



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 790

PRINTERS NO. 1701

PRIME SPONSOR: Pashinski

### COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund; Plant Pest Management Account	\$0	See Fiscal Impact

**SUMMARY:** House Bill 790, Printer's Number 1701, establishes the Controlled Plant and Noxious Weed Act to provide for the regulation of noxious weeds and controlled plants, provides for the Controlled Plant and Noxious Weed Committee, and repeals the Noxious Weed Control Law.

**ANALYSIS:** This legislation establishes the Controlled Plant and Noxious Weed Act and the Controlled Plant and Noxious Weed Committee with new authority to regulate controlled plants and noxious weeds. These changes repeal the current Noxious Weed Control Law and provide for additional updates and powers under the new act.

The Controlled Plant and Noxious Weed Committee will include the following appointed members: Secretary of Agriculture; Secretary of Conservation and Natural Resources; Secretary of Environmental Protection; Secretary of Transportation; Executive Director of the Fish and Boat Commission; Executive Director of the Game Commission; Majority and Minority chairmen from the House and Senate Agriculture Committees; and three persons representing the following groups: a statewide general farm organization; the ornamental, turf, and horticulture industry and an Institution of Higher Education within the Commonwealth.

The committee is responsible for establishing a noxious weed list and a controlled plant list, and for adding or deleting plants from these lists. The committee must hold a public meeting before taking action. The lists must be published in the Pennsylvania Bulletin and become effective sixty days later. If no regulatory criteria exist for controlled plant seeds, the department may regulate controlled plant seeds through permit for a period of two years.

The department may issue general permits for controlled plants, and individual permits for controlled plants and noxious weeds, but permits for noxious weeds are for research and educational purposes only. House Bill 790 requires a permit for controlled plants to contain and control detrimental growth with the following fees for permits, inspections and testing that may be adjusted by the regulatory review process:

- General permit - \$150 with a \$50 annual renewal;
- Individual permit - \$250 with a \$100 annual renewal;

- Inspection for field locations - \$50 for up to 10 acres; \$5 additional per acre with a maximum fee of \$500;
- Inspection for greenhouse locations - \$50-\$150 based on square footage;
- Plant identification - \$40 per sample; and
- Laboratory testing - fees as established in Seed Law based on type of seed and test.

The department has powers and duties related to establishing noxious weed control areas and control orders in designated areas to noncomplying persons or landowners. It also provides the authority to issue control orders for treatment measures on controlled plants. Other powers include stop sale orders, seizure and condemnation, unlawful conduct and interference with inspector, and criminal and civil penalties.

The bill establishes the Plant Pest Management Account where all money received from permitting fees, control work reimbursement and fines and penalties shall be deposited. The account will also be supplemented by money received from Federal and State funds or contributions from public or private sector.

This shall take effect in 60 days upon enactment.

**FISCAL IMPACT:** Enactment of this bill will have no adverse fiscal impact on agency operations, while it is expected that additional revenues will be generated from the newly established permit fees related to controlled plants. All new revenues will be deposited into the department's Plant Pest Management Account, which is a restricted account in the General Fund for this program.

The department projects \$300,000 in operating costs related to the permitting program for controlled plants as recommended by the committee. It is expected the new permit fee revenues will cover those costs, but such revenues will not be realized for a couple of years. Revenues will depend upon when and how many permit applications are approved to grow a controlled plant.

**PREPARED BY:** Jeffrey Clukey  
House Appropriations Committee (R)

**DATE:** May 22, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*