

# NORTH CAROLINA GENERAL ASSEMBLY

## LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** SB 1014 (3<sup>rd</sup> Edition)

**SHORT TITLE:** Strengthen Littering Laws

**SPONSOR(S):** Sen. Albertson

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>
<b>REVENUES</b>					
<b>EXPENDITURES</b>					
State Board of Elections	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
<b>POSITIONS:</b>		0			
<b>Impact on other agencies can be absorbed.</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> State Board of Elections, Administrative Office of the Courts, County Jails, Department of Correction, Department of Transportation, Department of Environment and Natural Resources, State Department of Instruction, Local Boards of Election, Community Service Work Program (CC&PS)					
<b>EFFECTIVE DATE:</b> 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 Misd or Class I felony depending on quantity) it makes unintentional littering of less than 15 pounds an infraction (\$50 fine) with possible community service and unintentional littering of 15-500 pounds a Class 3 Misdemeanor and unintentional littering over 500 pounds or for commercial purposes a Class I felony (same penalties as intentional). 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 Feb. 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.

#### **ASSUMPTIONS AND METHODOLOGY:**

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 is required to study including 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 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.

Department of Correction: The new penalties for unintentional littering are unlikely to have any impact on the Department of Correction. The bill makes unintentional littering between 15-500 pounds a Class 3 Misdemeanor. In 1999-2000, there were only 53 convictions

statewide for intentional littering less than 500 pounds. If there are in fact new convictions for unintentional littering, the sentence is unlikely to include active time in prison. In FY 1999-2000, 17% of Class 3 misdemeanor convictions involved active sentences with an average length of 8 days. Sentences less than 90 days are served in county jails. Unintentional littering over 500 pounds or for commercial purposes would be a Class I felony. However, since there were only 3 felony convictions for felony intentional littering in 1999-2000 there is no reason to assume there would be many felony convictions for unintentional littering at that quantity. If there were 5 such convictions, there would be the need for one additional prison bed. FRD does not believe there is any evidence to suggest that many convictions.

Administrative Office of the Courts The bill has two potential impacts on the Judicial Branch. The new criminal penalties for unintentional littering have the potential to increase court time and costs. However, there is no way to project how often there would be charges under these new provisions. In 2000, there were 3,094 defendants charged with intentional littering (all but 35 of these misdemeanors). (The large difference between charges and convictions probably indicates many charges are dropped or reduced). 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. 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 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.

## **TECHNICAL CONSIDERATIONS:**

### **FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** April 22, 2001



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