

# Legislative Analysis



## CERTIFICATE OF FREE SALE FOR NURSERY STOCK

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<http://www.house.mi.gov/hfa>

**Senate Bill 1058 as passed by the Senate**  
**Sponsor: Sen. Kevin Daley**  
**House Committee: Agriculture**  
**Senate Committee: Agriculture**  
**Complete to 6-20-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Senate Bill 1058, which is identical to House Bill 5746, would amend the Insect Pest and Plant Disease Act to allow the Department of Agriculture and Rural Development (MDARD) to do one or both of the following:

- Inspect, audit, or certify nurseries in Michigan at the request of, or based on records voluntarily supplied by, a nursery dealer, nursery grower, or plant grower.
- Issue *certificates of free sale* as described below.

*Certificate of free sale* would mean a document issued by MDARD that verifies that the nursery stock listed is propagated, grown, or cultivated in Michigan for at least 28 days and is legally sold or distributed in Michigan and on the open market with the approval of MDARD.

A nursery dealer, nursery grower, or plant grower would have to submit an application for a certificate of free sale on a form and in a manner prescribed by MDARD.

MDARD would have to grant or deny an application within 10 business days after receiving a completed application and the application fee described below. MDARD would have to issue a certificate of free sale if it determines that the application meets the requirements of the act and its rules. If MDARD determines that the application does not meet those requirements, it would have to deny the application and send a written notice to the nursery dealer, nursery grower, or plant grower stating the reasons for the denial.

The application fee for a certificate of free sale would be \$60, but it would be paid only if MDARD issues a certificate of free sale. The fee for a duplicate copy of a certificate of free sale would be \$10.

**[Note:** The bill requires MDARD to grant or deny an application for a certificate within 10 business days *after* receiving the application *and fee*. However, it also requires a nursery dealer, nursery grower, or plant grower to pay an application fee *only after MDARD has issued the certificate*. This seems potentially unclear.]

The fees would have to be deposited in the Agriculture Licensing and Inspection Fees Fund created under the act.

A certificate of free sale would be valid for one year.

Proposed MCL 286.217a

**FISCAL IMPACT:**

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.