



# Ohio Legislative Service Commission

*Tom Wert*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. S.B. 192 of the 130th G.A.](#)      **Date:** February 4, 2014  
**Status:** As Reported by Senate Agriculture      **Sponsor:** Sen. Manning

**Local Impact Statement Procedure Required:** No

**Contents:** Grants the Director of Agriculture sole and exclusive authority to regulate invasive plant species

### State Fiscal Highlights

- The bill grants the Director of Agriculture sole and exclusive authority to regulate invasive plant species. Under the bill, the Division of Plant Health within the Department of Agriculture could incur minimal additional costs for developing the relevant comprehensive statewide regulations.
- The Division of Plant Health currently oversees various programs addressing invasive plant species and noxious weeds. These activities are supported by the Commercial Feed and Seed Fund (Fund 4C90) and the Plant Pest Program Fund (Fund 5FC0).

### Local Fiscal Highlights

- No apparent direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

The bill grants the Director of Agriculture the sole and exclusive authority to regulate invasive plant species. Under the bill, invasive plant species are defined as plant species that are not native to Ohio and whose introduction causes or is likely to cause economic or environmental harm, or harm to human health as determined by scientific studies. Cultivated plants grown as food or livestock feed are exempted from this definition under the bill. Regulations addressing invasive plant species adopted under this authority could potentially have fiscal implications for the Department of Agriculture, in particular the Division of Plant Health which is responsible for the Department's existing efforts at tracking and controlling invasive species such as kudzu and hogweed. While the Division of Plant Health already has programs in place that address invasive plant species, the Division could incur some additional administrative costs for developing additional regulations under the bill. However, any additional costs would likely be minimal at most. The Division of Plant Health is supported by inspection fees paid by commercial feed dealers for feed inspections and nursery stock and inspection fees paid by nurseries. Fees are deposited into the Commercial Feed and Seed Fund (Fund 4C90) and the Plant Pest Program Fund (Fund 5FC0).

In addition, placing sole and exclusive authority to regulate invasive plants with the Department of Agriculture may have some impact on invasive plant programs overseen by the Department of Natural Resources' Division of Forestry. These programs are geared toward advising owners of woodlands and assisting local communities with the control and abatement of invasive plant species. However, it is unclear to what extent these existing services offered by the Division of Forestry might be affected under the bill. The Division of Forestry is supported by proceeds from land sales, easements, leases, rents, federal grants, and timber sales deposited into the State Forest Fund (Fund 5090), the Timber Sales Redistribution Fund (Fund R043), and the GRF. On the local government level, although various municipalities operate urban forestry programs, it is unclear what impact the bill will have on local initiatives aimed at controlling invasive plant species. Such programs typically involve the coordination of volunteer efforts to remove honeysuckle or other undesired invasive plants growing in parklands and forests.

Finally, while the bill grants the Department of Agriculture the sole and exclusive authority to regulate invasive plants, it allows the Ohio Environmental Protection Agency to continue to consider the existence of invasive plants when evaluating applications and permits for impacts to or mitigation and monitoring of wetlands using a list of invasive plants developed by the Director of Environmental Protection. Once rules adopted by the Department of Agriculture take effect, the Ohio Environmental Protection Agency must use the Department of Agriculture's list of invasive plants when considering those permits. This provision will have little, if any, fiscal effect on the Ohio Environmental Protection Agency.