~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 19, 2009

**H. 3882**

Introduced by Labor, Commerce and Industry Committee

S. Printed 5/19/09--S.

Read the first time April 28, 2009.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (H. 3882) to amend the Code of Laws of South Carolina, 1976, by adding Section 11‑11‑55 so as to provide the State Budget and Control Board shall develop, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑11‑55 SO AS TO PROVIDE THE STATE BUDGET AND CONTROL BOARD SHALL DEVELOP A WEB‑BASED APPLICATION FOR THE SUBMISSION OF QUESTIONS AND CONCERNS ABOUT STATE AGENCY LICENSING, PERMITTING, AND REGULATION OF ECONOMIC ACTIVITY, AND TO PROVIDE A STATE AGENCY THAT PROMULGATES REGULATIONS, ISSUES PERMITS OR LICENSES, AND HAS A WEBSITE ON THE INTERNET SHALL PLACE ON ITS WEBSITE HOMEPAGE A HYPERLINK OR UNIFORM RESOURCE LOCATOR THAT PROVIDES DIRECT ACCESS TO THIS WEB‑BASED APPLICATION; BY ADDING SECTION 48‑39‑155 SO AS TO PROVIDE A CERTIFICATION OF CONSISTENCY WITH THE COASTAL ZONE MANAGEMENT PLAN MUST BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITHIN THIRTY DAYS AFTER THE DATE THE REQUEST IS SUBMITTED TO THE DEPARTMENT FOR THIS CERTIFICATION, AND IF THE DEPARTMENT FAILS TO ISSUE A WRITTEN DECISION WITHIN THIS THIRTY‑DAY PERIOD, THE PROPOSED ACTIVITY OR LICENSE IS CONSIDERED CONSISTENT WITH THE COASTAL ZONE MANAGEMENT PLAN AND PROGRAM; AND TO AMEND SECTION 33‑41‑1110, RELATING TO A RENEWAL APPLICATION FOR A REGISTERED LIMITED LIABILITY COMPANY, SO AS TO PROVIDE THIS APPLICATION ANNUALLY MUST BE RENEWED BEFORE APRIL FIRST.

Whereas, the General Assembly recognizes that businesses in this State face unique challenges in the economic downturn and that, when businesses suffer, the people of this State who invest in or work for these businesses likewise suffer; and

Whereas, the General Assembly further recognizes that the purpose of government is not to hinder business operations and development, but to facilitate its growth for the good of our state’s workers and its economic development; and

Whereas, the General Assembly continuously must identify and streamline government operations and regulations to facilitate rather than hinder economic development, with the intended result being a growth in business and an increase in jobs that at least offer stability, security, and a living wage to the working people of South Carolina. Now, therefore,

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

SECTION 1. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑55. (A) The State Budget and Control Board, in an effort to ensure state agency licensing, permitting, and regulation of economic activity is not unduly burdensome on economic activity in this State, shall develop a web‑based application for the submission of questions and concerns about state agency licensing, permitting, and regulation of economic activity.

(B) A state agency that promulgates regulations, issues permits or licenses, and has a website on the Internet shall place on its website homepage a hyperlink or uniform resource locator that provides direct access to the web‑based application provided in subsection (A) of this section.”

SECTION 2. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48‑39‑155. A certification of consistency with the coastal zone management plan must be made by the Department of Health and Environmental Control within thirty days after the date the request is submitted to the department for this certification. If the department fails to issue a written decision within this thirty‑day period, the proposed activity or license is considered consistent with the coastal zone management plan and program.”

SECTION 3. Section 33‑41‑1110(C), (D), and (E) of the 1976 Code is amended to read:

“(C) The initial application or a renewal application filed with the Secretary of State must be accompanied by a fee of one hundred dollars. A renewal application annually must be filed before April first.

(D) ~~The Secretary of State shall register as a registered limited liability partnership and shall renew the registration of any registered limited liability partnership, any partnership that submits a completed application or renewal application with the required fee.~~ The Secretary of State shall register a partnership that submits a completed application with the required fee as a registered liability partnership and shall renew the registration of a registered liability partnership that submits a renewal application with the required fee.

~~(E)~~ ~~Registration is effective for one year after the date an application is filed unless voluntarily withdrawn pursuant to Section 33‑41‑1190. Registration, whether pursuant to an original application or a renewal application, as a registered limited liability partnership is renewed if during the sixty‑day period preceding the date the application or renewal application otherwise would have expired the partnership files with the Secretary of State a renewal application. A renewal application expires one year after the date an original application would have expired if the last renewal of the application had not occurred.~~”

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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