**South Carolina General Assembly**

119th Session, 2011-2012

**S. 205**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Davis, Shoopman, Massey, Bright, Bryant, Grooms, Peeler, Rose, McConnell, Campsen and S. Martin

Document Path: l:\council\bills\nbd\11069htc11.docx

Companion/Similar bill(s): 3051

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Finance**

Summary: Fees, penalties, and fines in General Appropriation Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Finance**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 95](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 95](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\205_20101201.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT AUTHORIZE A STATE AGENCY, DEPARTMENT, OR ENTITY TO INCREASE OR IMPLEMENT A FEE, PENALTY, OR FINE IN THE STATE ANNUAL GENERAL APPROPRIATIONS ACT OR OTHER ACTS SUPPLEMENTAL TO THAT ACT; TO PROVIDE THAT ANY INCREASE OR IMPLEMENTATION OF A FEE OR FINE ONLY MAY 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; TO PROVIDE EXCEPTIONS TO THESE PROHIBITIONS, TO PROVIDE FOR THE EXPIRATION OF THESE PROHIBITIONS JANUARY 15, 2013, UNLESS REAUTHORIZED BY LAW; AND TO ESTABLISH THE OTHER FUNDS STUDY COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING AGENCY EARMARKED AND RESTRICTED FUND ACCOUNTS, INCLUDING FUNDS FROM ALL SOURCES RETAINED AND EXPENDED FOR AGENCY OPERATIONS, TO PROVIDE FOR THE MEMBERSHIPS OF THE COMMITTEE, TO REQUIRE THE COMMITTEE TO REPORT ITS FINDING AND RECOMMENDATIONS NO LATER THAN JANUARY 15, 2013, AFTER WHICH THE COMMITTEE TERMINATES.

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

SECTION 1. (A) The General Assembly may 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, a state agency, department, or entity may not 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, 2013, 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 the provisions of Section 8‑13‑770 of the 1976 Code, the committee is 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 report of its findings and recommendations to the General Assembly no later than January 15, 2013, at which time the study committee terminates.

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

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