COMMITTEE REPORT

February 23, 2022

**S. 17**

Introduced by Senators Rankin and Loftis

S. Printed 2/23/22--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 17) 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, etc., respectfully

**REPORT:**

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

Amend the joint resolution, as and if amended, page 1, by striking lines 35 and 36, and inserting therein the following:

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

Amend the joint resolution further, as and if amended, page 2, by striking lines 6 and 7, as contained in SECTION 2, and inserting therein the following:

/ State, an agency or subdivision of the State, regardless of the form of the approval, that is for the /

Amend the joint resolution further, as and if amended, page 2, by striking line 25 through line 43, as contained in SECTION 2, and inserting therein the following:

/ (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. /

Amend the joint resolution further, as and if amended, page 3, by striking line 2 through line 7, as contained in SECTION 3, and inserting therein the following:

/ 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. /

Amend the joint resolution further, as and if amended, page 3, by striking lines 23 and 24, as contained in SECTION 4, and inserting therein the following:

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

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**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.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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 2021”.

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, or a unit of local government, 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;

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

(h) an approval by a county or its duly authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, or a building permit. For a building permit that has expired and has not been renewed by the county for one year, the building permit must be issued at no additional cost; however, the building permit must comply with the existing rules and regulations in effect at the time the building permit is reissued; and

(i) an approval by a city or its duly authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, or a building permit. For a building permit that has expired and has not been renewed by the city for one year, the building permit must be issued at no additional cost; however, the building permit must comply with the existing rules and regulations in effect at the time the building permit is reissued.

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, 2018, 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, 2018, 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;

(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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