

**REPORT OF THE
GENERAL GOVERNMENT,
PERSONNEL & BENEFITS SUBCOMMITTEE**
(Cobb-Hunter, Hayes, Bannister, Moss, Willis - Staff Contact: Sarah Hearn)

SENATE BILL 17

S. 17 -- Senators Rankin and Loftis: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

Received by Ways and Means:

March 8, 2022

Summary of Bill:

This joint resolution provides for the extension of valid permits issued for construction, reconstruction, and other development of land for a period beginning January 1, 2020, and ending December 31, 2023. These developmental permits include: 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 of Health and Environmental Control; a coastal zone consistency certification issued by DHEC's Office of Ocean and Coastal Resource Management; a water or wastewater permit issued by DHEC, 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; a National Pollutant Discharge Elimination System permit issued by DHEC for the construction, operation, and expansion of a publicly-owned treatment works; a 401 water quality certification issued by DHEC; a critical area permit issued by DHEC's Office of Ocean and Coastal Resource Management; and, an air quality permit issued by DHEC.

Estimated Revenue Impact:

This joint resolution, also known as the Permit Extension Joint Resolution of 2021, extends the approval of certain permits issued by DHEC. The permit must be current and valid at any time between January 1, 2018 and December 31, 2023. DHEC indicates that there is no expenditure impact on the agency because the implementation of the bill will be accomplished using its existing resources.

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

DHEC indicates that the extension of certain permits may decrease the number of fees that would normally be collected during the permit application process. While the amount of the decrease is undetermined, the agency expects it to be small and not to impact agency operations.

Subcommittee Recommendation:

Reported favorably out of subcommittee on 4/26/2022.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0017 Introduced on January 12, 2021
Author: Rankin
Subject: Economic Development
Requestor: Senate Judiciary
RFA Analyst(s): Griffith
Impact Date: April 19, 2021

Fiscal Impact Summary

This joint resolution extends the approval of certain permits issued by the Department of Health and Environmental Control (DHEC). The department indicates that there is no expenditure impact on the agency because the implementation of the bill will be accomplished using its existing resources. While the amount of the decrease is undetermined, the agency expects it to be small and not to impact agency operations.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This joint resolution, also known as the Permit Extension Joint Resolution of 2021, extends the approval of certain permits issued by DHEC. The permit must be current and valid at any time between January 1, 2018 and December 31, 2023. DHEC indicates that there is no expenditure impact on the agency because the implementation of the bill will be accomplished using its existing resources.

State Revenue

DHEC indicates that the extension of certain permits may decrease the number of fees that would normally be collected during the permit application process. While the amount of the decrease is undetermined, the agency expects it to be small and not to impact agency operations.

Local Expenditure

N/A

Local Revenue

N/A

Frank A. Rainwater, Executive Director

South Carolina General Assembly
124th Session, 2021-2022

S. 17

STATUS INFORMATION

Joint Resolution

Sponsors: Senators Rankin and Loftis

Document Path: I:\s-res\lar\001perm.kmm.lar.docx

Introduced in the Senate on January 12, 2021

Introduced in the House on March 8, 2022

Last Amended on March 2, 2022

Currently residing in the House Committee on **Ways and Means**

Summary: Economic development

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/9/2020	Senate	Prefiled
12/9/2020	Senate	Referred to Committee on Judiciary
1/12/2021	Senate	Introduced and read first time (<u>Senate Journal-page 97</u>)
1/12/2021	Senate	Referred to Committee on Judiciary (<u>Senate Journal-page 97</u>)
4/6/2021	Senate	Referred to Subcommittee: Talley (ch), Hutto, Matthews, Climer, Senn, Cash, Harpootlian
2/11/2022	Senate	Referred to Subcommittee: Talley (ch), Hutto, Sabb, Matthews, Climer, Senn, Cash
2/23/2022	Senate	Committee report: Favorable with amendment Judiciary (<u>Senate Journal-page 6</u>)
2/24/2022		Scrivener's error corrected
3/2/2022	Senate	Committee Amendment Adopted (<u>Senate Journal-page 13</u>)
3/2/2022	Senate	Read second time (<u>Senate Journal-page 13</u>)
3/2/2022	Senate	Roll call Ayes-40 Nays-0 (<u>Senate Journal-page 13</u>)
3/3/2022		Scrivener's error corrected
3/3/2022	Senate	Read third time and sent to House (<u>Senate Journal-page 16</u>)
3/8/2022	House	Introduced and read first time
3/8/2022	House	Referred to Committee on Ways and Means (<u>House Journal-page 5</u>)

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VERSIONS OF THIS BILL

12/9/2020

2/23/2022

2/24/2022

3/2/2022

3/3/2022

1 COMMITTEE AMENDMENT ADOPTED

2 March 2, 2022

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S. 17

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Introduced by Senators Rankin and Loftis

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8 S. Printed 3/2/22--S.

9 Read the first time January 12, 2021.

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A JOINT RESOLUTION

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

Amend Title To Conform

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.

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

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

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

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

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

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

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

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

29 (g) an air quality permit issued by the department.
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31 SECTION 3. This joint resolution is intended to apply
32 retroactively. For development approval that is current and valid at
33 any point during the period beginning January 1, 2020, and ending
34 December 31, 2023, the running of the period of the development
35 approval and any associated vested right is suspended during the
36 period beginning January 1, 2020, and ending December 31, 2023.
37

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

40 (1) extend a permit or approval issued by the United States or
41 its agencies or instrumentalities;
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1 (2) extend a permit or approval for which the term or duration
2 of the permit or approval is specified or determined pursuant to
3 federal law;

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

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

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

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

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

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

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

23
24 SECTION 5. Within thirty days after the effective date of this joint
25 resolution, each agency or subdivision of the State to which this
26 joint resolution applies shall place a notice in the State Register
27 listing the types of development approvals that the agency or
28 subdivision issues and noting the extension provided in this joint
29 resolution. This SECTION does not apply to units of local
30 government.

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

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

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