

SF405 - 0 - "Required Adjacent Landowner Notification "

Chief Author: **Rich Draheim**
 Committee: **Agriculture, Rural Development and Housing Policy**
 Date Completed: **01/26/2017**
 Lead Agency: **Agriculture Dept**
 Other Agencies:
 Natural Resources Dept University Of Minnesota

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2017	FY2018	FY2019	FY2020	FY2021
Agriculture Dept					
General Fund	-	50	50	50	50
Natural Resources Dept					
General Fund	-	26	28	30	32
University Of Minnesota	-	-	-	-	-
General Fund	-	-	-	-	-
State Total					
General Fund	-	76	78	80	82
Total	-	76	78	80	82
Biennial Total			154		162

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2017	FY2018	FY2019	FY2020	FY2021
Agriculture Dept					
General Fund	-	.5	.5	.5	.5
Natural Resources Dept					
General Fund	-	.2	.2	.2	.2
University Of Minnesota	-	-	-	-	-
General Fund	-	-	-	-	-
Total	-	.7	.7	.7	.7

Lead Executive Budget Officer's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Paul Moore Date: 01/26/2017
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2017	FY2018	FY2019	FY2020	FY2021
Agriculture Dept						
General Fund	-	50	50	50	50	50
Natural Resources Dept						
General Fund	-	26	28	30	32	32
University Of Minnesota						
General Fund	-	-	-	-	-	-
Total		-	76	78	80	82
Biennial Total				154		162
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Agriculture Dept						
General Fund	-	50	50	50	50	50
Natural Resources Dept						
General Fund	-	26	28	30	32	32
University Of Minnesota						
General Fund	-	-	-	-	-	-
Total		-	76	78	80	82
Biennial Total				154		162
2 - Revenues, Transfers In*						
Agriculture Dept						
General Fund	-	-	-	-	-	-
Natural Resources Dept						
General Fund	-	-	-	-	-	-
University Of Minnesota						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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 Agency: **Agriculture Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	50	50	50	50	50
Total	-	50	50	50	50	50
Biennial Total			100			100

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	.5	.5	.5	.5
Total	-	.5	.5	.5	.5

Executive Budget Officer's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	50	50	50	50	50
Total	-	50	50	50	50	50
Biennial Total			100			100
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	50	50	50	50	50
Total	-	50	50	50	50	50
Biennial Total			100			100
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill would add a new section [MS 18.885] to the Noxious Weed Law that requires notification to neighboring landowners when a Prohibited Noxious Weed on the Eradicate List [MS 18.771; (b); (1)] is confirmed on a new parcel or tract of real estate in Minnesota. The proposed bill creates a new definition for “mandatory reporter” which can be an inspector (defined in the weed law MS 18.77; Subd. 5a), the commissioner of natural resources, or an employee of University of Minnesota Extension. The bill proposes that the mandatory reporter sends notifications by certified mail to the landowners with copies to the commissioner of agriculture and includes the following information:

- Confirmation that the eradicate weed is or was recently present on adjacent property
- How to identify and eradicate the weed
- The means by which the eradicate weed is known or suspected to spread
- The owner’s or occupier’s duties and rights under this chapter if the eradicate weed should spread to their land
- Appropriate contacts and sources for additional information

Assumptions

This bill makes the assumption that by creating a mandatory reporter and issuing notice of confirmed eradicate listed noxious weeds to neighbors, that spread of the species will be avoided and eradication more successful.

- The bill provides no specific financial appropriation for assisting the initial landowner with eradication and assumes the landowner, through authority of the Noxious Weed Law, will handle all of the cost of eradication. Eradication costs can put significant burdens on landowners as treatments typically require herbicides and trained applicators to apply them. In many cases management and eradication is more complicated than what an average landowner can administer. MDA staff have a lot of experience working with landowners facing eradication species, including their neighbors, and our current eradication program is designed for any landowner confirming an eradicate species to call our office to document the location and begin eradication efforts. MDA then uses its resources to coordinate resources, expertise, and on-the-ground efforts among all impacted and potentially impacted landowners.
- Cost and administration to MDA noxious weed program to provide confirmation of an eradicate species on the property, identification resources to local inspectors, explanation of the legal requirements and rights for adjoining landowners for each specific case.
- The noxious weed law places requirements on local units of government for which no State financial assistance is available. Every County Agricultural Inspector, Township Supervisor, and City Mayor (or assistants) inspectors under the weed law - will be responsible for serving as the mandatory reporter. These inspectors already have limited local resources and time to add this responsibility to their duties. Furthermore, these inspectors lack the necessary training to identify eradicate species, thus MDA would have to provide this training statewide on an annual basis.
- There is a need for greater clarity regarding what the DNR commissioner’s role will be regarding serving as a mandatory reporter. Will DNR simply self-police its own lands and send letters to adjacent landowners when an eradicate species is

found on DNR property, or will DNR now have the authority to police private lands?

- Landowners may be more hesitant to report locations on their own properties if they know that a mandatory reporter will be sending information to all of their adjoining neighbors.

Expenditure and/or Revenue Formula

The expenditure formula is based on the need for MDA to have operating costs and hire a .5 FTE position to train 87 County Agricultural Inspectors, approximately 2,600 municipal supervisors and employees statewide who are charged with enforcing the Noxious Weed Law and would be required to be the “Mandatory Reporter” defined in this bill.

Currently, MDA serves as the administrative, management, legal, and training resource for all local government inspectors. This statute requirement would require more specific activity on behalf of the MDA and local inspectors to document confirmed reports of eradicate species in order to send certified letters to landowners describing legal implications for their properties.

MDA would also be responsible for providing administrative, management, legal and training resources for the other two mandatory reporters (MN DNR and U of M Extension).

Long-Term Fiscal Considerations

Local Fiscal Impact

Costs will also be incurred by local governments because they serve as “inspectors” under the noxious weed law and counties in particular retain the majority of enforcement authority through their boards and attorney. The requirement for them to serve as a mandatory reporter would most likely increase administration costs and inspector time under already scarce financial resources.

References/Sources

MDA Staff

Agency Contact: Geir Friisoe, 651-201-6174

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Chief Author: **Rich Draheim**
 Committee: **Agriculture, Rural Development and Housing Policy**
 Date Completed: **01/26/2017**
 Agency: **Natural Resources Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	26	28	30	32	
Total	-	26	28	30	32	
Biennial Total			54			62

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	.2	.2	.2	.2
Total	-	.2	.2	.2	.2

Executive Budget Officer's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Ashley Reisenauer Date: 1/24/2017 3:17:17 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	26	28	30	32	32
Total		-	26	28	30	32
Biennial Total			54			62
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	26	28	30	32	32
Total		-	26	28	30	32
Biennial Total			54			62
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill requires a mandatory reporter to notify adjacent landowners within 4 business days upon discovery of an eradicate weed listed and classified under section 18.79, subdivision 13 on a new parcel or tract of real estate of land. The bill identifies the DNR as one of three mandatory reporters. The reporting requires confirmation of the weed, how to identify it, the means by which to eradicate it, and notification of the adjacent landowner occupier’s duties and rights under the chapter should the eradicate weed spread to their land. The notification must be by certified mail or other means where receipt of notification can be confirmed.

Assumptions

DNR currently engages in noxious weed control efforts as part of existing work activities. It is assumed the notification to adjacent landowners occurs on new discoveries and does not apply to current affected land areas. It is assumed this includes only those noxious weeds on the eradicate weed list. It is assumed the confirmation would continue to be done by local county inspectors or the Department of Agriculture and that the 4 day notice period will be done upon confirmation, not discovery. The DNR assumes the DNR serves as the mandatory reporter for state owned lands. On non-state owned lands they will follow current practice of notifying county inspectors for verification, in which case the county inspector becomes the mandatory reporter. Assumes the 4-day notification requirement takes priority over other DNR conservation efforts.

The DNR currently has data of existing occurrences on state lands that is not broken down by parcel. We assume notification of neighbors would occur for the entire contiguous outdoor recreation unit, not by parcel, with the exception of state forests and state trails. In state forests adjacent property owners will be notified within one section of the location where the eradicate weed was identified (one square mile). Along state trails adjacent land owners will be notified within one half mile in either direction along the trail from the location where the eradicate weed was identified. The size of the land and number of adjacent neighbors can vary.

The DNR will be required to develop customized printed notification material for each species on the eradicate list as they appear on the list.

Expenditure and/or Revenue Formula

The first year will require time to establish the notification materials and process. The FTEs are anticipated to remain fairly constant over the next 4 years due to initial process development in the first years that will be replaced with more mailings in the later years. The first year will require the development of specific materials for each weed on the list. The number of occurrences are expected to increase from current levels of approximately 10 occurrences per year to 25 per year as the

species expands to new areas.

.2 FTE in fiscal year 2018-21 = \$22,805

Upon verification of a noxious weed, staff time will be required to:

1. Identify adjacent landowners.
2. Prepare certified mailings, process and document return receipt notifications
3. Perform further owner research for returned mailings where the current owner was not identified or could not be located from the original mailing. (travel to the county courthouse for landowner verification)
4. Receive and follow-up on questions generated by the mailings

Certified mail costs (USPS 2017 rate) = \$3.35 per letter

plus printing, paper and envelopes.

Total mailing cost per mailing = \$3.94

For purposes of this note we are distributing the estimated number of occurrences into small parcels (wildlife management areas, scientific and natural areas) with 20 adjacent neighbors, medium parcels with 100 adjacent neighbors, and large parcels (state forests) with 150 adjacent neighbors. Due to the nature of state trails and parks the number of adjacent landowners can vary significantly.

Using data on current occurrences, we are assuming 10 occurrences in year one, with an increase of 5 each year, thereafter. We will distribute the amount of occurrences between small, medium and large to determine the number of adjacent landowners to be contacted:

Year 1

Land size	Number of Occurrences	Adjacent neighbors each occurrence	Total Notifications
Small	3	20	60
Medium	4	100	400
Large	3	150	450
Totals	10		910

Year 2

Land size	Number of Occurrences	Adjacent neighbors each occurrence	Total Notifications
Small	5	20	100
Medium	5	100	500
Large	5	150	750
Totals	15		1,350

Year 3

Land size	Number of Occurrences	Adjacent neighbors each occurrence	Total Notifications
Small	6	20	120
Medium	8	100	800
Large	6	150	900
Totals	20		1,820

Year 4

Land size	Number of Occurrences	Adjacent neighbors each occurrence	Total Notifications
Small	8	20	160
Medium	9	100	900
Large	8	150	1200
Totals	25		2,260

The .2 FTE is to research and identify adjacent landowners and preparation and mailing of notices and follow-up. We are assuming 10% of the mailings will be returned and in need of more research.

We also anticipate an increase in the volume of phone calls and questions generated by the mailings.

Summary of Costs					
Item Description	FY2017	FY2018	FY2019	FY2020	FY2021
Total New Postion Costs	0	22,805	22,805	22,805	22,805

certified letter mailings yr 1	0	3,587	0	0	0
certified letter mailings yr 2	0	0	5,321	0	0
certified letter mailings yr 3	0	0	0	7,174	0
certified letter mailings yr 4	0	0	0	0	8,908
Total Costs	0	26,392	28,126	29,979	31,713

Long-Term Fiscal Considerations

If occurrences are more frequent then this will result in a major budget impact. If the occurrences happen more often on larger pieces of land it will result in a larger impact.

Local Fiscal Impact

There will be local government fiscal impact. Local governments will be involved with the verification of noxious weeds. Responsible for own land management.

References/Sources

EDDMapS. 2017. Early Detection & Distribution Mapping System. The University of Georgia - Center for Invasive Species and Ecosystem Health.

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Chief Author: **Rich Draheim**
 Committee: **Agriculture, Rural Development and Housing Policy**
 Date Completed: **01/26/2017**
 Agency: **University Of Minnesota**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2017	FY2018	FY2019	FY2020	FY2021
General Fund	-	-	-	-	-
Total	-	-	-	-	-

Executive Budget Officer's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Melissa Lam Young Date: 1/26/2017 3:26:53 PM
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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2017	FY2018	FY2019	FY2020	FY2021
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

HF 199 requires mandatory reporters to notify adjacent landowners when the presence of an eradicate weed is confirmed. "Mandatory reporter" is defined as an inspector, the commissioner of natural resources, or employee of University of Minnesota Extension. The mandatory reporter must notify the owner or occupant of each adjacent parcel or tract of real estate within four business days. The notification required must include at least the following information: (1) confirmation that the eradicate weed is or was recently present on adjacent property; (2) how to identify and eradicate the weed; (3) the means by which the eradicate weed is known or suspected to spread; (4) the owner's or occupier's duties and rights under this chapter if the eradicate weed should spread to their land; and (5) appropriate contracts and sources for additional information. The mandatory reporter must provide the notification by certified mail or another method acknowledging receipt.

Assumptions

Employees of University of Minnesota Extension on average confirm the presence of an eradicate weed on a new parcel or tract of real estate in this state once or twice per year at the request of a landowner. Therefore, the University of Minnesota Extension would be responsible for notifying the owner or occupant of each adjacent parcel or tract of real estate an estimated once or twice per year, which it currently does not do.

One United State Postal Service certified mailing costs \$3.35 in 2017.

Assuming there were 10 adjacent landowners or less, the total mailing costs for the University of Minnesota would be less than \$100. Staff time and training costs would be negligible. Therefore, the University of Minnesota can absorb the estimated total cost of this legislation if it continues to confirm one or two eradicate weeds per year.

This fiscal analysis does not include the cost of eradication.

This legislation does not clarify the Minnesota Department of Agriculture's role in providing administrative, management, legal, and training resources for University of Minnesota Extension for this bill's requirements.

Expenditure and/or Revenue Formula

\$3.35 x number of confirmations x number of adjacent landowners or occupants

Long-Term Fiscal Considerations

If the number of confirmations of the presence of an eradicate weed by University of Minnesota Extension employees increases, the cost would also increase and the University of Minnesota would no longer be able to absorb the cost.

Local Fiscal Impact

The definition of "mandatory reporter" includes local government inspectors; therefore, local government would also be required to notify adjacent landowners of confirmed presences of eradicate weeds.

References/Sources

usps.com

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