



Senate Fiscal Agency
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Senate Bill 1058 (as introduced 5-26-22)
Sponsor: Senator Kevin Daley
Committee: Agriculture

Date Completed: 6-7-22

CONTENT

The bill would amend the Insect Pest and Plant Disease Act to allow the Michigan Department of Agriculture and Rural Development (MDARD) to inspect, audit, or certify nurseries and to allow MDARD to issue a certificate of free sale.

Specifically, to facilitate continued access to markets for nursery stock, the bill would allow MDARD to do one or both of the following:

- At the request of a nursery dealer, nursery grower, or plant grower, or based upon records voluntarily supplied by those entities, inspect, audit, or certify nurseries in Michigan.
- Issue certificates of free sale as described below.

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

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. The Department would have to grant or deny an application for a certificate within 10 business days after it received a completed application and the required application fee. If MDARD determined that the application met the bill's requirements, MDARD would have to issue a certificate of free sale. If MDARD determined that the application did not meet the requirements, it would have to deny the application and send a written notice to the dealer or grower stating the reasons for the denial.

If a certificate of free sale were issued, the grower or dealer would have to pay MDARD an application fee of \$60, and a duplicate copy of a certificate of free sale fee of \$10. The fees would have to be deposited in Agriculture Licensing and Inspection Fee Fund. A certificate of free sale would be valid for one year.

MCL 286.217a

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an indeterminate, though most likely minimal, fiscal impact on MDARD. The bill would create a free sale certificate option for a nursery dealer, grower, or plant grower. Fees collected under the bill would be deposited in the Agriculture Licensing and Inspection Fees Fund. Fees for a certificate application of free sale would be \$60 and the

certificate would be good for one year. The bill also would provide for an additional \$10 fee for duplicate copies of certificates. It is expected that fee revenue collected under the bill should cover a significant percent of the costs for MDARD for issuance of the certificates, but it is difficult to determine what that percentage could be at this time.

Fiscal Analyst: Bruce Baker

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