

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1961 (COMMITTEE SUBSTITUTE)

SHORT TITLE: ENCOURAGE VOLUNTARY REMEDIATION

SPONSOR(S): COMMITTEE SUBSTITUTE

FISCAL IMPACT: **Expenditures:** Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Funds ()

BILL SUMMARY: Amends GS 130A-29(c) by adding new paragraph (8) authorizing the Department of Environment, Health, and Natural Resources to retain private environmental consulting and engineering firms to assist in developing and managing the voluntary remedial action programs of owners, operators, or other responsible parties under GS 130A-310.3(b). Requires responsible parties to reimburse the Department for fees incurred from the use of such consulting services. Introducer: Gottovi.

"AMENDMENTS/COMMITTEE SUBSTITUTES-June 8, 1994-Daily Bulletin 13 H 1961. ENCOURAGE VOLUNTARY REMEDIATION. Intro. 6/1/94. House committee substitute adds new GS 130A-26.2 to make any person who knowingly makes any false statement or certification in any application or document filed or required to be maintained under rules adopted under GS 130-29(c)(8) or falsifies or tampers with any recording or monitoring device operated or maintained under Art. 9 guilty of a Class 2 misdemeanor that may include a maximum fine of \$10,000. Also makes Jan. 1, 1995 the effective date for new provision and Section 1 of the act, and authorizes the Dep't of Environment, Health, & Natural Resources to implement rules before that date.

"AMENDMENTS/COMMITTEE SUBSTITUTES-June 14, 1994-Daily Bulletin 16

H 1961. ENCOURAGE VOLUNTARY REMEDIATION. Intro. 6/1. House committee substitute makes following changes from original bill: (1) requires that documents relating to remedial action taken by private firms be fully subject to audit and inspection by the department; (2) adds new GS 130A-26.2 making it a class 2 misdemeanor, with a maximum fine of \$10,000, to knowingly make false reports or certifications required under GS Ch. 130A, Art. 9 or GS 130A-29(c)(8); and (3) makes amendments to General Statutes effective Jan. 1, 1995. "

EFFECTIVE DATE: January 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Environment, Health,

and Natural Resources

FISCAL IMPACT

| | <u>FY</u> | <u>FY</u> | <u>FY</u> | <u>FY</u> |
|---------------------------|-----------|-----------|-----------|-----------|
| | <u>FY</u> | | | |
| EXPENDITURES | | | | |
| TOTAL EXPENDITURES | NONE | | | |
| STATE FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| LOCAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| RECEIPTS/FEEES | | | | |

POSITIONS:

ASSUMPTIONS AND METHODOLOGY:

1. Committee substitute is permissive with regard to voluntary remedial actions involving landowners and the Department of Environment, Health and Natural Resources.
2. Department requires payment from owner for consulting services, presumably all administrative costs; no General Funds required
3. No way to estimate reliably, among those contractors retained by department, the number that may violate new statute as outlined, beginning on p2., line 39 of the committee substitute; no way to predict how many remedial actions would be entered into in a given fiscal period.

SOURCES OF DATA: Institute of Government bill summary, Daily Bulletin

TECHNICAL CONSIDERATIONS:

NONE

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Tom L. Covington TomC

APPROVED BY:

DATE: June 15, 1994



Signed Copy Located in the NCGA Principal Clerk's Offices