

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1486 (First Edition)

SHORT TITLE: Roanoke River Bridge No-Wake Zone

SPONSOR(S): Representatives Rogers and Hunter

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>
REVENUES	\$0	\$0	\$0	\$0	\$0
EXPENDITURES					
Wildlife Resources Comm.	\$0	\$0	\$0	\$0	\$0
Bertie County	\$0 - \$1,200	\$0	\$0	\$0	\$0
Judicial Branch	\$0	\$0 - \$1,500	\$0 - \$1,500	\$0 - \$1,500	\$0 - \$1,500
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Wildlife Resources Commission (WRC), Bertie County, Judicial Branch					
EFFECTIVE DATE: The bill is effective when it becomes law and is enforceable after the no-wake markers are placed on the water.					

BILL SUMMARY: Establishes a no-wake zone on the waters of the Roanoke River within 50 yards of either side of the Highway 17 bridge in Bertie County. Violation of this act is a Class 3 misdemeanor.

ASSUMPTIONS AND METHODOLOGY:

Background: The Wildlife Resources Commission's Division of Enforcement is responsible for enforcing the game, fish and boating laws on all in-land waterways. All Wildlife enforcement officers are sworn law enforcement officers with full arrest authority for state and certain federal violations.

Wildlife Resources Commission: There is no additional cost to the Wildlife Resources Commission's Division of Enforcement to enforce the no-wake zone on the waters of the Roanoke River on either side of the Highway 17 bridge in Bertie County. Due to a Wildlife boat access area adjoining the upstream side of the Highway 17 bridge there is an existing 50-yard no wake zone already marked around the access area. This access area, as well as the area on the Roanoke River near the Highway 17 bridge, is currently patrolled on a regular basis by four Wildlife enforcement officers. Extending the no-wake zone the full length of the bridge and 50-yards on either side will

result in additional violations, but WRC expects this number to be low given the proximity of the existing no-wake zone. During the first year, WRC expects to issue warning citations as boaters become familiar with the extension of the no-wake zone and fewer than 15 tickets in subsequent years since the majority of boaters should be aware of the new zone. WRC can manage this increase in workload with existing staff.

Bertie County: The bill gives Bertie County the authority to place and maintain buoys or signs to mark the no-wake speed zone. According to the WRC, a total of six buoys should be sufficient to provide adequate warning of the no-wake speed zone to boats approaching from either side of the bridge. The buoys, including cable and an anchor, cost approximately \$200. If Bertie County chooses to mark the new no-wake zone, the total cost will be approximately \$1,200 on a one-time basis.

Judicial Branch: For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

For this bill, the AOC estimates that there will be between 9 and 15 new violations in Bertie County. If all of these violations resulted in charges, AOC estimates that approximately one case per year would be disposed by trial. Estimated district court costs for 12 cases would be approximately \$1,510, including one case disposed by trial and 11 cases disposed in other ways. However, Fiscal Research anticipates that most violations in the first year will not result in charges, and that there will be fewer violations in subsequent years. These assumptions are reflected in the totals in the box on the first page.

Local Jails: It is possible that offenders with prior convictions will be given active sentences. According to the Sentencing Commission, in 2000-01 approximately 17 percent of Class 3 misdemeanors statewide involved an active sentence; the average estimated time served was 5.2 days. Offenders serving active sentences of 90 days or less are housed in county jails. As a result, Class 3 misdemeanor convictions typically do not have a significant impact on the prison population. However, local jail populations may be affected if there are a large number of convictions for a Class 3 misdemeanor offense. Using statewide estimates and the WRC's estimate of an additional 15 violations per year, local jails in Bertie County would see an impact of less than 0.1 jail beds per year if all violations resulted in charges. In addition, Fiscal Research anticipates that fewer violations will occur after the first year, and that most first-year violations will not result in charges.

Corrections: The majority of individuals convicted of Class 3 misdemeanors (83%) are given community sentences. The average cost for community punishment is \$1.87/day.

SOURCES OF DATA: Wildlife Resources Commission; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: none

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DATE: June 19, 2002



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