

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6225

BILL NUMBER: HB 1032

NOTE PREPARED: Nov 29, 2011

BILL AMENDED:

SUBJECT: Restrictions on Fertilizer Containing Phosphorus.

FIRST AUTHOR: Rep. Dodge

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes restrictions on the application of fertilizer material that contains phosphorus. It provides exceptions for fertilizer material that: (1) contains less than 0.67% of phosphorus by weight; or (2) is used for agriculture purposes. It requires distributors and licensed commercial lawn care applicators to prepare and provide consumer educational information concerning restrictions on the use of fertilizer material containing phosphorus and best practices for lawn care.

Effective Date: July 1, 2012.

Explanation of State Expenditures: IC 15-16-2-49.5 provides that if a person violates the above provision, the State Chemist may:

- (1) warn, issue a citation to, or impose a civil penalty on the person; or
- (2) deny, suspend, revoke, or amend the person's registration.

The civil penalty would be used to cover costs associated with oversight.

Explanation of State Revenues: Penalty Provision: A person who knowingly or intentionally violates the provisions of the bill commits a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: State Chemist.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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