AMENDED

April 28, 2011

**H. 3051**

Introduced by Reps. Erickson, Harrison, G.R. Smith, Long, Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole, Viers, Ballentine, Henderson, Bedingfield and Bingham

S. Printed 4/28/11--H.

Read the first time January 11, 2011.

**A** **JOINT RESOLUTION**

TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY 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 WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION ON A RECORDED ROLL CALL VOTE; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

Amend Title To Conform

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

SECTION 1. (A) Notwithstanding any other provision of law, beginning on the effective date of this section, no state agency, department, or entity by regulation may administratively 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 without the specific approval of the increased or new fee, fine, or penalty by the General Assembly by joint resolution on a recorded roll call vote. General approval by the General Assembly by joint resolution of a regulation of a state agency or department under the Administrative Procedures Act wherein a fee, fine, or penalty increase or imposition is contained does not constitute approval under the requirements of this section, and if an increase or implementation is contained in that joint resolution, the increase or implementation is null and void.

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

(1) any regulation pending approval by the General Assembly which contain fees, fines, or both that have been previously authorized by statute;

(2) any fees or charges made by public institutions of higher learning as defined in Section 59‑103‑5;

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

(4) the South Carolina Public Service Authority;

(5) federally mandated programs that require federally mandated fee, fine, or penalty schedules;

(6) the Department of Parks, Recreation and Tourism; and

(7) any fees set pursuant to the Atlantic Interstate Low‑Level Radioactive Waste Compact Implementation Act.

(C) The provisions of this section expire on July 1, 2012, unless reauthorized by the General Assembly by law.

SECTION 2. This joint resolution takes effect upon approval by the Governor and only applies prospectively.

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