



OREGON DEPARTMENT OF AGRICULTURE

SB 256 Nursery/Christmas Tree License Fees

**Presented to the
Senate Environment and Natural Resources
March 11, 2015**

Description

SB 256 proposes to allow the Oregon Department of Agriculture (ODA) to adopt new nationally recognized processes for the certification of nursery stock. It would allow the ODA to revoke shipping permits for nurseries that do not meet minimum certification standards. The bill also proposes to increase the maximum fees allowed for nursery and Christmas tree licenses. Finally, SB 256 allows the ODA to increase fees to cover the costs of the nursery inspection program.

Background

The Nursery and Christmas tree inspection program licenses, inspects, and provides certification for plant products sold in Oregon, to other states, and to foreign countries. Effective certification is important because approximately 85% of all nursery stock and Christmas trees grown in Oregon are sold out of state. During fiscal year 2014 the program licensed 3,200 nurseries and 560 Christmas tree growers and issued approximately 7,500 certificates allowing the movement of nursery stock and Christmas trees to other states and countries.

License fees for nursery and Christmas tree growers are authorized in statute and adopted in rule. Nursery license fees are based on a millage assessed on their gross annual sales. Christmas tree grower license fees are based on a millage assessed on the number of acres in production. Nursery license fees were last raised in May of 2014 and before that in April of 2008. Maximum license fees ODA is allowed to charge are set in statute and have not changed in decades. As a result of inflation, both programs are at or near the maximum charges allowed. Raising the maximum allowable fees would not increase license fees directly. Any nursery program fee increase would need to be adopted in rule.

New certification methods are being developed at a national level that promise to be more effective in preventing the spread of dangerous pests and diseases on nursery stock while being more efficient for both nursery owners and state inspectors. SB 256 provides ODA specific authority to adopt newer and better certification methods.

A small number of Oregon nurseries are unable to meet established certification standards for shipment of nursery stock out of the state. The ODA currently does not have clear

authority to revoke shipping permits at nurseries that cannot meet minimum certification standards. This bill would provide clear authority for ODA to suspend or revoke shipping permits for nurseries that do not meet established certification standards.

Proposal

The ODA in consultation with Nursery and Christmas Tree advisory committees and other agricultural associations identified areas in existing statute that need updated or changed.

- 1) Amend ORS 571.015 (2) (b) to give authority to the ODA to adopt new nationally recognized certification methods based on a systems approach to nursery certification.
- 2) Amend ORS 571.057 (3) (b) to increase the maximum allowable millage rate for nursery license fees from 5 to 7 mills. Increase the maximum fee allowed for a nursery license from \$20,000 to \$25,000.
- 3) Amend ORS 571.135 (3) to allow the Director of Agriculture to suspend or revoke shipping permits for nurseries that do not meet established certification standards.
- 4) Amend ORS 571.530 (3) (b) to increase the maximum allowable Christmas tree license acreage assessment from \$3.00 to \$4.50. Increase the maximum allowable base charge for a Christmas tree grower license from \$75 to \$110. Increase the maximum fee allowed for a Christmas tree license from \$5,000 to \$7,000.

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