

**South Carolina General Assembly**  
120th Session, 2013-2014

**S. 203**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Verdin, Coleman, Peeler, Shealy and Gregory

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Companion/Similar bill(s): 3290

Introduced in the Senate on January 9, 2013

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Business Freedom to Choose Act

**HISTORY OF LEGISLATIVE ACTIONS**

| Date     | Body   | Action Description with journal page number   |
|----------|--------|---|
| 1/9/2013 | Senate | Introduced and read first time ( <a href="#">Senate Journal-page 9</a> )                  |
| 1/9/2013 | Senate | Referred to Committee on <b>Medical Affairs</b> ( <a href="#">Senate Journal-page 9</a> ) |

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**VERSIONS OF THIS BILL**

[1/9/2013](#)

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**A BILL**

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, TO ENACT THE “BUSINESS FREEDOM TO CHOOSE  
13 ACT”, BY AMENDING SECTION 44-96-80, RELATING TO  
14 COUNTY SOLID WASTE PROGRAMS, INCLUDING A  
15 COUNTY’S AUTHORITY TO ENACT ORDINANCES  
16 CONSISTENT WITH THE STATE PLAN, LAW, AND  
17 REGULATIONS, TO MAKE TECHNICAL CORRECTIONS,  
18 DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT  
19 AN ORDINANCE THAT RESTRICTS SOLID WASTE  
20 DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE  
21 DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING  
22 PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF  
23 THIS CHAPTER; AND TO AMEND SECTION 44-55-1210,  
24 RELATING TO A COUNTY’S AUTHORITY TO REQUIRE  
25 THE COLLECTION AND DISPOSAL OF SOLID WASTE, TO  
26 PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE  
27 EXTENT THAT THE ORDINANCE RESTRICTS OR  
28 PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED  
29 FACILITY OR IMPEDES THE DEVELOPMENT OR  
30 IMPLEMENTATION OF A RECYCLING PROGRAM.

31  
32 Be it enacted by the General Assembly of the State of South  
33 Carolina:

34  
35 SECTION 1. This act may be cited as the “Business Freedom to  
36 Choose Act”.

37  
38 SECTION 2. Section 44-96-80(G) of the 1976 Code is amended  
39 to read:

40  
41 “(G)Counties are strongly encouraged to pursue a regional  
42 approach to solid waste management. Nothing in this chapter,

1 however, ~~shall~~ may be construed to require a county to participate  
2 in a regional plan or to prohibit two or more counties within the  
3 State which are not contiguous from preparing, approving, and  
4 submitting a regional solid waste management plan or one or more  
5 counties, including ~~industrial solid~~ industrial solid waste generators located ~~therein~~  
6 in these counties, from contracting with an in-state solid waste  
7 disposal facility located outside of the county or region. ~~Not later~~  
8 ~~than eighteen months after the date of enactment of this chapter,~~  
9 ~~each county shall notify the department in writing whether it~~  
10 ~~intends to submit a single county solid waste management plan or~~  
11 ~~to participate in a regional plan.”~~

12  
13 SECTION 3. Section 44-96-80(K) of the 1976 Code is amended  
14 to read:

15  
16 “(K) The governing body of a county is authorized to enact ~~such~~  
17 ~~ordinances as may be necessary~~ ordinances as may be necessary to carry out its responsibilities  
18 under this chapter; ~~provided, however, that the governing body of~~  
19 ~~a county,~~ but may not enact an ordinance inconsistent with the  
20 state solid waste management plan, with ~~any~~ a provision of this  
21 chapter, with ~~any other~~ another applicable provision of state law,  
22 or with any regulation promulgated by the department providing  
23 for the protection of public health and public safety or ~~for~~  
24 ~~protection of the environment.~~ Any ordinance that restricts or  
25 prohibits disposal of waste at any permitted solid waste  
26 management facility regardless of location or impedes the  
27 development or implementation of a public or private recycling  
28 program regardless of location is considered inconsistent with the  
29 provisions of this chapter.”

30  
31 SECTION 4. Section 44-55-1210 of the 1976 Code is amended to  
32 read:

33  
34 “Section 44-55-1210. The governing body of ~~any~~ a county may  
35 by ordinance or resolution provide that the county ~~shall~~ must  
36 engage in the collection and disposal of solid waste. ~~Such~~ This  
37 collection and disposal may be accomplished either by use of  
38 county employees and equipment or by contract with a private  
39 ~~agencies~~ entity or ~~municipalities~~ municipality of the county.  
40 ~~Service charges~~ A service charge may be levied against ~~persons~~ a  
41 person for whom a collection ~~services are~~ service is provided  
42 whether ~~such services are~~ this service is performed by the county,  
43 a municipality, or a private ~~agency~~ entity. To the extent that a

1 county ordinance restricts or prohibits disposal of waste at a  
2 permitted solid waste management facility regardless of location or  
3 impedes the development or implementation of a public or private  
4 recycling program regardless of location, the ordinance is void.”

5

6 SECTION 5. This act takes effect upon approval by the Governor  
7 and applies to ordinances in existence on or after the effective date  
8 of this act. Any ordinance enacted prior to the effective date of  
9 this act is rendered invalid from the effective date of this act  
10 forward.

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