

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 790

PRINTER NO. 2081

AMOUNT

\$300,000

FUND

General Fund

DATE INTRODUCED

March 10, 2017

PRIME SPONSOR

Representative Pashinski

DESCRIPTION

House Bill 790 establishes a new Chapter 5 (Controlled Plant and Noxious Weeds) in Title 5 (Agriculture) to provide for the regulation of noxious weeds and controlled plants, which repeals and replaces the Noxious Weed Control Law (Act 74 of 1982).

The legislation defines a “noxious weed” as a plant that is injurious to crops, livestock, agricultural land or other property including forest land and bodies of water, or any weed on the Federal noxious weed list. It provides for a “controlled plant” to be a plant designated by the Controlled Plant and Noxious Weed Control Committee to prevent uncontained growth and to negate negative characteristics that could occur if the plant was uncontrolled.

Provides for a list of noxious weeds in statute and reestablishes the Noxious Weed Control Committee as the Controlled Plant and Noxious Weed Control Committee, which is responsible for determining the list of controlled plants and noxious weeds in addition to those delineated in statute.

Prohibits the growth of noxious weeds and controlled plants without a permit. Provides for permits to grow noxious weeds for research and educational purposes only. Provides for individual permits for noxious weeds and controlled plants and general permits for controlled plants that have similar characteristics. Establishes individual permit and renewal fees, general permit and renewal fees, fees for greenhouse and field inspections depending on the square footage of the greenhouse or the acreage of the field and lab test fees. Provides for the Department of Agriculture to fix, adjust, assess and collect fees as established in the act and that fees shall be large enough to meet reasonable expenses incurred by the department to administer the act.

Provides the Department of Agriculture with the authority to establish noxious weed control areas through noxious weed control orders which may prohibit the movement, shipment or transportation of noxious weeds and may require treatment and eradication of noxious weeds.

Provides for a criminal penalty for interfering with an inspector, agent or employee of the Department of Agriculture in the performance of their duties and criminal and civil penalties for other violations of the act.

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FISCAL NOTE

Provides for money received related to the act be deposited in the Plant Pest Management Account.

The legislation is scheduled to take effect in 60 days.

FISCAL IMPACT:

The Department of Agriculture estimates that it will cost \$300,000 annually to administer the program to regulate controlled plants and noxious weeds. While established in House Bill 790 the department believes that the fees established in the legislation will be sufficient to support the program, it has indicated that it will need to utilize available funds from its general government operating budget for startup costs during the first year of the program's operations until fee revenue is collected. Furthermore, the legislation allows for the department to adjust the fees to meet reasonable expenses in the future.