

Department of Planning and Budget

2023 Fiscal Impact Statement

1. **Bill Number:** HB2181

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

2. **Patron:** Morefield

3. **Committee:** Agriculture, Conservation and Natural Resources

4. **Title:** Use of subaqueous beds; nontidal waters; permit requirements; penalty.

5. **Summary:** Authorizes any person to build, dump, trespass, encroach upon or over, or take or use any materials from subaqueous beds that are the property of the Commonwealth, provided that such activity is conducted in nontidal waters and such person obtains a Virginia Water Protection Permit and complies with all requirements of the Virginia Water Resources and Wetlands Protection Program. Requires that the Department of Environmental Quality be guided by Wetlands Protection A violation of the provisions of the bill is a Class 1 misdemeanor.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary. See item 8.

8. **Fiscal Implications:** It is anticipated that any fiscal impact on the Department of Environmental Quality as a result of this bill can be absorbed within existing resources.

The Marine Resources Commission (MRC) anticipates an indeterminate revenue loss as a result of this bill. According to MRC, revenues from application fees, permit fees, and encroachment royalties for work in non-tidal waters have averaged \$119,589 annually. These revenues are deposited into the Marine Habitat and Waterways Improvement Fund. MRC also anticipates a slight reduction in workload resulting from fewer processing tasks.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report

(November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality; Marine Resource Commission; state agencies that currently require a Water Protection permit and a non-tidal subaqueous habitat permit for certain projects.

10. Technical Amendment Necessary: No.

11. Other Comments: None.