

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1202
Judiciary II (Criminal) Committee Substitute Adopted 6/25/07

Short Title: Est. Commission on Littering/Study.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH THE COMMISSION TO REDUCE LITTERING TO
3 STUDY AND DEVELOP ALTERNATIVE MECHANISMS TO ENFORCE
4 LITTERING STATUTES FOR VIOLATIONS THAT INVOLVE THE
5 OPERATION OF A MOTOR VEHICLE OR A VESSEL.

6 Whereas, litter diminishes the quality of the environment, contributes to water
7 contamination, endangers wildlife, and reduces the quality of life in North Carolina; and

8 Whereas, cleaning litter from North Carolina's roadsides and waterways costs
9 taxpayers millions of dollars; and

10 Whereas, enforcement of criminal laws for littering offenses involving the
11 operation of a motor vehicle or a vessel has very little effect on reducing litter on the
12 State's roads and waterways; and

13 Whereas, it is incumbent upon the State to develop alternative enforcement
14 mechanisms that effectively reduce littering; Now, therefore,

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** Commission Established. – The Study Commission to Reduce
17 Littering (Commission) is hereby established.

18 **SECTION 2.** Membership. – The Commission shall consist of 18 members
19 as follows:

- 20 (1) Four Senators appointed by the President Pro Tempore of the Senate.
21 (2) Four Representatives appointed by the Speaker of the House of
22 Representatives.
23 (3) One representative from the Department of Crime Control and Public
24 Safety.
25 (4) One representative from the Administrative Office of the Courts.
26 (5) One representative from the Department of Transportation.
27 (6) One representative from the Department of Commerce.
28 (7) One representative from the North Carolina Wildlife Resources
29 Commission.

- 1 (8) One representative from the North Carolina Association of County
2 Commissioners.
- 3 (9) One representative from the North Carolina League of Municipalities.
- 4 (10) One representative from the North Carolina Sheriffs' Association.
- 5 (11) One representative from the North Carolina Association of Chiefs of
6 Police.
- 7 (12) One representative from the School of Government at the University
8 of North Carolina at Chapel Hill.

9 **SECTION 3.** Cochairs. – The Commission shall have two cochairs, one
10 designated by the President Pro Tempore of the Senate and one designated by the
11 Speaker of the House of Representatives from among their respective appointees. The
12 Commission shall meet upon the call of the cochairs.

13 **SECTION 4.** Quorum. – A quorum of the Commission shall consist of 10
14 members.

15 **SECTION 5.** Vacancies. – Any vacancy on the Commission shall be filled
16 by the original appointing authority.

17 **SECTION 6.** Purpose and Duties. – The Commission shall develop
18 alternative mechanisms to enforce littering statues for violations that involve the
19 operation of a motor vehicle or a vessel. As part of its work, the Commission shall also:

- 20 (1) Collect research and information from other states and jurisdictions
21 regarding alternative procedures to enforce littering laws.
- 22 (2) Examine effective mechanisms that use citizen participation to detect
23 littering violations and to initiate enforcement of littering laws.
- 24 (3) Determine whether alternative enforcement mechanisms, such as a
25 public nuisance, infraction, or determinations based upon affidavits
26 can be developed to enforce littering laws.

27 **SECTION 7.** Expenses of Members. – Members of the Commission shall
28 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
29 138-5, or 138-6, as appropriate.

30 **SECTION 8.** Staff. – Upon the prior approval of the Legislative Services
31 Commission, the Legislative Services Officer shall assign professional and clerical staff
32 to the Commission to aid in its work.

33 **SECTION 9.** Meetings. – The Commission may meet in the Legislative
34 Building or the Legislative Office Building upon the approval of the Legislative
35 Services Commission.

36 **SECTION 10.** Report. – The Commission shall report its findings and
37 recommendations no later than May 15, 2008, to the 2008 Regular Session of the 2007
38 General Assembly. The Commission shall terminate upon the submission of its report or
39 upon the convening of the 2008 Regular Session of the 2007 General Assembly, which
40 ever occurs first.

41 **SECTION 11.** Funding. – From funds appropriated to the General
42 Assembly, the Legislative Services Commission shall allocate funds for the purpose of
43 conducting the study provided for in this act.

44 **SECTION 12.** Effective Date. – This act is effective when it becomes law.