

## Department of Alcoholic Beverage Control 2007 Fiscal Impact Statement

**1. Bill Number** HB1995

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron**        Suit

**3. Committee**

**4. Title**            Alcoholic beverage sale nuisances.

**5. Summary/Purpose:** Alcoholic beverage sale nuisances. Any locality by or through its mayor, executive, or attorney may file a complaint in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcohol Beverage Control Board. The basis for such complaint shall be that the continued sale of alcohol at the establishment presents a threat to public safety as a result of frequent criminal acts occurring on or near the premises. The injunction would be automatically lifted upon final disposition of a mandatory ABC Board hearing into the matter.

**6. No Fiscal Impact (or)**

**Fiscal Impact Estimates are:** Listed below.

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2006-07			
2007-08			
2008-09	\$129,484	2	30403
2009-10	\$129,484	2	30403
2010-11	\$129,484	2	30403
2011-12	\$129,484	2	30403
2012-13	\$129,484	2	30403

**6b. Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2006-07			
2007-08			
2008-09			
2009-10			
2010-11			
2011-12			
2012-13			

**7. Budget amendment necessary:** An amendment to Enforcement's budget for (2) Special Agents would be necessary to accommodate the additional workload that could perhaps be created as a result of this bill. The amendment is based on the assumption that public safety cases could potentially double as a result of the legislation.

- 8. Fiscal implications:** On average 15-20 of the 1,200 cases investigated and processed by ABC are public safety related. This represents less than one-percent of total cases processed by the agency. The opportunity costs associated with the proposed legislation are priority in docketing and additional supervision for investigations. The Hearing and Appeals division would experience a change order of dockets to hear the public safety cases expeditiously with no additional increase in staff assuming marginal increases in the number of cases resulting from the proposed legislation. The Enforcement Division would require two additional staff positions totaling approximately \$129,484 to accommodate the potential increase in workload that is quite manpower intensive and involves significant documentation and collaboration with local enforcement jurisdictions. There are also retainer fees associated with the Attorney General's Office representing ABC in public safety cases.
- 9. Specific agency or political subdivisions affected:** The Dept. of Alcoholic Beverage Control and all Virginia localities with Circuit Court systems.
- 10. Technical amendment necessary:** The language in the fifth sentence should be amended to read: "The Department of Alcoholic Beverage Control Law Enforcement Agents shall initiate an inquiry into the activities at the establishment complained of, refer to the Board to conduct a hearing and present evidence at such hearing. "
- 11. Other comments:** N/A

**Date:** 02/5/07 / agw

**Document:** (HB1995H1.doc)

cc: Secretary of Public Safety