

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB135

House of Origin ___ Introduced X Substitute ___ Engrossed
Second House ___ In Committee ___ Substitute ___ Enrolled

2. Patron: Stuart

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: **Application of fertilizers**

5. Summary: The substitute bill amends the Virginia Fertilizer Act by requiring the Board of Agriculture and Consumer Services to adopt regulations prescribing training and application requirements for contractor-applicators who apply fertilizers on nonagricultural settings. The nutrient management training and certification program must comport to guidelines issued by the Department of Conservation and Recreation. Compliance and enforcement will be handled by the Department of Agriculture and Consumer Services. The bill provides for civil penalties of \$250 for violations.

6. Fiscal Impact Estimates: Preliminary.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$0	0.0	n/a
2010	\$0	0.0	n/a
2011	\$124,897	2.0	General
2012	\$124,897	2.0	General
2013	\$124,897	2.0	General
2014	\$124,897	2.0	General

6b. Revenue Impact: See item 8.

7. Budget Amendment Necessary: Yes, Item 100 of Senate Bill/House Bill 30. From information available about the proposed budget amendments, it does not appear that an amendment is included in the bill's house of origin.

8. Fiscal Implications: According to the Department of Agriculture and Consumer Services, fertilizer regulation has historically concerned issues of truth in labeling, registration, sale, and distribution of fertilizers. The department estimates that the bill will result in an administrative workload increase for regulatory actions and establishment of the civil penalty system. The enforcement component of the program will require two additional full-time positions at a cost of \$124,897, after regulations are adopted. The actual needs may be greater, depending on the number of violations and investigations.

The bill provides for civil penalties of \$250 per violation to be deposited to the Virginia Agricultural Foundation Fund, but the revenue may not be estimated at this time because the number of violations cannot be predicted.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services, Department of Conservation and Recreation.

10. Technical Amendment Necessary: No.

11. Other Comments: The substitute bill includes an enactment clause that requires the Department of Agriculture and Consumer Services to report on the status of the regulations and program implementation to the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

Date: 2/20/2008 dpbkbs

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cc: Secretary of Agriculture and Forestry