**South Carolina General Assembly**

120th Session, 2013-2014

**A26, R29, S163**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campbell, McGill, O'Dell, Cleary, Ford and Alexander

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Introduced in the Senate on January 8, 2013

Introduced in the House on April 17, 2013

Last Amended on April 24, 2013

Passed by the General Assembly on April 30, 2013

Governor's Action: May 8, 2013, Signed

Summary: Motion picture tax rebate

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 106](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Finance** ([Senate Journal‑page 106](file:///h:\SJ%20Archive\2013\01-08-13.docx))

2/27/2013 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 23](file:///h:\SJ%20Archive\2013\02-27-13.docx))

2/28/2013 Scrivener's error corrected

4/10/2013 Senate Committee Amendment Adopted ([Senate Journal‑page 39](file:///h:\SJ%20Archive\2013\04-10-13.docx))

4/10/2013 Senate Read second time ([Senate Journal‑page 39](file:///h:\SJ%20Archive\2013\04-10-13.docx))

4/10/2013 Senate Roll call Ayes‑34 Nays‑9 ([Senate Journal‑page 39](file:///h:\SJ%20Archive\2013\04-10-13.docx))

4/11/2013 Scrivener's error corrected

4/16/2013 Senate Read third time and sent to House ([Senate Journal‑page 19](file:///h:\SJ%20Archive\2013\04-16-13.docx))

4/17/2013 House Introduced and read first time ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\04-17-13.docx))

4/17/2013 House Referred to Committee on **Ways and Means** ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\04-17-13.docx))

4/23/2013 House Recalled from Committee on **Ways and Means** ([House Journal‑page 107](file:///h:\HJ%20Archive\2013\04-23-13.docx))

4/24/2013 House Amended ([House Journal‑page 160](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/24/2013 House Read second time ([House Journal‑page 160](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/24/2013 House Roll call Yeas‑86 Nays‑16 ([House Journal‑page 161](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/25/2013 House Read third time and returned to Senate with amendments ([House Journal‑page 36](file:///h:\HJ%20Archive\2013\04-25-13.docx))

4/30/2013 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 72](file:///h:\SJ%20Archive\2013\04-30-13.docx))

4/30/2013 Senate Roll call Ayes‑28 Nays‑12 ([Senate Journal‑page 72](file:///h:\SJ%20Archive\2013\04-30-13.docx))

5/2/2013 Ratified R 29

5/8/2013 Signed By Governor

5/16/2013 Effective date 05/08/13

5/28/2013 Act No. 26

**VERSIONS OF THIS BILL**

[1/8/2013](file:///p:\pprever\2013-14\163_20130108.docx)

[2/27/2013](file:///p:\pprever\2013-14\163_20130227.docx)

[2/28/2013](file:///p:\pprever\2013-14\163_20130228.docx)

[4/10/2013](file:///p:\pprever\2013-14\163_20130410.docx)

[4/11/2013](file:///p:\pprever\2013-14\163_20130411.docx)

[4/23/2013](file:///p:\pprever\2013-14\163_20130423.docx)

[4/24/2013](file:///p:\pprever\2013-14\163_20130424.docx)

(A26, R29, S163)

**AN ACT TO AMEND SECTION 12‑62‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REBATE TO A MOTION PICTURE PRODUCTION COMPANY OF CERTAIN SOUTH CAROLINA PAYROLL, SO AS TO PROVIDE THAT THE REBATE FOR A QUALIFYING MOTION PICTURE COMPANY MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS AND MAY NOT EXCEED TWENTY‑FIVE PERCENT FOR RESIDENTS OF SOUTH CAROLINA; TO AMEND SECTION 12‑62‑60, AS AMENDED, RELATING TO THE REBATE OF CERTAIN EXPENDITURES OF A MOTION PICTURE PRODUCTION COMPANY, SO AS TO PROVIDE THAT THE DEPARTMENT OF PARKS, RECREATION AND TOURISM MAY REBATE UP TO THIRTY PERCENT OF THE EXPENDITURES IN SOUTH CAROLINA IF THERE IS A MINIMUM IN‑STATE EXPENDITURE OF ONE MILLION DOLLARS; AND BY ADDING SECTION 12‑62‑95 SO AS TO PROVIDE THAT THE PROVISIONS OF THE SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT DO NOT APPLY IF THE MOTION PICTURE OR TELEVISION PRODUCTION THAT IS MADE, IN WHOLE OR IN PART, IN SOUTH CAROLINA IS FOUND TO CONTAIN SCENES THE AVERAGE PERSON, APPLYING CONTEMPORARY STATE COMMUNITY STANDARDS WOULD FIND THAT THE WORK, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST, WHETHER THE WORK DEPICTS OR DESCRIBES, IN A PATENTLY OFFENSIVE WAY, SEXUAL CONDUCT, AND WHETHER THE WORK, TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE.**

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

**Revision of payroll tax rebate**

SECTION 1. Section 12‑62‑50(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

“(A)(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings, and may not exceed twenty‑five percent for South Carolina residents, for persons employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

**Revision of rebate based on expenditures**

SECTION 2. Section 12‑62‑60(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

“(A)(1) An amount equal to twenty‑six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in‑state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

**Inapplicability of chapter for works appealing to the prurient interest**

SECTION 3. Chapter 62, Title 12 of the 1976 Code is amended by adding:

“Section 12‑62‑95. The provisions of this chapter do not apply if the motion picture or television production that is made in whole or in part in South Carolina is found to contain scenes the average person, applying contemporary state community standards would find that the work, taken as a whole, appeals to the prurient interest, whether the work depicts or describes, in a patently offensive way, sexual conduct, and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. The department and the South Carolina Film Commission may not award any benefit offered by this chapter to a motion picture production company producing such motion picture.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 2nd day of May, 2013.

Approved the 8th day of May, 2013.

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