

OFFICE OF FISCAL ANALYSIS

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HB-5219

AN ACT CONCERNING STANDARDS FOR THE SPRAYING OF HERBICIDES ALONG RAILROAD RIGHT-OF-WAYS.

AMENDMENT

LCO No.: 4870

File Copy No.: 169

House Calendar No.: 143

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Department of Energy and Environmental Protection	GF - Potential Cost	None	None
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	None	None
Judicial Dept.; Correction, Dept.	GF - Potential Cost	None	None
Resources of the General Fund	GF - Potential Revenue Gain	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The amendment creates restrictions on the use of second-generation anticoagulant rodenticides. These restrictions result in potential costs beginning in the out years, as described in the out years section below.

The amendment additionally makes technical revisions to the bill's provisions regarding vegetation management along railroads. These

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

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Contributing Analyst(s):

Reviewer: MP

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changes have no fiscal impact.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$	FY 29 \$
Department of Energy and Environmental Protection	GF - Potential Cost	95,000	66,000	66,000
State Comptroller - Fringe Benefits	GF - Potential Cost	27,000	27,000	27,000
Judicial Dept.; Correction, Dept.	GF - Potential Cost	Minimal	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The amendment results in a potential cost to the state of approximately \$122,000 in FY 27 and \$93,000 in FY 28 (and annually thereafter) associated with actively enforcing the amendment's restrictions on the use of second-generation anticoagulant rodenticides. The amendment's penalties for violations result in potential costs to the Department of Correction and the Judicial Department, and a potential revenue gain from fines.

To the extent that the restrictions in the amendment are actively enforced, the Department of Energy and Environmental Protection (DEEP) may hire one new full-time Environmental Analyst 2 to enforce the amendment's restrictions. The associated potential costs in FY 27 total an estimated \$122,000 (\$65,000 salary, \$27,000 fringe benefits in the Office of the State Comptroller, and \$30,000 in other expenses including a vehicle). The full-year annualized potential costs are \$93,000 in FY 28 (\$65,000 salary, \$27,000 fringe benefits, and \$1,000 in other expenses).

The amendment makes violations of the bill subject to penalties that may include a fine of up to \$5,000 and/or up to a year in prison for violations, resulting in a potential cost to the Department of Correction

and the Judicial Department for incarceration or probation and a potential revenue gain from fines, beginning in FY 27. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300² while the average marginal cost for supervision in the community is less than \$800³ each year for adults and \$1,000 each year for juveniles.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

²Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.