**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3051**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Erickson, Harrison, G.R. Smith, Long, Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole, Viers, Ballentine, Henderson, Bedingfield and Bingham

Document Path: l:\council\bills\dka\3119sd11.docx

Companion/Similar bill(s): 205

Introduced in the House on January 11, 2011

Introduced in the Senate on May 3, 2011

Last Amended on April 28, 2011

Currently residing in the Senate Committee on **Finance**

Summary: Fee increase or implementation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 24](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 24](file:///h:\hj%20archive\2011\01-11-11.docx))

1/12/2011 House Member(s) request name added as sponsor: Long

3/30/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 32](file:///h:\hj%20archive\2011\03-30-11.docx))

3/30/2011 House Referred to Committee on **Ways and Means** ([House Journal‑page 32](file:///h:\hj%20archive\2011\03-30-11.docx))

3/31/2011 Scrivener's error corrected

4/5/2011 House Member(s) request name added as sponsor: Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole

4/14/2011 House Recalled from Committee on **Ways and Means** ([House Journal‑page 34](file:///h:\hj%20archive\2011\04-14-11.docx))

4/26/2011 House Member(s) request name added as sponsor: Viers, Ballentine, Henderson, Bedingfield, Bingham

4/26/2011 House Requests for debate‑Rep(s). Ott, Skelton, Jefferson, Mack, Weeks, Battle, Herbkersman, Erickson, King, Parker, Allison, Williams, Bowers, McEachern, Brady, Knight, Brantley, Clyburn, Bikas, Frye, Hosey, and Patrick ([House Journal‑page 95](file:///h:\hj%20archive\2011\04-26-11.docx))

4/27/2011 House Requests for debate removed‑Rep(s). Bikas, Skelton, Patrick, Parker, Herbkersman, Ott, Bowers, Allison, Brantley, and Clyburn ([House Journal‑page 76](file:///h:\hj%20archive\2011\04-27-11.docx))

4/27/2011 House Requests for debate removed‑Rep(s). Jefferson, Erickson, Frye, Mack, Weeks, Hosey, Knight, McEachern, and King ([House Journal‑page 88](file:///h:\hj%20archive\2011\04-27-11.docx))

4/28/2011 House Amended ([House Journal‑page 21](file:///h:\hj%20archive\2011\04-28-11.docx))

4/28/2011 House Read second time ([House Journal‑page 21](file:///h:\hj%20archive\2011\04-28-11.docx))

4/28/2011 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 21](file:///h:\hj%20archive\2011\04-28-11.docx))

4/28/2011 House Unanimous consent for third reading on next legislative day ([House Journal‑page 24](file:///h:\hj%20archive\2011\04-28-11.docx))

4/29/2011 House Read third time and sent to Senate ([House Journal‑page 2](file:///h:\hj%20archive\2011\04-29-11.docx))

5/3/2011 Senate Introduced and read first time ([Senate Journal‑page 19](file:///h:\sj%20archive\2011\05-03-11.docx))

5/3/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 19](file:///h:\sj%20archive\2011\05-03-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3051_20101207.docx)

[3/30/2011](file:///p:\pprever\2011-12\3051_20110330.docx)

[3/31/2011](file:///p:\pprever\2011-12\3051_20110331.docx)

[4/14/2011](file:///p:\pprever\2011-12\3051_20110414.docx)

[4/28/2011](file:///p:\pprever\2011-12\3051_20110428.docx)

AMENDED

April 28, 2011

**H. 3051**

Introduced by Reps. Erickson, Harrison, G.R. Smith, Long, Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole, Viers, Ballentine, Henderson, Bedingfield and Bingham

S. Printed 4/28/11--H.

Read the first time January 11, 2011.

**A** **JOINT RESOLUTION**

TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION ON A RECORDED ROLL CALL VOTE; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

Amend Title To Conform

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

SECTION 1. (A) Notwithstanding any other provision of law, beginning on the effective date of this section, no state agency, department, or entity by regulation may administratively increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction without the specific approval of the increased or new fee, fine, or penalty by the General Assembly by joint resolution on a recorded roll call vote. General approval by the General Assembly by joint resolution of a regulation of a state agency or department under the Administrative Procedures Act wherein a fee, fine, or penalty increase or imposition is contained does not constitute approval under the requirements of this section, and if an increase or implementation is contained in that joint resolution, the increase or implementation is null and void.

(B) The provisions of this section do not apply to:

(1) any regulation pending approval by the General Assembly which contain fees, fines, or both that have been previously authorized by statute;

(2) any fees or charges made by public institutions of higher learning as defined in Section 59‑103‑5;

(3) charges, fees, or fines related to marine terminal operations, facilities, and services, or to charges, fees, or fines which are governed by marine terminal operator tariffs or contracts;

(4) the South Carolina Public Service Authority;

(5) federally mandated programs that require federally mandated fee, fine, or penalty schedules;

(6) the Department of Parks, Recreation and Tourism; and

(7) any fees set pursuant to the Atlantic Interstate Low‑Level Radioactive Waste Compact Implementation Act.

(C) The provisions of this section expire on July 1, 2012, unless reauthorized by the General Assembly by law.

SECTION 2. This joint resolution takes effect upon approval by the Governor and only applies prospectively.

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