

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB1136

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

**2. Patron:** Rasoul

**3. Committee:** Counties, Cities and Towns

**4. Title:** Aboveground chemical storage tanks.

**5. Summary:** This bill authorizes localities to adopt an ordinance that makes it unlawful for any person to construct, maintain, or use any aboveground chemical storage tank (ACST) having a capacity of 250 gallons or more without obtaining a permit from the local fire official. The penalty for violating the ordinance shall not exceed a Class 1 misdemeanor. The bill directs the Board of Housing and Community Development to adopt regulations requiring that the inspection, repair, alteration, or reconstruction of any such ACST comply with API 653 Standard or an appropriate equivalent standard for any tank too small to be governed by API 653.

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

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** It is anticipated that any costs associated with this bill can be absorbed by the Department of Housing and Community Development. No fiscal impact is anticipated to the Department of Fire Programs or the Department of Environmental Quality.

The bill provides that penalties for violations of the provisions of the bill shall not be greater than that imposed by a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently 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 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016. Lesser misdemeanor offenses may result in fines. Any revenue generated from such fines is deposited to the state Literary Fund.

**9. Specific Agency or Political Subdivisions Affected:** Department of Housing and Community Development; Department of Fire Programs; Department of Environmental Quality; localities; local courts and jail systems.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.