

N.C. GENERAL ASSEMBLY LEGISLATIVE FISCAL NOTE

Fiscal Research
733-4910

Prepared By: Jim Mills	Date Prepared: 6-13-90	Bill No.: HB 2093	Edition: First
Approved By: Tom L. Covington TOMC	7/2/90		Rep. Charles Beall
Short Title: Erosion Control Plan/Penalty Fees			Sponsor:

TYPE OF FISCAL IMPACT	COUNTY		FUNDS AFFECTED:			
	State Gov't	Local Gov't	(x) General	() Highway	() Other: Local	
			State Fiscal Impact	FY	FY	FY
No Fiscal Impact	(x)	()	State Total Req'ments Receipts/Revenues	(See Technical Con- siderations/ Comments)		
Increase Expenditure	()	()	Net State Expend./Rev.	No. of Positions		
Decrease Expenditure	()	()				
			Local Fiscal Impact	FY	FY	FY
Increase Revenue	()	(x)	Local Total Req'ments Receipts/Revenues	(See Technical Con- siderations/ Comments)		
Decrease Revenue	()	()	Net Local Expend./Rev.	No. of Positions		
No Estimate Avail.	()	(x)				

Description of Legislation

1. Summary of Legislation

HB 2093 is intended to change the method of distributing civil penalties collected when an erosion control plan is not submitted to a local government with the authority to approve such plans. The current statute requires all penalties collected to be deposited in the State General Fund. HB 2093 would allow local governments to retain such funds.

2. Effective Date - July 1, 1990

3. Fund or Tax Affected - General

4. Principal Department/Program Affected

Department of Environment, Health, and Natural Resources - Land Resources Division.

Cost or Revenue Impact on State

FY
90-91

FY
91-92

FY
92-93

1. Non-Recurring Costs/Revenues
2. Recurring Costs/Revenues
3. Fiscal/Revenue Assumptions

Cost/Revenue Impact on County or Local Government

FY
90-91

FY
91-92

FY
92-93

1. Non-Recurring Costs/Revenues
2. Recurring Costs/Revenues
3. Fiscal/Revenue Assumptions

Sources of Data for Fiscal Note

Department of Environment, Health, and Natural Resources - Land Resources Division and General Statute 113A-64(a).

Technical Considerations/Comments

Section 1. G.S. 113A identifies the state and local government responsibilities for sediment and erosion control. The North Carolina Sedimentation Control Commission reviews and approves erosion control plans submitted by any "person" (means any individual, partnership, etc. as defined in General Statute 113A-52(8)). Local governments that have been authorized by the Commission can also approve erosion control plans. To date, 41 cities and counties have been granted this authority. Both the Commission and authorized local governments can levy civil penalties in two major categories -- (1) failure of a "person" to meet general erosion control requirements as identified during inspections and (2) failure of a "person" to submit an erosion control plan before starting a development project.

House Bill 2093 is intended to change the method of distributing funds collected as civil penalties by local governments for the second major category--erosion control plans. The current statute requires all civil penalties collected in the second

category to be deposited in the State General Fund. HB 2093 ensures that local governments can retain any penalties collected in this category. The Department of Environment, Health, and Natural Resources indicates the intent of the bill is to increase local enforcement by allowing these governments to retain the civil penalties collected. No immediate fiscal impact is anticipated. Since January, 1989 when the state and local governments were first empowered to collect fines for the lack of an erosion control plan, none of the 41 local governments have assessed or collected fines. Thus, the amount of revenue loss to the state's General Fund and revenue increase to local governments is indeterminate at this time.



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