

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB392

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Bulova

3. Committee: Agriculture, Chesapeake, and Natural Resources

4. Title: Stormwater ordinances; authorizes localities classified as MS4 to enact to enforce permits

5. Summary: The bill authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits. The bill would give these localities the authority to seek civil charges and injunctive relief, and impose civil penalties. Any person violating the ordinance would be subject to a criminal penalty of a Class 1 misdemeanor.

6. Fiscal Impact Estimates: Preliminary. See item 8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: The bill makes it a Class 1 misdemeanor to violate local stormwater ordinances. The penalties for a Class 1 misdemeanor include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Therefore, this proposal could result in an increase in the number of persons 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 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, 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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate per day in FY 2006.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation, localities, judicial system.

10. Technical Amendment Necessary: No.

11. Other Comments: The House amendments add "willingly and knowingly" to clarify violations which are subject to the provisions.

Date: 2/7/2008 dpbkbs

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cc: Secretary of Natural Resources