

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1579 (First Edition)

SHORT TITLE: No Airboats on Lake Tillery

SPONSOR(S): Representative Gibson

| FISCAL IMPACT | | | | | |
|------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| | Yes () | No (X) | 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 |
| Judicial Branch | \$0 | \$0 | \$0 | \$0 | \$0 |
| POSITIONS: | | | | | |
| PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Wildlife Resources Commission , Judicial Branch, local jails | | | | | |
| EFFECTIVE DATE: July 1, 2002. | | | | | |

BILL SUMMARY: Prohibits the operation of airboats on Lake Tillery in Montgomery and Stanly counties. Exempts law enforcement officers, emergency medical personnel, and military personnel operating airboats in the performance of their official duties. 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 fiscal impact on the Wildlife Resources Commission (WRC) as a result of banning the use of the airboats on Lake Tillery. According to WRC, there are only 35 to 40 airboats registered in the state, so banning their use on Lake Tillery in Montgomery and Stanly counties will not result in a significant increase in workload.

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.

Due to the small number of airboats in the state and the limited area affected by HB 1579, the AOC does not anticipate an increase in court workload due to this bill.

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.

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
North Carolina Sentencing and Policy Advisory Commission
Judicial Branch

TECHNICAL CONSIDERATIONS: None

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