciduous Shrubs (DCS)	_____ Evergreen Shrubs (EVS)	_____ Greenhouse (GHS)

Location of growing site(s): (street address or exact directions)	Acres of stock:	County where growing site is located:
_____	_____	_____
_____	_____	_____

**Growing site(s) to be inspected must be clearly marked. Maps must be included for sites over five acres, with clearly labeled sections of no more than five acres.*

