

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?

In the Department's pesticide program, product registration fees have not been changed since 2001, commercial applicator license fees have not been adjusted since 1989, and private applicator program funding has not changed since 1983. These fees are no longer sufficient to support existing product registration, certification and licensing, compliance, enforcement, educational, laboratory testing, waste pesticide product disposal, and pesticide container recycling activities. There is also a need to support statewide noxious weed coordination and private applicator training at MSU Extension. The EPA has nearly completed federal rulemaking that may require changes to the Montana Pesticide Act.

2. What do you want the legislation to do?

The legislation as proposed will adjust pesticide product registration and applicator licensing fees in the Montana pesticide act to cover the costs of existing activities provided for in the act as well as statewide noxious weed coordination; update sections of the act for housekeeping purposes and for clarification; provide funding for MSU Agriculture Extension Service private applicator training activities; and enact any necessary changes related to new EPA guidelines. The department has been working with industry groups to develop the legislation.

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

Amend 80-8-102, 80-8-111, 80-8-201, 80-8-202, 80-8-203, 80-8-205, 80-8-207, 80-8-209, 80-8-213, 80-8-214, 80-8-302, 80-8-401, 80-8-402, and 80-8-404, MCA and repeal 80-8-208, 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 industry representatives to settle on an acceptable fee range for pesticide registration and on fees for licensing and permitting. 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.

No.