

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 92

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Agriculture)

Education, Health, and Environmental Affairs

Environment and Transportation

Secretary of Agriculture - Weed Control Law

This departmental bill modifies specified provisions governing an agreement between the Secretary of Agriculture and a county for cooperative efforts to control or eradicate a noxious weed or other plant species within the county. The provisions are modified so that they apply to an agreement between the Secretary and a county *or subdivision of the State*. In addition, “subdivision of the State” is defined to include a Soil Conservation District.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: The Maryland Department of Agriculture (MDA) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Under provisions of the Agriculture Article relating to the control and eradication of noxious weeds in the State, the Secretary of Agriculture is authorized to enter into agreements with a county or other political subdivision of the State, an adjoining state, or an agency of the federal government to implement a program for the control and eradication of a noxious weed.

Certain provisions specifically govern an agreement between the Secretary and a county. Under those provisions, after an agreement between the Secretary and a county is executed, the Secretary and the county may conduct surveys to determine the location and amount of infestation of a noxious weed or other plant species within the county. Both parties may provide technical assistance to landowners in a cooperative control or eradication program and may effect a program of mowing, spraying, or other control or eradication practices on any road right-of-way, drainage ditch bank, park, playground, and any other public or private land. The agreement between the Secretary and county may be terminated by either party on 30 days' written notice.

Separate provisions of the Agriculture Article, governing soil conservation districts, specify that a district constitutes a political subdivision of the State.

Background: MDA historically has entered into agreements with counties (as opposed to other types of political subdivisions) for cooperative noxious weed control or eradication efforts, but in 2019, the department entered into an agreement with a soil conservation district. The bill clarifies in statute that MDA is authorized to enter into an agreement with a soil conservation district and makes an agreement with a soil conservation district (or other political subdivision other than a county) subject to the above-mentioned provisions currently applicable specifically to an agreement between the Secretary and a county.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Agriculture; Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - January 9, 2020
af/lgc Third Reader - January 24, 2020

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Secretary of Agriculture – Weed Control Law

BILL NUMBER: Senate Bill 92

PREPARED BY: Cassie Shirk

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

N/A