

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
ESTABLISHMENT OF FEE REPORT
MANDATED BY 74 O.S. § 3117**

MANDATED LANGUAGE

Prior to the establishment or increase of a fee, the agency, constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission, except governing boards for entities within The Oklahoma State System of Higher Education for which fees are reported pursuant to Section 3218.2 of Title 70 of the Oklahoma Statutes, shall notify, in writing, the Governor, the Speaker of the House of Representatives, the Government Operations, Agency Oversight and Administrative Rules Committee and the President Pro Tempore of the Senate of the intended action. The notice shall include justification for the fee or fee increase and all supportive documentation.

RULE:

- OAC 35:2-3-2
- OAC 35:2-3-2.4
- OAC 35:2-3-2.6
- OAC 35:2-3-2.7

REPORT PREPARED BY AGENCY:

October 17, 2017

AGENCY INTENT/SUMMARY/JUSTIFICATION:

The proposed rule amendments revise fee structures, delete obsolete or unused laboratory testing procedures and associated fees, adjust fees for laboratory testing procedures to cover the costs of labor and testing supplies to mitigate costs to the Department.

AUTHORITY FOR THE NEW RULES AND FEES:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2) and (20); and 2 O.S. § 14-81 et seq.

THE FOLLOWING SUPPORTIVE DOCUMENTATION IS ATTACHED:

- ❖ Summary of Significant Changes to the Fee Schedule
- ❖ Justification of Fee
- ❖ Draft of the Proposed Rule
- ❖ Rule Impact Statement

Summary of Significant Changes to the Fee Schedule:

- ❖ OAC 35:2-3-2
 - Change fee to reflect increased hourly rate for labor and to include the cost of reagents.
- ❖ OAC 35:2-3-2.4
 - Change fee to reflect the increased cost of labor and reagents.
 - Eliminate tests no longer provided by Department.
- ❖ OAC 35:2-3-2.6

- Change fee to reflect the increased cost of labor and reagents.
- Eliminate tests no longer provided by Department.
- ❖ OAC 35:2-3-2.7
- Change fee to reflect the increased cost of labor and reagents.

Justification of Fee

Numerous factors have contributed to the need to request the increase in the associated fees, including, but not limited to, the existing fees to not accurately reflect actual costs of labor and reagents necessary to conduct laboratory testing.