

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

Senate Bill 151 (Senator Hooper, *et al.*)
 Education, Health, and Environmental Affairs

Noxious Weeds - Mile-a-Minute Weed

This bill designates the mile-a-minute weed as a noxious weed.

Fiscal Summary

State Effect: General fund expenditures would increase by at least \$1.5 million in FY 2005, not including costs for State agencies to manage the weed on their properties, which could be significant. Future year estimates are annualized, adjusted for inflation, and reflect ongoing operating costs and replacement equipment. No effect on revenues.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,512,400	1,463,900	1,544,700	1,622,300	1,705,400
Net Effect	(\$1,512,400)	(\$1,463,900)	(\$1,544,700)	(\$1,622,300)	(\$1,705,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Significant increase in local expenditures for county weed control programs to provide assistance to landowners and, as owners of land, for local jurisdictions to control the weed on their properties. County revenues from charges imposed on landowners for weed control activities could offset a portion of these costs.

This bill imposes a mandate on a unit of local government.

Small Business Effect: Meaningful.

Analysis

Current Law: Under the Maryland Weed Control Law, the existence of growth of certain species of plants is declared to be noxious. The Secretary of Agriculture is authorized to institute programs of control and eradication and to enter into agreements with counties, subdivisions, adjoining states, and federal agencies to do so. Each landowner or person who possesses and manages land infested with a noxious weed is required to eradicate or control the noxious weed on that land by using practices that the Secretary prescribes, including mowing, cultivating, or treating with an approved herbicide.

Background: The Maryland Weed Control Law was enacted in 1969 to protect private and public lands against the spread of noxious weeds. Johnson grass, shatter cane, and several types of thistles have been designated as noxious because of their invasiveness, difficulty to control, and economic and aesthetic impact on property in the State. The Governor's proposed fiscal 2005 budget includes \$498,960 in general funds for the Weed Control Program. Currently, the program employs six field staff and one administrator.

The mile-a-minute weed is an annual or perennial vine of Asian origin that infests nurseries, orchards, openings in forested areas, roadsides, and drainage ditches in the eastern U.S. The weed grows extremely rapidly and displaces native vegetation. It was introduced into the U.S. from Japan in the late 1930s and is now found in several states, including Maryland. Some states (such as North Carolina, Ohio, Pennsylvania, South Carolina, and Virginia) have designated the mile-a-minute weed as noxious or invasive. A variety of control measures, including physical, mechanical, cultural, and chemical, can be used for managing the weed.

According to the Maryland Department of Agriculture (MDA), the mile-a-minute weed is found in all counties of the State.

State Expenditures: Currently, MDA enters into cooperative agreements with each of the 20 participating counties to provide technical assistance to landowners for initiating noxious weed control programs. MDA reports that, because mile-a-minute is so common, adding the weed to the list of designated noxious weeds would require it to develop and conduct a regulatory program designed specifically to control the weed. General fund expenditures could increase by an estimated \$1.5 million in fiscal 2005, which accounts for the bill's October 1, 2004 effective date. This estimate reflects the cost of hiring 20 weed control specialists to provide technical assistance to county weed control programs and approximately 20 contractual spray crews that would be hired on a seasonal basis to provide technical advice, conduct field surveys, and spray herbicides. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses including grants to county weed control programs. The information and assumptions used in calculating the estimate are stated below:

- The mile-a-minute weed is common in every county in the State.
- One weed control specialist would be needed to assist each of the 20 participating county weed control programs.
- About 20 seasonal spray crews of two people each would spray 90 days each year for eight hours per day at about \$12 per hour, including fringe benefits.
- Grants to each county program would total \$5,000 annually.
- Each weed control specialist would need a cell phone (\$360 annually) and a truck (the truck would also be used by spray crews during the spraying season).
- Approximately 1,000 gallons of herbicide would be purchased annually at \$25 per gallon.
- Each spray crew would need one sprayer (\$2,800 each); fuel for spray pump motors (two gallons per day at \$1.70 per gallon); one GPS unit (\$300 each); and protective clothing, maps, forms, and literature.
- Approximately 60 training workshops would be held annually.

Salaries and Fringe Benefits	\$642,546
Automobile Purchase and Operations	356,600
Contractual Spray Crews (seasonal)	282,787
Grants to County Weed Control Programs	100,000
Equipment (sprayers, GPS units, shared laptops)	93,250
Supplies (herbicide, clothing, maps, etc.)	24,450
Other Operating Expenses	<u>12,751</u>
Total FY 2005 MDA Expenditures	\$1,512,384

Future year expenditures are annualized and reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses, including costs to replace aging equipment.

Legislative Services also notes that, as an owner of land, State agencies (such as the Department of Natural Resources, the State Highway Administration, and others) would be responsible for the control and management of mile-a-minute on their properties.

While MDA would attempt to assist State agencies to the extent possible through the program it develops as a result of the bill, ultimately each State agency that owns and manages land will be responsible for management of the weed on its properties. Accordingly, total State expenditures could be significantly higher.

Local Effect: Funding for noxious weed control programs are traditionally done on a 50-50 cost share basis with participating counties; currently 20 counties participate. MDA advises that, under the bill, it anticipates providing \$5,000 annually to each participating county. However, because the mile-a-minute weed is so common, local expenditures would likely be significant. Total local expenditures would include not only costs for county weed control programs to assist local, State, federal, and private landowners, but also additional costs to control the weed on local properties. County revenues from charges imposed on landowners for weed control activities would likely only offset a portion of the costs to county weed control programs. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: The number of small businesses that would be affected by the bill is unknown. All businesses, large and small, would be required to control mile-a-minute on their properties. Because the weed is so common, costs would likely be significant. Of course, control of the weed could also benefit those businesses that may be negatively impacted by the existence of the weed, such as nurseries and orchards.

Additional Information

Prior Introductions: HB 1438 of 1996 would have designated the purple loosestrife as a noxious weed. The bill received an unfavorable report by the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Garrett County, Montgomery County, Department of Legislative Services

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mh/ljm

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