

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1014 (5th Edition)

SHORT TITLE: Strengthen Littering Laws

SPONSOR(S): Sen. Albertson

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES To be implemented with Existing Funds

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: State Board of Elections, Administrative Office of the Courts, Department of Transportation, Department of Environment and Natural Resources, State Department of Instruction, Local Boards of Election, Community Service Work Program (CC&PS), Department of Administration

EFFECTIVE DATE: Criminal Penalties and Requirement for DOT to coordinate mowing with litter removal and requirements on boards of election are effective Dec 1, 2001. The remainder of the bill is effective when becomes law

BILL SUMMARY: While the bill does not change the criminal penalties for intentional littering (Class 3 misdemeanor or Class I felony depending on quantity), it makes unintentional littering an infraction with the fine increasing with the volume of litter (up to \$100 for first offense/less than 15 pounds - \$300 for over 500 pounds).

Also amends GS 20-116(g) to provide that vehicles may not be driven on any highway if the vehicle contains any holes, cracks, openings through which *any* material may escape (formerly limited to rock, stone, etc loads) and specifies maximum height of a load relative to sides of vehicle.

Adds new GS 136-28.11 to direct the N.C. Department of Transportation (NCDOT) to remove debris, trash, and litter from the highway and highway right-of-way before mowing

or maintaining such an area and require such work to be done pursuant to any contract for maintenance that it enters into.

Adds GS 153A-136(6a) and amends GS 160A-185 to allow counties and cities to regulate the illegal disposal of solid waste, including littering, on public and private property, provide for enforcement by civil penalties and other remedies, and provide that such regulations may be enforced by specially appointed environmental officers.

Adds GS 163-22.3 and 163-33.3 to require the State Board of Elections and local boards to notify candidates for certain State and local offices about the provisions of GS 136-32 and GS 14-156 (which involve Class 2 misdemeanors for obstructing utility poles or highway right of way) concerning campaign signs and to require the candidate to sign a pledge to comply with these statutes and applicable NCDOT rules.

Adds new GS 147-12(b) directing the Governor to be responsible for developing, coordinating, and implementing a state litter prevention and control program. Directs the Division of Motor Vehicles, the State Highway Patrol, each sheriff's department, and each police department to deliver semi-annual reports to the Governor on that agency's litter program. Makes first reports due February 1, 2002. Directs the Governor to deliver a consolidated biannual report to the Environmental Review Commission, the Joint Legislative Transportation Oversight Committee, and the appropriations subcommittees on Natural and Economic Resources from each chamber. Makes first such report due March 1, 2002. Also requires State Board of Education to study ways of including litter prevention topics in the Standard Course of Study.

Also requires DOT to post signs on interstate highways notifying motorists about littering laws and penalties and to provide recycling bins at each rest area on a state or interstate highway.

Requires Department of Administration to provide for collection of recyclables on each floor of a building occupied by a state agency.

Section 17 of the bill states that the act shall not be construed to obligate the General Assembly to appropriate any funds.

ASSUMPTIONS AND METHODOLOGY: Because Section 17 requires agencies to implement the provisions of this act from funds available, there is no impact on the state budget. However, agencies noted several areas where the provisions would affect their costs, as detailed below. .

State Board of Elections: The State Board of Elections would be required to notify candidates of statutory provisions concerning campaign signs and to obtain a signed pledge to comply with those statutes from each candidate on a pledge form prepared by the Board. The Board estimates that the cost of printing pledge forms and postage for mailing the forms will be approximately \$1,000 each year. The Fiscal Research Division believes this estimate is reasonable.

Crime Control & Public Safety: The bill requires the Community Service Work Program to report annually to the Environmental Review Commission on their litter removal efforts. The program already includes litter pick-up on their monthly reports (number of offenders assigned, bags collected and number of hours spent picking up litter).

Department of Environment and Natural Resources: DENR is required to provide detailed information to the Governor on litter prevention, enforcement and removal efforts. This can be handled by existing personnel.

State Board of Education: The Board is required to study whether they should include litter prevention in the Standard Course of Study. There is no cost to such a study.

Governor's Office: Section 9 of this bill requires the Governor's Office to gather the information provided by the specified agencies and to deliver a consolidated biannual report to the specified bodies. This responsibility will have no impact on the Governor's office because it falls within one of their existing functions for producing reports as requested the General Assembly.

Administrative Office of the Courts: The bill has two potential impacts on the Judicial Branch. The new infractions/fines for unintentional littering have the potential to increase court time and costs. However, infractions are rarely vigorously contested. It is not known how many charges there would be for unintentional littering. In addition, the AOC is concerned about the requirements for a report on the number of citations, arrests and convictions under littering laws, particularly given the large number of authorities responsible for enforcing litter laws. AOC data includes charges but not arrests. There would be some costs involved in programming the criminal data system to reflect the new offenses under this bill but no estimate is available of the exact cost. The Fiscal Research Division (FRD) believes these costs would be small and as long as the details and timing of the report are modified to recognize the limitations of AOC data, this responsibility can be absorbed. In these two ways, SB 1014 will have some impact on AOC workload but FRD believes it can be absorbed within existing resources.

Department of Transportation: The Department would be required to coordinate trash removal with mowing of highway right of way by requiring this coordination as a term of their contracts. Provided they are not required to pick up litter before every mowing, there will not be any fiscal impact on the Department. They already place signs about littering laws on highways so there is no impact from that provision. There are already recycling containers at most rest areas so the impact of Sec. 15(k) should be minimal. DOT expects about \$25,000 in costs to arrange for the additional sites and some increase in operating costs due to the larger number of sites.

Department of Administration: The Department already provides recycling containers on each floor in state owned buildings. Where agencies lease other space, they would work to include the requirement for recycling in the lease agreements. No significant impact is expected.

TECHNICAL CONSIDERATIONS: None

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