



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 3719 Signed by Governor on May 19, 2017  
**Author:** Burns  
**Subject:** State Forester Authorized to Prohibit Open Burning  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Stein and Walling  
**Impact Date:** August 3, 2017

**Estimate of Fiscal Impact**

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

**Fiscal Impact Summary**

This bill will 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**

**Signed by Governor on May 19, 2017**

**State Expenditure**

This bill 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. 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 bill authorizes court discretion of punishment including a fine of five hundred dollars or more or the maximum prison time of sixty days, or both.

**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 Section 48-35-60 would be distributed to the General Fund, specified state agencies and programs, and local government in accordance with existing law. Considering courts have discretion regarding the punishment imposed for violations of fire regulations established under this section, 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 Section 48-35-60 would be distributed to the General Fund, specified state agencies and programs, and local government in accordance with existing law. Considering courts have discretion regarding the punishment imposed for violations of fire regulations established under this section, the effect of this bill on local government revenue is undetermined.



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Frank A. Rainwater, Executive Director