

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3087H.011
 Bill No.: HB 1555
 Subject: Adoption; Department of Agriculture; Department of Conservation
 Type: Original
 Date: January 25, 2024

Bill Summary: This proposal establishes a nonnative invasive plant list and a potentially invasive plant watchlist and gives the Department of Agriculture authority to maintain and enforce both the list and watchlist.

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</u> State Funds	\$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

This bill prohibits anyone from knowingly importing, exporting, buying, selling, transporting, distributing, or propagating invasive plants unless he or she has obtained prior approval from the Director of the Department of Agriculture.

The Director can approve a person to do the prohibited activities for the purpose of disposal, control, research, education, or export the plants for such reasons.

A person found to be in violation of the prohibition will be issued a notice of violation and will be allowed an informal hearing by the Director within 14 days of the notification. If he or she fails to respond timely to the notification or upon unsuccessful resolution of the notification, the person may be summoned to a formal hearing before the Director of a designated hearing officer. If found to have committed two or more violations within 12 months, he or she may be ordered to cease and desist. A person found in violation may be ordered to pay a penalty of at least \$50 but not more than \$500 per violation.

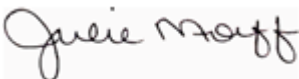
The director must maintain a list of plants known as the "Invasive Plant List" and create a watch list known as the "Potentially Invasive Plant Watch list". Any person, business, or other entity that offers for sale any plant on the watch list must label the plants as potentially invasive and failing to do so, will be issued a notice of violation.

The provisions of this bill become effective January 1, 2025, except, burning bush and callery pear plants acquired by a licensed nursery before that date will be exempt from enforcement until January 1, 2028.

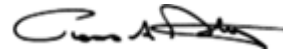
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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