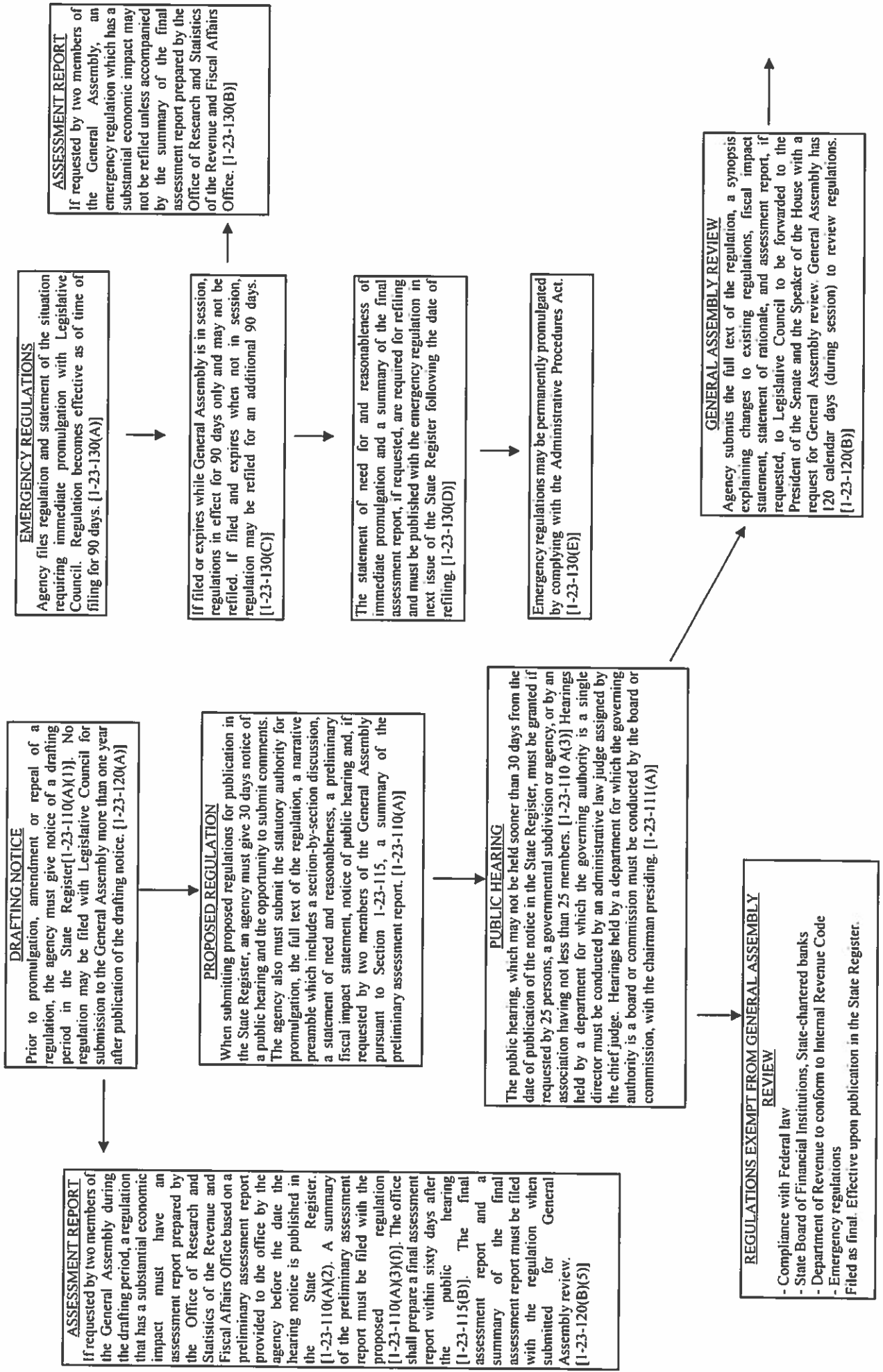


THE REGULATORY PROCESS IN SOUTH CAROLINA

As Amended by Act 1 of 2019
Prepared by Deirdre Brevard Smith, Editor
South Carolina State Register



The President and Speaker refer the regulation to the standing committees of the Senate and House most concerned with the function of the agency. [1-23-120(C)]

SENATE STANDING COMMITTEE

HOUSE STANDING COMMITTEE

If no action occurs in the committee within 60 days, the regulation must be placed on the agenda of the next scheduled full committee meeting. [1-23-120(C)]

NO COMMITTEE ACTION
If no legislation is introduced to disapprove or enact to approve the regulation prior to the expiration of the 120 day review period, the regulation is approved on the 120th day and effective upon publication in the State Register [1-23-120(D)]. Any member of the General Assembly may introduce a Joint Resolution approving or disapproving a regulation 30 days after the regulation is submitted to a standing committee if the standing committee has not introduced a Joint Resolution and the agency has not withdrawn the regulation, but the introduction does not toll the 120 day period for automatic approval.

Regulation approved.
Effective upon publication
in the State Register.

The committee, by majority vote, may request an assessment report. 120 day review period tolled. Remainder of review period begins to run upon receipt of report. Additional days must be added to the days remaining in the review period, if less than 20 days to equal 20 days. [1-23-115(A)]

COMMITTEE ACTION
Committee has four alternatives:

Introduction of a Joint Resolution approving regulation.

Resolution enacted by General Assembly.

Regulation approved.
Becomes effective on the date of publication in the State Register.

Introduction of a Joint Resolution approving an identifiable portion of the regulation and the remainder. [1-23-125 (A)]

Resolution enacted by General Assembly.

Regulation approved in part and disapproved in part.

Requests agency to withdraw regulation from General Assembly review and resubmit recommended changes needed to obtain committee approval. [1-23-125 (B)(1)]

Notification of request tolls 120 day automatic approval; period begins to run on date regulation resubmitted. [1-23-125 (C)]

Upon resubmission, additional days must be added to the review period, if less than 20 days to equal 20 days. [1-23-125(C)]

Agency withdraws and resubmits with recommended changes. [1-23-125(B)(1)]

Agency withdraws. If not resubmitted within 30 days, it is considered permanently withdrawn. [1-23-125(B)(1)]

Agency withdraws regulation permanently.

Agency takes no action. Abides by action of General Assembly. [1-23-125(B)(3)]

Remainder of review period begins to run upon notification to committee. [1-23-125 (C)]

Introduction of a Joint Resolution disapproving. [1-23-120(D)]

120 day period is tolled. [1-23-120(D)]

Resolution enacted.

Regulation not approved.

Regulations may not be filed under emergency provisions of Section 1-23-130. [1-23-120(D)]

Resolution receives negative vote. [1-23-120(D)]

Remainder of 120 day period begins to run. If remainder is less than 90 days, additional days added to equal 90. [1-23-120(D)]

Agency withdraws regulation on its own for any reason.



Agency withdraws and resubmits with no substantive changes. The regulation may be resubmitted by the agency during the legislative session without repeating the requirements of Sections 1-23-110 and 1-23-111 and 1-23-115, if applicable, if the resubmitted regulation contains no substantive changes from the previously submitted version. [1-23-125(E)]
The agency must notify the committees and the Editor of the State Register of the withdrawal.

END OF TWO-YEAR SESSION

A regulation is deemed withdrawn if it has not become effective by the date of publication of the next State Register published after the end of the two-year session in which the regulation was submitted to the President and Speaker for review. A regulation deemed withdrawn may be resubmitted by the agency for legislative review during the next legislative session without repeating the requirements of Sections 1-23-110 and 1-23-111 and 1-23-115, if applicable, if the resubmitted regulation contains no substantive changes from the previously submitted version.
[1-23-120 (G)]