

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1616 (2nd Edition)

SHORT TITLE: Eagle Point No-Wake Zone

SPONSOR(S): Representative McCombs

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
Rowan County	<i>Non-recurring cost expected; exact amount cannot be determined</i>				
Judicial Branch	\$0	<i>Potential small impact; no exact amount available.</i>			
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Wildlife Resources Commission (WRC), Rowan 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: Local bill HB 1616, makes it unlawful to operate a vessel at greater than no-wake speed (idle or slow speed creating no appreciable wake) on the High Rock Lake Reservoir within 200 feet of the boundaries designated as Eagle Point Nature Preserve in Rowan County, to operate any motorboat or other vessel that produces its power through gasoline combustion within the no-wake zone unless the vessel is under the power of an electric motor or hand or foot power while in the no-wake zone, or to discharge firearms or fireworks or to create noise using mechanical apparatus while in the no-wake zone. Under the bill, the offenses would be infractions punishable by a fine of not more than \$50 for the first offense and as a Class 3 misdemeanor for a second or subsequent offense. The bill specifies how Rowan County or its designee may place and maintain markers to give adequate warning of the no-wake zone. The bill specifies that the act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

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: The Commission staff reports that there are several no-wake zones on High Rock Lake. There is no additional cost to the Wildlife Resources Commission's Division of Enforcement to enforce the no-wake zone on the waters of High Rock Lake around Eagle Point Nature Preserve. The new no-wake zone will result in additional violations due to the popularity of the area for duck hunting and fishing but the Wildlife Resource Commission (WRC) cannot predict how many more violations. Additional violations may result from the directive in Section 2, which makes it unlawful to operate a gasoline combustion engine within the no-wake zone. During the first year, WRC expects to issue warning citations as boaters become familiar with the new no-wake zone. WRC can manage this increase in workload with existing staff.

Rowan County: The bill gives Rowan County the authority to place and maintain buoys or signs to mark the no-wake speed zone. Due to the layout of the nature preserve, WRC could not estimate the number of buoys necessary to fully cover the area. The buoys, including cable and an anchor, cost approximately \$200.

Local Jails: A second or subsequent violation of this statute is punishable as a Class 3 misdemeanor. In these instances, it is possible that offenders with prior misdemeanor or felony 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.

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

Judicial Branch: For most criminal penalty bills, the Administrative Office of the Courts (AOC) 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.

The AOC expects a relatively small number of cases and a relatively small fiscal impact even for the one county to which the bill applies. The AOC estimates that there will be between 9 and 27

new violations in Rowan County under this bill. Although the Wildlife Resources Commission expects only warning citations to be issued during the first year, to the extent that infractions were charged in the first or subsequent years, the AOC assumes that for first offenses most (but not all) people would waive court appearance and pay the fine. It is unable to estimate the number of second or subsequent offenses that would result in the Class 3 misdemeanors under the bill. More court time would be required to dispose of these Class 3 misdemeanors. Some revenue would be generated by fines paid for first offense cases. WRC estimates the typical fine for this infraction to be \$10.

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

TECHNICAL CONSIDERATIONS: If Section 3 pertains to all sound making mechanisms, it could be contradictory to the federal law that requires all numbered boats to have a sound-making device.

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