



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0394 Introduced on January 22, 2019
Author: Talley
Subject: Auxiliary Containers
Requestor: Senate Labor, Commerce, and Industry
RFA Analyst(s): Shuford
Impact Date: February 18, 2019

Fiscal Impact Summary

Based on our survey of local governments, we expect that this bill will have no expenditure impact on the counties and municipalities that do not currently regulate auxiliary containers. Except for Folly Beach, the counties and municipalities that currently regulate auxiliary containers did not estimate the amount of additional expenditures required from this bill. Therefore, due to the limited data available from local governments that currently regulate auxiliary containers, our office is unable to determine the expenditure impact of this bill on counties and municipalities. Since this bill allows a county or municipality to elect to impose a fine of up to \$1,000 for a violation of a local ordinance pertaining to the use of auxiliary containers within the exempted properties listed below, our office is unable to determine the expenditure impact of this bill on county and municipal governments.

Explanation of Fiscal Impact

Introduced on January 22, 2019

State Expenditure

N/A

State Revenue

N/A

Local Expenditure

This bill requires that any regulation regarding the use, disposition, sale, or imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly. This bill supersedes and preempts any county or municipality ordinance that regulates the use, disposition, sale, or imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers. The provisions of this bill do not apply to the use of auxiliary containers within the boundaries of state parks, coastal tidelands, wetlands, or on a public beach, river, or other body of water maintained by a county or municipality. Based on our research, we found that at least one county and ten municipalities impose some type of ban on auxiliary containers. These include Beaufort County and the municipalities of Charleston, Isle of Palms, Mount Pleasant, Hilton Head Island, Bluffton, Port Royal, Beaufort, Surfside Beach, Folly Beach, and Arcadia Lakes.

The Revenue and Fiscal Affairs Office contacted forty-six counties and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. Fifteen

counties and two municipalities responded. Charleston, Cherokee, Clarendon, Dillon, Florence, Georgetown, Greenville, Horry, Lee, Lancaster, McCormick, Lexington, Marion, and Oconee counties all indicated there will be no expenditure impact since they do not have auxiliary container ban ordinances. Beaufort County indicates that they adopted a ban of single-use plastic bags on January 22, 2018. The county suggests that a repeal of this ordinance will encourage the use of these plastic bags, which would increase the amount of litter. The county did not estimate the additional cost from the increased amount of litter. The municipalities of Mount Pleasant and Folly Beach report that they ban the use of auxiliary containers and the repeal of the local ordinance may result in additional litter. Folly Beach estimates that personnel and other operating costs to pick up the additional litter from the beach during the summer would increase expenditures by \$158,600 per year.

Based on these responses, we expect that this bill will have no expenditure impact on the counties and municipalities that currently do not regulate auxiliary containers. Except for Folly Beach, the counties and municipalities that currently regulate auxiliary containers did not estimate the amount of additional expenditures required from this bill. Therefore, due to the limited data available from local governments that currently regulate auxiliary containers, our office is unable to determine the expenditure impact of this bill on counties and municipalities.

Local Revenue

A county or municipality may elect to impose a fine of up to \$1,000 for violation of an ordinance pertaining to the use of auxiliary containers within the exempted properties listed below:

- a state, county, or municipal park
- a property owned by the county or municipality, including, but not limited to, coastal tidelands, wetlands
- a public beach, river, or other body of water maintained by a county or municipality.

Since this bill allows a county or municipality to elect to impose a fine of up to \$1,000 for a violation of a local ordinance pertaining to the use of auxiliary containers within the exempted properties listed above, our office is unable to determine the expenditure impact of this bill on county and municipal governments.



Frank A. Rainwater, Executive Director