

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number: HB2082

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

2. Patron: Wittman

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: Harvest quota on menhaden; penalty

5. Summary/Purpose: The bill establishes an annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay. Fisheries shall receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. Orders by the Secretary of Natural Resources setting a date of closure for the fishery will be exempt from the requirements of the Administrative Process Act. Any person harvesting menhaden for reduction purposes after receiving notice that the quota has been met shall be guilty of a Class 1 misdemeanor. The bill includes a sunset clause, and it expires on December 31, 2010.

6. Fiscal Impact Estimates are: Indeterminate. See item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Therefore, the proposed legislation could result in an increase in the number of persons sentenced to jail.

There is not enough information available to reliably estimate how many additional inmates in jail may 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 jail. It also funds most of the jails' operating costs, such as 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 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

9. Specific agency or political subdivisions affected: Marine Resources Commission.

10. Technical amendment necessary: No.

11. Other comments: The substitute broadens the definition of "purse seine fishery for Atlantic menhaden."

Date: 2/2/07 kbs

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cc: Secretary of Natural Resources