

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4606S.01I
 Bill No.: SB 1281
 Subject: Department of Agriculture; Trees and Other Plants; Civil Penalties
 Type: Original
 Date: January 25, 2024

Bill Summary: This proposal creates provisions relating to invasive plants.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(\$1,902,870)	(\$1,334,990)	(\$1,357,755)
Total Estimated Net Effect on General Revenue	(\$1,902,870)	(\$1,334,990)	(\$1,357,755)

* The MDA states in order to establish a new program to inspect for plants it will require thirteen (13) FTE.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	13 FTE	13 FTE	13 FTE
Total Estimated Net Effect on FTE	13 FTE	13 FTE	13 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Department of Agriculture (MDA)** assume they will need 13 new FTE (9 Invasive Plant Inspectors, 1 Botanist, 1 Seed Analyst, 1 Program Administrator and 1 Lead Admin Support) to implement and maintain the new program.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by MDA. Oversight notes the implementation date of the new provisions is January 1, 2025; however, Oversight assumes MDA will incur costs prior to the implementation date.

Officials from the **Missouri Department of Conservation (MDC), Department of Natural Resources, Office of Administration - Administrative Hearing Commission and Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Upon further inquiry, **MDC** notes the department sits on the Missouri Invasive Plant Council and had adopted the Missouri Invasive Plant Council's Invasive Plant Assessment as the Missouri invasive plant list in 2019. MDC cost-shares with other organizations to eradicate invasive plants. In addition, MDC provides resources and education in regards to invasive plants. MDC does not have any penalty provisions in place for people or businesses that plant or sell these invasive plants, as this proposal does.

Oversight notes the fine indicated in this proposal is between \$50 and \$500 per violation. Oversight notes a violator may enter into a written agreement in order to become compliant to avoid the violation and fine; therefore, Oversight assumes any fine revenue will be minimal.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.

However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE FUND			
<u>Costs – MDA</u>			
Personnel Service	(\$661,160)	(\$674,384)	(\$687,872)
Fringe Benefits	(\$453,015)	(\$458,140)	(\$463,368)
Expense & Equipment	(\$788,695)	(\$202,466)	(\$206,515)
<u>Total Costs - MDA</u>	<u>(\$1,902,870)</u>	<u>(\$1,334,990)</u>	<u>(\$1,357,755)</u>
FTE Change	13 FTE	13 FTE	13 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$1,902,870)</u>	<u>(\$1,334,990)</u>	<u>(\$1,357,755)</u>
Estimated Net FTE Change to the General Revenue Fund	13 FTE	13 FTE	13 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses that sell any of the plants listed as “invasive” could be impacted as a result of this proposal.

FISCAL DESCRIPTION

Under the act, no person shall sell or distribute any viable portion or seeds of an invasive plant, as defined in the act, unless the Director of the Department of Agriculture provides written approval. The Director may provide approval for the sale and distribution of an invasive plant for specific purposes described in the act.

A person found in violation of the act shall be issued a notice of violation. Requirements for the notice are described in the act. A person issued the notice of violation may be afforded an opportunity by the Director to explain the facts pertaining to the violation at an informal hearing to be conducted within 14 days of issuance of the notice. If the person fails to respond to the notice, or upon an unsuccessful resolution of any issues related to the violation, the person may be summoned to a formal administrative hearing before the Director as described in the act. The person may be subject to other penalties under the act.

A person subject to violations of the act may enter into a written agreement with the Director as described in the act.

The Director shall create a list of invasive plants known as the "Invasive Plant List" listing invasive plants described in the act.

The Director shall create a watchlist known as the "Potentially Invasive Plant Watchlist" listing plants described in the act.

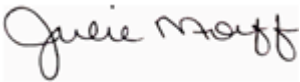
Any person or business that offers for sale any plant on the Watchlist shall label the plants "potentially invasive", as described in the act. If the person or business fails to label the plants as "potentially invasive", the person or business shall be issued a notice of violation under the act.

No plant listed on the "Invasive Plant List" shall be listed on the "Potentially Invasive Plant Watchlist."

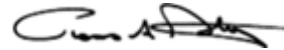
The act shall become effective on January 1, 2025. Burning bush and callery pear plants acquired by a licensed Missouri wholesale or retail plant nursery before January 1, 2025 shall be exempted from enforcement of provisions under the act until January 1, 2028. This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Agriculture
Department of Natural Resources
Missouri Department of Conservation
Office of Administration - Administrative Hearing Commission
Office of the State Courts Administrator
Office of the Secretary of State
Joint Committee on Administrative Rules



Julie Morff
Director
January 25, 2024



Ross Strobe
Assistant Director
January 25, 2024