

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB1100

House of Origin X Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Sickles

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: **Stormwater management; certain landowners shall be immune from civil liability.**

5. Summary: This bill provides that landowners who cede responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or political subdivision thereof shall be immune from civil liability in relation to such stormwater management facility. The immunity does not extend to cases of intentional or willful misconduct or gross negligence.

6. Fiscal Impact Estimates: Indeterminate.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: This bill may result in the Commonwealth accepting responsibility, and therefore liability, for the maintenance, repair and replacement of any stormwater management facility.

Any property ceded to the Commonwealth that the Commonwealth accepts, as this bill authorizes, becomes Commonwealth property. While it is unknown how many claims would arise from the acceptance of these properties, there is a liability limit of \$100,000 which applies to any property or liability claim for money made against the Commonwealth. Note that this maximum liability cost does not consider the legal expenses incurred in dealing with any possible claims.

The cost of any claims, including legal expense, arising out of the ownership of these properties would be included in the determination of recommended funding levels and premiums charged to state agencies.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation, Risk Management Division at the Department of Treasury, all state agencies paying risk management premiums.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/1/2010 dpbaek

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