

Department of Planning and Budget

2006 Fiscal Impact Statement

1. Bill Number: HB982

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|------------------------|--|-------------------------------------|------------------------------------|
| 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: Lewis

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: Control of avian influenza; penalty

5. Summary/Purpose: The bill allows the Commissioner of Agriculture and Consumer Services to adopt regulations to prevent and control avian influenza in commercial and noncommercial poultry, including regulations that affect the live-bird marketing system, and authorizes the Commissioner to participate in the federal Live Bird Marketing Program of the United States Department of Agriculture. The Commissioner's regulatory authority is exempted from the Administrative Process Act. Failure to comply with promulgated regulations is a Class 1 misdemeanor.

6. Fiscal impact: Any costs associated with development and promulgation of regulations by the Department of Agriculture and Consumer Services may be absorbed within the department's existing appropriation. There may be some costs to the judicial system that cannot be determined and are discussed in item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: Failure to comply with the regulations to prevent and control avian influenza is a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. 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's most recent Jail Cost Report (FY 2004), the estimated total state support for local jails averaged \$26.03 per inmate, per day in FY 2004.

9. Specific agency or political subdivisions affected: Department of Agriculture and Consumer Services, judicial system.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 1/19/06 kbs

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cc: Secretary of Agriculture and Consumer Services