



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3719 Amended by House Agriculture, Natural Resources, and Environmental Affairs on February 16, 2017

Author: Burns

Subject: State Forester Authorized to Prohibit Open Burning

Requestor: House Agriculture, Natural Resources, and Environmental Affairs

RFA Analyst(s): Stein

Impact Date: February 16, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	Undetermined	\$0
Other and Federal	Undetermined	\$0
Local Expenditure	Undetermined	\$0
Local Revenue	Undetermined	\$0

Fiscal Impact Summary

This bill as amended would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. The bill expands the authority of the State Forester to prohibit all open burning, except for fires to provide human warmth or to prepare food for immediate consumption. The bill does not impose any additional requirements on the agency.

Explanation of Fiscal Impact

Amended by House Agriculture, Natural Resources, and Environmental Affairs on February 16, 2017

State Expenditure

This bill as amended expands the authority of the State Forester to prohibit all open burning, except fires to provide human warmth or to prepare food for immediate consumption. The bill increases the maximum fine which may be imposed for a first offense from one hundred to two hundred dollars, and increases the fine for subsequent offenses from up to three hundred dollars to not less than five hundred dollars. The maximum prison time for a first offense remains unchanged at thirty days, but the minimum required sentence of ten days is deleted. For subsequent offenses (those occurring within ten years of a previous offense) the maximum prison time is reduced from six months to sixty days.

Forestry Commission. The Commission reports that mechanisms are already in place to notify field officers and the public of burning restrictions. This bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

State Revenue

Revenue generated by court fines, assessments, and surcharges imposed on persons convicted of violations of this Section would be distributed to the General Fund, specified state agencies and programs, and local government in accordance with existing law. Because courts have discretion regarding the punishment imposed for violations of fire regulations established under Chapter 35 of Title 48, the effect of this bill on General Fund and Other Funds revenue is undetermined.

Local Expenditure

This bill reduces the maximum sentence of imprisonment for subsequent fire offenses from six months to two months. Consequently, offenders could be confined in local jails for shorter terms. However, because of the latitude allowed in sentencing and the lack of data, the expenditure impact on local government is undetermined.

Local Revenue

Revenue generated by court fines, assessments, and surcharges imposed on persons convicted of violations of this Section would be distributed to the General Fund, specified state agencies and programs, and local government in accordance with existing law. Because courts have discretion regarding the punishment imposed for violations of fire regulations established under Chapter 35 of Title 48, the effect of this bill on local government revenue is undetermined.



Frank A. Rainwater, Executive Director