

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number SB1072

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Bolling

3. Committee Agriculture, Conservation and Natural Resources

4. Title Reporting of ballast water discharge

5. **Summary/Purpose:** The bill would require that operators of certain commercial vessels that discharge ballast water into state waters report the discharge to the State Water Control Board. The reporting requirements shall not apply to (i) any vessel of the United States Department of Defense, the United States Coast Guard, or the Armed Forces, (ii) any vessel whose point of origin is within the United States Exclusive Economic Zone, or (iii) any vessel that discharges ballast water that originated at the location of the discharge. Any operator who knowingly fails to file a discharge report within 72 hours of the discharge or who knowingly makes any false statement in a discharge report shall be guilty of a Class 1 misdemeanor.

6. **Fiscal Impact:** See Item 8.

7. **Budget amendment necessary:** See Item 8.

8. **Fiscal implications:** According to the Department of Environmental Quality, there would be some minimal costs to the agency associated with this legislation. The costs would be related to sending, receiving, and tracking the forms required from the ships entering the harbors and determining whether or not ships that have discharged ballast water have submitted the required reports. Because the agency would be regulating entities it does not currently regulate, it is unclear what additional costs may be incurred. It may be possible to utilize existing resources (either at the Marine Resources Commission or groups that interact with ships as they enter Virginia's harbors) to ensure that the reporting forms and other information regarding this reporting requirement are provided to the ships. The Marine Resources Commission and other law enforcement entities may incur additional costs related to enforcement of the Class I misdemeanor provision.

For someone convicted of a Class 1 misdemeanor, a judge has the option of sentencing him to time in jail. There is not enough information available to reliably estimate how many additional prisoners in jail could result from this legislation. Any increase in jail population would increase costs to the state.

The Commonwealth pays the localities \$8.00 a day for each misdemeanant held in a jail and \$14.00 a day for each state responsible inmate. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 1999.

9. Specific agency or political subdivisions affected: Department of Environmental Quality; Marine Resources Commission.
10. Technical amendment necessary: No.
11. Other comments: At this time it is unclear what the potential cost impact could be with respect to adoption of the federal guidelines (Ballast Water Management for Control of Nonindigenous Species in Waters of the United States).

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cc: Secretary of Natural Resources

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