COMMITTEE REPORT

January 29, 2015

**H. 3035**

Introduced by Reps. Cobb‑Hunter, Long, Burns, Chumley, Kirby, Hixon, Toole, Corley, Gagnon, Duckworth, Hardee, Johnson, Clemmons, Douglas, Ballentine, Tallon, Hodges, Henegan, Hiott, V.S. Moss, Dillard and Knight

S. Printed 1/29/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3035) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 54 to Title 48 so as to enact the “Take Palmetto Pride Where You Live Act”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 24‑23‑115, as contained in SECTION 3, page 6, by deleting / means / on line 23 and inserting / includes /.

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill is not expected to significantly impact state expenditures. All agencies surveyed indicated that either the costs associated with implementation would be minimal and could be absorbed, or that there would be no cost to the agency.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill creates a 12-member commission that is staffed by the Department of Natural Resources and includes representatives from six state agencies. The commission is required to survey this and other states’ litter collection practices, develop a strategic state plan for litter control, coordinate the efforts of all state agencies, and report to the General Assembly biennially.

**Department of Natural Resources.**

The department reports that they have sufficient funding for one position to serve as staff to the commission. Any travel and communications expenditures are expected to be minimal and would be absorbed.

**Department of Transportation.**

The Department of Transportation reports that this bill will have minimal impact on agency expenditures that can be absorbed by the agency until a plan is approved and passed by the General Assembly. If the litter committee sets parameters for litter mitigation that result in additional costs to DOT above current levels, and additional funding is not legislatively provided, then the expenditures will be absorbed by current DOT state maintenance funds.

**Department of Corrections, Department of Public Safety, and Judicial Department.**

These agencies report that this bill will have minimal expenditure impact that can be absorbed by the agencies.

**Department of Probation, Pardon and Parole.**

The department indicates that this bill will have no expenditure impact on the general fund, federal, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 48 SO AS TO ENACT THE “TAKE PALMETTO PRIDE WHERE YOU LIVE ACT”, TO CREATE THE TAKE PALMETTO PRIDE WHERE YOU LIVE ACT COMMISSION UNDER THE AUSPICES OF, AND STAFFED BY, THE DEPARTMENT OF NATURAL RESOURCES AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO PROVIDE THAT THE COMMISSION SHALL DEVELOP A STRATEGIC STATE PLAN FOR LITTER REMOVAL, REDUCTION AND PREVENTION, AND LITTER LAW ENFORCEMENT THROUGH THE COORDINATION AND COOPERATION OF STATE AGENCIES, LOCAL GOVERNMENTS, PRIVATE PROFIT AND NONPROFIT ORGANIZATIONS, BUSINESS, AND INDUSTRY TO PROVIDE FOR THE COMPONENTS OF THE PLAN; TO AMEND SECTION 24‑23‑115, RELATING TO PUBLIC SERVICE WORK AS A CONDITION OF PROBATION OR SUSPENSION OF A SENTENCE, SO AS TO DEFINE “PUBLIC SERVICE WORK” AS PARTICIPATING IN A LITTER REMOVAL PROGRAM OR ANOTHER LITTER PROGRAM UNDER THE COMMISSION UNLESS THE COURT FINDS THAT PARTICIPATION IN SUCH A PROGRAM IS NOT APPROPRIATE FOR THE OFFENDER; AND TO REPEAL CHAPTER 67, TITLE 44 RELATING TO THE “LITTER CONTROL ACT OF 1978” UNDER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

Whereas, South Carolina has historically spent tens of millions of dollars to remove litter from our highways and roadsides and if the State were to stay on that course to deal with litter, it would be likely to spend an ever‑increasing amount of resources; and

Whereas, additionally, over the years, many groups, organizations, and agencies have used numerous methods to create and sustain a clean environment in which to live, work, and play; despite their best efforts, litter continues to occur and in great volume in our State; and

Whereas, litter results in significant social, environmental, and economic costs. It is aesthetically displeasing, presents a range of threats to human and ecologic health, impedes the attraction of new business to the State, and affects the quality of life for the citizens of South Carolina; and

Whereas, litter increases the risk of fire, personal injury, the spread of disease, pollutes waterways, and threatens wildlife. The impacts are real, the issue is genuine, and litter is increasingly being recognized as an important problem in South Carolina; and

Whereas, in an effort to improve the quality of life, the public health and environment, and the economy, this legislation proposes to establish a permanent commission to address the issues of litter removal, reduction and prevention, under the Department of Natural Resources with the responsibility to develop a balanced, comprehensive strategy to effectively address this statewide issue through the coordination and cooperation of state agencies, local governments, and private profit and nonprofit organizations in this State. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Take Palmetto Pride in Where You Live Act”.

SECTION 2. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 54

Take Palmetto Pride in Where You Live

Section 48‑54‑10. (A) There is established the Take Palmetto Pride in Where You Live Commission under the auspices of, and staffed by, the Department of Natural Resources. The commission shall serve as the lead agency for statewide litter removal, litter reduction and prevention, and litter law enforcement through facilitating communication, cooperation and coordination of the efforts and resources of state agencies, local governments, the private profit and nonprofit sectors, business, and industry.

(B) The commission is comprised of:

(1) the Director of the Department of Natural Resources, or his designee, who shall serve as the chairperson of the commission;

(2) the Director of the Department of Transportation, or his designee, who shall serve as the vice chairperson of the commission;

(3) the Director of the Department of Corrections or his designee;

(4) the Director of the Department of Probation, Parole and Pardon Services, or his designee;

(5) the Director of the Department of Public Safety, or his designee;

(6) the Director of Court Administration, or his designee;

(7) the Director of Palmetto Pride, or his designee;

(8) the Director of Keep America Beautiful South Carolina, or his designee;

(9) the Executive Director of the Municipal Association of South Carolina, or his designee;

(10) the Executive Director of the South Carolina Association of Counties, or his designee;

(11) the Executive Director of the South Carolina Sheriff’s Association, or his designee; and

(12) the President of the South Carolina Trucking Association, or his designee.

(C) The members of the commission shall serve ex officio and payment of any mileage, per diem, or subsistence is the responsibility of the department or organization the member represents.

(D) The commission must be staffed by the Department of Natural Resources and shall meet at least twice a year and at any time upon the call of the chair.

(E) In carrying out its responsibilities pursuant to this chapter, the commission may convene ad hoc committees as it considers necessary and utilize the assistance and expertise of other agencies, organizations, and resources to improve litter removal, reduction and prevention, and litter law enforcement in this State.

(F) All agencies of the State and local governments shall cooperate with the commission in carrying out its responsibilities pursuant to this chapter.

Section 48‑54‑20. The commission shall survey the incidence of litter violations and the primary type and locations of litter in this State; the system, frequency, method, and personnel used in the removal of litter; the existence and sponsorship of litter reduction and prevention programs and campaigns; and the incidence of litter law enforcement and prosecution in this State. The commission also shall evaluate ongoing public and private programs and campaigns addressing these litter issues including the value, effectiveness, and duplication of these programs and campaigns. This data must be utilized in developing the Strategic State Plan for Litter, as provided for in Section 48-54‑30, and as a baseline for measuring the effectiveness of programs and campaigns undertaken pursuant to this plan.

Section 48‑54‑30. (A) To provide effective, statewide litter removal, reduction and prevention, and litter law enforcement, the commission shall develop a Strategic State Plan for Litter, which must be balanced and comprehensive, but flexible and dynamic in order to be revised and expanded to encompass new innovations, methods, and resources.

(B)(1) The plan must address the overall goal of reducing litter through developing coordinated, cost‑effective, and efficient methods of litter removal, litter reduction and prevention, and litter law enforcement.

(2) To perform litter removal activities, the plan must:

(a) identify and prioritize sites for litter removal and determine ways to expand the pool of individuals performing litter removal;

(b) identify and coordinate state agencies, local governments, and private profit and nonprofit organizations that will engage in litter removal and identify their roles and responsibilities in the performance of litter removal including the responsibility of removal of animal carcasses;

(c) facilitate the development of policies and procedures to be utilized by state agencies, local governments, and private profit and nonprofit organizations for litter removal including, but not limited to, scheduling and coordinating litter removal, providing transportation and supervision of individuals performing litter removal, and determining methods and systems for the litter removal process, including the pickup of collected, removed litter; and

(d) develop and facilitate the use of interagency agreements or memoranda of agreements under which state agencies, local government, and private profit and nonprofit organizations can coordinate and cooperate in fulfilling their litter removal obligations under the plan.

(3) To carry out litter reduction and prevention, the plan must:

(a) identify and evaluate existing public education and awareness programs and campaigns for continuation, modification, or consolidation;

(b) publicize and promote participation in litter reduction and prevention programs and campaigns; facilitate the communication, coordination, and cooperation among state agencies, local government, private profit and nonprofit organizations, business, and industry participating in litter reduction and prevention programs and campaigns; and

(c) conduct research on the development of new and innovative public awareness and education programs including the development of litter programs for schools and community organizations and the development of public awareness through media outlets and other public means.

(4) To increase the enforcement of litter law violations, the plan must:

(a) educate law enforcement and the judiciary about the detrimental impact of litter in this State and the role and importance of enforcing litter laws;

(b) publicize and promote existing methods of effective reporting of litter law violations;

(c) conduct research and evaluate how other states and jurisdictions have increased enforcement of litter laws.

(5) The plan must include the awarding of meaningful recognition and effective incentives to promote and encourage participation in appropriate litter removal, reduction and prevention, and litter law enforcement programs and campaigns.

Section 48‑54‑40. (A) Biennially, the commission shall review and evaluate its Strategic State Plan for Litter to identify areas of progress and improvement in attaining the overall goal of reducing litter in this State and barriers to achieving this goal. Accordingly, the commission shall revise the plan to incorporate its findings. (B) The commission biennially, following its review and evaluation of its Strategic State Plan for Litter, shall submit a report in writing to the General Assembly before November sixteenth in even numbered years, beginning in 2016. The report must include, but is not limited to, the extent programs and campaigns for litter removal, reduction and prevention, and litter law enforcement have made progress in reaching the overall goal of litter reduction in this State; the extent the commission has been successful in facilitating the coordination and cooperation among state agencies, local government, and private profit and nonprofit organizations in the development and implementation of programs and campaigns undertaken pursuant to the Strategic State Plan for Litter; whether the incidence of litter violations have decreased and whether the enforcement of litter laws and prosecutions have increased; measurements of the effectiveness of litter removal, reduction and prevention, and litter law enforcement programs and campaigns; new programs implemented; and recommendations for legislative changes needed to assist the commission in achieving the overall goal of litter reduction and in carrying out its duties and responsibilities under this chapter.”

SECTION 3. Section 24‑23‑115 of the 1976 Code is amended by adding a new paragraph at the end to read:

“For purposes of this section, ‘public service work’ means participating in a litter removal program on or along the roadways of this State or participating in another program for the removal, reduction, or prevention of littering, as provided for in Chapter 54, Title 48, unless a court of competent jurisdiction determines that participation in such a program is not appropriate for the offender.”

SECTION 4. Chapter 67, Title 44 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor.

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