

## Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB769

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Reeves

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

4. **Title:** Environmental proceedings; findings of fact.

5. **Summary:** Directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor.

The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication.

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.

This bill establishes a new Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. According to the Virginia Criminal Sentencing Commission, not enough information is 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

**9. Specific Agency or Political Subdivisions Affected:** Department of Environmental Quality; Departments of Corrections and Juvenile Justice; local and regional jails; courts.

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

**11. Other Comments:** None.