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Indicates New Matter

RECALLED

April 13, 2011

**H. 3226**

Introduced by Reps. Bedingfield, Stringer, G.R. Smith, Simrill, Harrison, Allison, G.M. Smith, Bingham, Viers, Ballentine, Harrell, Young, Herbkersman, Hixon, Taylor, Barfield, Loftis, Corbin, Clemmons, Hearn, Owens, Bowen and Norman

S. Printed 4/13/11--H. [SEC 4/19/11 12:12 PM]

Read the first time January 11, 2011.

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA REGULATORY REFORM ACT”; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑23‑122 SO AS TO PROVIDE THE GENERAL ASSEMBLY OR A COMMITTEE OF THE GENERAL ASSEMBLY MAY NOT AMEND OR OTHERWISE CHANGE AN AMENDMENT UNDER GENERAL ASSEMBLY REVIEW, AND ONLY THE AGENCY THAT SUBMITTED THE REGULATION FOR REVIEW MAY AMEND OR OTHERWISE CHANGE THE LANGUAGE OF A REGULATION IT SUBMITS FOR GENERAL ASSEMBLY REVIEW; TO AMEND SECTION 1‑23‑120, AS AMENDED, RELATING TO THE APPROVAL OF PROPOSED REGULATIONS, SO AS TO DELETE THE PROVISION OF AN AUTOMATIC APPROVAL AND TO INSTEAD PROVIDE AN AUTOMATIC VOTE IN THE HOUSE AND SENATE; AND TO AMEND SECTION 1‑23‑125, AS AMENDED, RELATING TO CERTAIN NOTICE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. This act must be known as and may be cited as the “South Carolina Regulatory Reform Act”.

SECTION 2. Article 1, Chapter 23, Title 1 is amended by adding:

“Section 1‑23‑122. Notwithstanding another provision of law, neither the General Assembly nor a committee of the General Assembly may amend or otherwise change the language of a regulation submitted for General Assembly review, and only the agency that submitted the regulation may make these changes.”

SECTION 3. Section 1‑23‑120(D) and (F) of the 1976 Code, as last amended by Act 104 of 2007, is further amended to read:

“(D) If a joint resolution to approve a regulation is not enacted within one hundred twenty days after the regulation is submitted to the General Assembly or if a joint resolution to disapprove a regulation has not been introduced by a standing committee to which the regulation was referred for review, the regulation ~~is effective upon publication in the State Register~~ must be submitted to the House and Senate for a vote to approve, and each body shall vote on the approval of the regulation within two legislative days of this submission. The regulation must receive an affirmative vote from a majority of members voting in each body in order to become effective, but it is disapproved if it fails to receive these votes. Upon introduction of the first joint resolution disapproving a regulation by a standing committee to which the regulation was referred for review, the one‑hundred‑twenty‑day period for automatic approval is tolled. A regulation may not be filed under the emergency provisions of Section 1‑23‑130 if a joint resolution to disapprove the regulation has been introduced by a standing committee to which the regulation was referred. Upon a negative vote by either the Senate or House of Representatives on the joint resolution disapproving the regulation and the notification in writing of the negative vote to the Speaker of the House of Representatives and the President of the Senate by the Clerk of the House in which the negative vote occurred, the remainder of the period begins to run. If the remainder of the period is less than ninety days, additional days must be added to the remainder to equal ninety days. The introduction of a joint resolution by the committee of either house does not prevent the introduction of a joint resolution by the committee of the other house to either approve or disapprove the regulations concerned. A joint resolution approving or disapproving a regulation must include:

(1) the synopsis of the regulation as required by subsection (B)(4);

(2) the summary of the final assessment report prepared by the division pursuant to Section 1‑23‑115 or, as required by subsection (B)(5), the statement or explanation that an assessment report is not required or is exempt.

(F) Any member of the General Assembly may introduce a joint resolution approving or disapproving a regulation thirty days following the date the regulations concerned are referred to a standing committee for review and no committee joint resolution approving or disapproving the regulations has been introduced and the regulations concerned have not been withdrawn by the promulgating agency pursuant to Section 1‑23‑125, but the introduction does not toll the one‑hundred‑twenty‑day legislative review period ~~of automatic approval~~.”

SECTION 4. Section 1‑23‑125(C) of the 1976 Code is amended to read:

“(C) The notification tolls the one‑hundred‑twenty‑day legislative review period ~~for automatic approval~~, and when an agency withdraws regulations from the General Assembly prior to the time a committee resolution to approve or disapprove the regulation has been introduced, the remainder of the period begins to run only on the date the regulations are resubmitted to the General Assembly. Upon resubmission of the regulations, additional days must be added to the days remaining in the legislative review period ~~for automatic approval~~, if less than twenty days, to equal twenty days, and a copy of the amended regulation must be given to each member of the committee. If an agency decides to take no action pursuant to subsection (B)(3), it shall notify the committee in writing and the remainder of the period begins to run only upon this notification.”

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

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