

Senator McConnell prepared the following informational papers to provide an overview and background for each issue under consideration by the Fiscally Fit subcommittee. Senate Judiciary Committee staff assisted in providing research and preparation of these papers; however, these informational papers reflect the opinions of Senator McConnell and not necessarily the opinions of all members of the Fiscally Fit subcommittee, the Senate Judiciary Committee, or the South Carolina Senate.

## ***LET'S MAKE SOUTH CAROLINA "FISCALLY FIT"***

*By Senator Glenn McConnell*

### **Regulatory Reform**

The South Carolina Constitution requires that a bill or joint resolution may not have the force of law unless it receives three readings on three separate days in each house. The framers of our constitution were seemingly concerned about laws that impacted the wallets and the liberty of South Carolina being enacted without being considered over several days and being voted on by their elected representatives at least twice in each house.

However, regulations, which are submitted to the General Assembly by executive agencies and which have the force and effect of law, do not have the same requirements. In fact, South Carolina law states that regulations become effective 120 days after the regulations are submitted, unless the General Assembly takes specific action to disapprove of the proposed language. In 2011, 18 regulations became effective by inaction of the General Assembly. In 2010, 29 regulations became effective in this manner. Many of those regulations contained fees and fines that were never voted on by the Senate or by the House of Representatives, and, now, those fees and fines are being

enforced and collected by the executive agencies. In Washington, we have seen what happens when elected officials abdicate their roles in favor of bureaucrats. We end up with situations like the Environmental Protection Agency beginning cap and trade programs, even though Congress did not approve such a measure. The role of writing laws must be done by those who are answerable to the public and not by unelected bureaucrats with a singular special interest.

H. 3226 was introduced by Rep. Bedingfield in the House of Representatives. It addresses the manner in which regulations are approved in South Carolina. This bill provides that regulations would have to be submitted to the General Assembly and would have to receive a vote in each body. To become effective, the regulation would have to receive a majority vote in both the Senate and the House of Representatives. The House approved this bill by a vote of 97-1. The bill received first reading in the Senate after the May 1<sup>st</sup> crossover deadline on May 12, 2011, and was then referred to the Senate Judiciary Committee.

S. 14 would also make changes to the above-mentioned process. S. 14 would add a new statute to the South Carolina Code to provide that agencies, departments, and entities could not increase or implement a fine or penalty in regulation or by administrative action. The bill also provides the General Assembly could not increase or implement a fine or fee in the general

appropriations bill and could only do so by a separate act. This bill was pre-filed by Sen. McConnell and was referred to the Judiciary Committee. The bill was then sent to a subcommittee.

These bills, if enacted, could help to limit government growth in South Carolina by reducing the government's reach through regulations that are not voted on by legislators but, instead, are put into motion by bureaucrats. Regulations that are established by agencies, especially those that create fees or fines, hinder both individuals and businesses. If we want to restrict the long hand of government, then regulations that have the force and effect of law need only be implemented if the people, through their representatives, choose to do so through a public vote.