

## Agency Proposal for Legislation for the 2017 Legislative Session

AGENCY NAME: Department of Agriculture

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1. What is the problem or issue?

The fees generated by nursery licenses and inspections do not cover the costs to carry out the objectives of the program. The nursery industry desires elimination of the nursery inspection fee and is engaged in discussion with the department about a new nursery license fee structure. Currently, the use of civil penalties is restricted to education, training, research, and development; those funds are not available to the department for response to violations or invasive plants and plant pests.

2. What do you want the legislation to do?

The legislation as proposed will eliminate nursery inspection fees; adjust the nursery license fees to cover the costs of support, protection and regulatory oversight of the nursery industry; update sections of the act for housekeeping purposes and for clarification; and allow civil penalties to be used to remediate and control unwanted pests and diseases that could harm the nursery and agriculture industries.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

80-7-105, 80-7-106, 80-7-108, 80-7-109, 80-7-110, 80-7-122, 80-7-123, 80-7-133 and 80-7-135, MCA.

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

The Department has worked with representatives from the nursery industry to develop a tiered fee schedule to provide additional funding. The funding is in a state special revenue account.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

The Department has requested similar legislation in the past. (2015 session LC0523)