AMENDED

January 21, 2010

**S. 517**

Introduced by Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler, Rose, Campsen and S. Martin

S. Printed 1/21/10--S. [SEC 1/22/10 11:58 AM]

Read the first time March 4, 2009.

**A** **JOINT RESOLUTION**

TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL NOT AUTHORIZE A STATE AGENCY, DEPARTMENT, OR ENTITY TO INCREASE OR IMPLEMENT A FEE, PENALTY, OR FINE IN THE STATE GENERAL APPROPRIATIONS ACT OR OTHER ACTS SUPPLEMENTAL TO THAT ACT; TO PROVIDE THAT ANY INCREASE OR IMPLEMENTATION OF A FEE OR FINE MAY ONLY BE AUTHORIZED BY AN ACT SEPARATE FROM AN APPROPRIATIONS ACT; TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY MAY INCREASE OR IMPLEMENT BY REGULATION OR ADMINISTRATIVE ACTION A FEE, PENALTY, OR FINE; AND TO PROVIDE EXCEPTIONS FOR INTERNAL CHARGES BETWEEN STATE AGENCIES AND FOR FEES, INCLUDING TUITION, IMPOSED BY SCHOOLS AND COLLEGES ON STUDENTS; AND TO PROVIDE FOR THE EXPIRATION OF THIS JOINT RESOLUTION JULY 1, 2010, UNLESS REAUTHORIZED BY LAW.

Amend Title To Conform

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

SECTION 1. (A) The General Assembly shall not authorize a state agency, department, or entity to 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 in the temporary or permanent provisions of the State General Appropriation Act or acts supplemental thereto, and any increase or implementation of any fee or fine may only be authorized by an act separate from an appropriations act.

(B) Notwithstanding any other provision of law, from the effective date of this joint resolution, no state agency, department, or entity may 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 by regulation or administrative action.

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

(1) internal charges between state agencies, departments, or entities;

(2) fees or charges, including tuition, made by schools or colleges to students of the institution for instruction, activities, or materials provided or furnished to those students;

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

(4) the South Carolina Public Service Authority.

(D) The provisions of this section expire January 15, 2011, unless reauthorized by the General Assembly by law.

SECTION 2. (A) There is established the Other Funds Study Committee to review, study, and make recommendations concerning agency earmarked and restricted fund accounts to include a review of all sources of other fund revenue retained and expended for agency operations.

(B) The study committee must be composed of ten members. Notwithstanding Section 8-13-770, the committee shall be composed of:

(1) five members of the Senate appointed by the Chairman of the Senate Finance Committee; and

(2) five members of the House of Representatives appointed by the Chairman of the House Ways and Means Committee.

(C) The study committee shall make a preliminary report of its findings and recommendations to the General Assembly no later than January 15, 2011, at which time the study committee must be abolished.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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