

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 845

SHORT TITLE: Agriculture Operation in Violation

SPONSOR(S): Representatives Watson; Cummings, Buchanan, Fitch and Hayes.

FISCAL IMPACT: Expenditures: Increase () Decrease ()
Revenues: Increase () Decrease ()
No Impact (x)
No Estimate Available ()

FUNDS AFFECTED: General Fund () Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: AGRICULTURAL OPERATION IN VIOLATION. TO PROVIDE THAT AN AGRICULTURAL OPERATION THAT IS OPERATED IN CONTINUED VIOLATION OF APPLICABLE ENVIRONMENTAL STATE STATUTES OR RULES ADOPTED PURSUANT TO THOSE STATUTES CONSTITUTES A NUISANCE AND TO PROVIDE THAT THE OWNER AND OPERATOR OF SUCH AN AGRICULTURAL OPERATION AND THE OWNER OF ANY LIVESTOCK OR POULTRY RAISED OR PRODUCED AT SUCH OPERATION MAY BE JOINTLY AND SEVERALLY LIABLE FOR RESULTING DAMAGES. Amends GS 106-701 as title indicates. Provides that operation is nuisance if no action is taken to correct violation within 30 days after final agency decision or court order served on violator. Limits aggregate damages, to any person harmed as result of operation, to \$250,000.

EFFECTIVE DATE: October 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

Department of Environment, Health and Natural Resources
Division of Environmental Management

FISCAL IMPACT

Table with columns for fiscal years (FY95-96 to FY99-00) and rows for EXPENDITURES, RECURRING, and NON-RECURRING.

POSITIONS:

ASSUMPTIONS AND METHODOLOGY:

As written, the bill does not require the Department of Environment, Health and Natural Resources to alter current procedures or perform increased inspections of agricultural operations, and therefore will not have a fiscal impact.

SOURCES OF DATA:

Department of Environment, Health and Natural Resources

Division of Environmental Management

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: May 9, 1995

[FRD#003]



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