COMMITTEE REPORT

April 28, 2022

**S. 17**

Introduced by Senators Rankin and Loftis

S. Printed 4/28/22--H.

Read the first time March 8, 2022.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Joint Resolution (S. 17) to extend certain government approvals affecting economic development, etc., respectfully

**REPORT:**

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

G. MURRELL SMITH, JR. for Committee.

**A** **JOINT RESOLUTION**

TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

Whereas, there exists a state of economic emergency in the State of South Carolina and the nation, which has drastically affected various segments of the South Carolina economy; and

Whereas, as a result of the COVID-19 pandemic, the economy has experienced a decline, including reduced demand, canceled orders, declining sales and rentals, and layoffs; and

Whereas, the current national economic downturn has severely weakened several industries due to closures and a dearth of buyers during the COVID-19 pandemic, uncertainty over the state of the economy, and increasing levels of unemployment; and

Whereas, it is the purpose of this joint resolution to help rectify some of the hardships currently being faced through an extension of permits. Now, therefore,

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

SECTION 1. This joint resolution must be known and may be cited as the “Permit Extension Joint Resolution of 2022”.

SECTION 2. As used in this resolution:

(1) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(2) ‘Development’ means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility; or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building, other structure, land, or extension of the use of land.

(3) ‘Development approval’ means an approval issued by the State, an agency or subdivision of the State, regardless of the form of the approval, that is for the development of land or for the provision of water or wastewater services by a governmental entity, including:

(a) an approval of an erosion and sedimentation control plan, land disturbance permit application, or stormwater management plan granted by a local government or by the department;

(b) a coastal zone consistency certification issued by the department’s Office of Ocean and Coastal Resource Management;

(c) a water or wastewater permit issued by the department, including authorization for construction and installation of lines and infrastructure extending water and sewer service and authorization to connect to available or proposed lines and infrastructure;

(d) a National Pollutant Discharge Elimination System permit issued by the department for the construction, operation, and expansion of a publicly-owned treatment works;

(e) a 401 water quality certification issued by the department;

(f) a critical area permit issued by the department’s Office of Ocean and Coastal Resource Management; and

(g) an air quality permit issued by the department.

SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2020, and ending December 31, 2023, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2020, and ending December 31, 2023.

SECTION 4. This joint resolution may not be construed or implemented to:

(1) extend a permit or approval issued by the United States or its agencies or instrumentalities;

(2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;

(3) shorten the duration that a development approval would have had in the absence of this joint resolution;

(4) prohibit the granting of additional extensions provided by law;

(5) affect an administrative consent order issued by the department in effect or issued at any time from the effective date of this resolution to December 31, 2023;

(6) affect the ability of a governmental entity to revoke or modify a development approval pursuant to law or the issued permit;

(7) modify a requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program;

(8) affect a Certificate of Need issued pursuant to Article 3, Chapter 7, Title 44 of the 1976 Code or a Demonstration of Need issued pursuant to Article 2, Chapter 96, Title 44 of the 1976 Code; or

(9) affect SCDHEC‑OCRM permits issued pursuant to R.30‑12(N) Access to Coastal Islands.

SECTION 5. Within thirty days after the effective date of this joint resolution, each agency or subdivision of the State to which this joint resolution applies shall place a notice in the State Register listing the types of development approvals that the agency or subdivision issues and noting the extension provided in this joint resolution. This SECTION does not apply to units of local government.

SECTION 6. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 7. This joint resolution takes effect upon approval by the Governor.

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