

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1014 (6th 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 requirements on boards of election are effective Dec 1, 2001; requirements for DOT are effective Jan 1, 2001 and 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 Misd 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 1st offense/less than 15 pounds--\$300 for over 500 pounds). The 6th edition also requires the court to require violators to perform community service or otherwise remove litter/restore damaged property if litter exceeds 15pounds (existing law limits this to violators over 500 pounds or commercial purpose).

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. Dep't 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 provides for enforcement 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.

Adds new GS 147-12(b) directing the Departments of Transportation, Correction, Crime Control & Public Safety, the Highway Patrol and several divisions in the Department of Environment and Natural Resources to deliver semi-annual reports to the Governor on that agency's litter program. Makes first reports due Feb. 1, 2002. Directs the Governor to deliver a consolidated biannual report to the Environmental Review Comm'n, 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 DOT to post signs on interstate highways notifying motorists about littering laws and penalties, to provide recycling bins at each rest area on a state or interstate highway, and to provide signs notifying motorists about the recycling bins.

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

Section 15 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 15 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 could affect their costs, as detailed below.

State Board of Elections: The State and Local Boards of Elections would be required (Sec 7 and 8) to notify candidates of statutory provisions concerning campaign signs. The 6th edition removed earlier proposals to require them to obtain a signed pledge to comply with those statutes from each candidate on a pledge form prepared by the Board. With this revision, there is no fiscal impact on the Board of Elections.

Crime Control & Public Safety: The bill requires (Sec 9) the Dept of Crime Control & Public Safety to report biannually to the Governor on litter prevention and removal efforts. Since the Community Service Work Program in CCPS already includes [litter pick-up on their monthly reports \(number of offenders assigned, bags collected and number of hours spent picking up litter\)](#), there is no impact of this requirement. The Community Service work program can also absorb any impact of new offenders ordered to participate in their program based on Section 1.

Department of Environment and Natural Resources: DENR is required (Sec. 9) 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 is required (Sec 11) to report on recycling efforts of public schools to the Joint Legislative Education Oversight Committee and the Environmental Review Commission, starting in 2003. There is no cost associated with this reporting

requirement nor the requirement (Sec. 12) that local boards of education encourage recycling in the schools.

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

Administrative Office of the Courts. The bill has two potential impacts on the Judicial Branch. The new infractions/fines (Sec 1,2) 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 will be required (Sec 9) to report on the number of charges and convictions under littering laws. 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. 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 and its contractors would be required (Sec 3)to coordinate scheduled 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 (Sec 4). There are already recycling containers at most rest areas so the impact of Sec. 13 should be minimal. DOT expects about \$25,000 in costs to set up additional sites and some increase in operating costs (\$14,000-\$21,000) due to the larger number of sites. FRD assumes they can absorb the cost of any new signage related to notifying motorists of recycling bins at rest areas.

Department of Administration 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 from Sec 14.

TECHNICAL CONSIDERATIONS: None

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