

SPONSOR(S): Rep. Simrill, Pitts

H. 4082

APRIL 18, 2012

Reference is to the bill as introduced.

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 38-7-20 of the 1976 Code, as last amended by Act 73 of 2003, is further amended to read:

"Section 38-7-20. (A) In addition to all license fees and taxes otherwise provided by law, there is levied upon each insurance company licensed by the director or his designee an insurance premium tax based upon total premiums, other than workers' compensation insurance premiums, and annuity considerations, written by the company in the State during each calendar year ending on the thirty-first day of December. For life insurance, the insurance premium tax levied herein is equal to three-fourths of one percent of the total premiums written. For all other types of insurance, the insurance premium tax levied in this section is equal to one and one-fourth percent of the total premiums written. In computing total premiums, return premiums on risks and dividends paid or credited to policyholders are excluded.

(B) Two and one quarter percent of the revenue of the premium taxes collected pursuant to this section must be transferred to the South Carolina Forestry Commission and used by that agency for firefighting, and firefighting equipment replacement. This transfer of funds shall cease after June 30, 2017.

SECTION 2. This act takes effect July 1, ~~2011~~.2012.

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HOUSE  
AMENDMENT

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THIS AMENDMENT  
ADOPTED

DRAFFIN/SHACKELFORD/PAIR  
APRIL 18, 2012

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CLERK OF THE HOUSE

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REP. HUGGINS PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 4610 (COUNCIL\DKA\4075SD12):

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. (A) THERE IS  
ESTABLISHED A JOINT COMMITTEE TO STUDY  
THE STATE'S SCHOOL BUS TRANSPORTATION  
SYSTEM AND THE FEASIBILITY OF  
DECENTRALIZING SCHOOL BUS OPERATIONS.  
THE COMMITTEE SHALL MEET AND STUDY ALL  
ASPECTS OF SCHOOL BUS TRANSPORTATION  
OPERATIONS PROVIDED BY THE STATE  
DEPARTMENT OF EDUCATION AND SHALL**

**EXAMINE THE FEASIBILITY OF MOVING FROM A STATE RUN SYSTEM TO A DISTRICT RUN SYSTEM. IN ITS STUDY, THE COMMITTEE MUST EXAMINE ISSUES RELATED TO GEOGRAPHIC LOCATIONS; ROUTES FOR WHICH DISTRICTS RECEIVE FUNDING FROM THE STATE AS WELL AS ADDITIONAL ROUTES PROVIDED NOT CURRENTLY COVERED BY THE STATE; STAFFING REQUIREMENT NEEDS; FUNDING, TO INCLUDE A BREAKDOWN OF ALL ESTIMATED EXPENSES DISTRICTS WILL INCUR WITH A DECENTRALIZATION OF THE SYSTEM; STUDENT SAFETY AND BUS SAFETY REQUIREMENTS; AND THE DISPOSITION OF ALL PROPERTY CURRENTLY UTILIZED BY THE STATE SCHOOL BUS TRANSPORTATION SYSTEM AND THE METHOD FOR AND RAMIFICATIONS OF TRANSFERRING SUCH PROPERTY. FURTHER, THE COMMITTEE SHALL REVIEW THE FEASIBILITY OF ASSIGNING MAINTENANCE RESPONSIBILITIES TO PRIVATE INDUSTRY IN WHOLE OR IN PART. IN CONDUCTING ITS WORK, THE COMMITTEE SHALL**

**SOLICIT TESTIMONY FROM THE PUBLIC. BASED ON THE FINDINGS OF THE COMMITTEE, THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY OUTLINING A NEXT COURSE OF ACTION REGARDING THE OPERATION OF SCHOOL BUS TRANSPORTATION SERVICES.**

**(B) THE COMMITTEE SHALL CONSIST OF THE FOURTEEN MEMBERS APPOINTED, OR TO SERVE EX OFFICIO AS FOLLOWS:**

**(1) TWO MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE;**

**(2) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;**

**(3) TWO MEMBERS APPOINTED BY THE GOVERNOR;**

**(4) THE SUPERINTENDENT OF EDUCATION, OR HIS DESIGNEE;**

**(5) THE CHAIRMAN OF THE STATE BOARD OF EDUCATION, OR HIS DESIGNEE;**

**(6) ONE MEMBER REPRESENTING COUNTY GOVERNMENT APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THOSE**

**RECOMMENDED BY THE ASSOCIATION OF COUNTIES;**

**(7) ONE MEMBER REPRESENTING LOCAL SCHOOL BOARDS OF TRUSTEES APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE FROM THOSE RECOMMENDED BY THE SOUTH CAROLINA SCHOOL BOARD ASSOCIATION;**

**(8) ONE MEMBER REPRESENTING SCHOOL FINANCE OFFICERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THOSE RECOMMENDED BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS;**

**(9) ONE MEMBER REPRESENTING SCHOOL DISTRICT TRANSPORTATION SUPERVISORS APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE FROM THOSE RECOMMENDED BY THE SOUTH CAROLINA ASSOCIATION OF STUDENT TRANSPORTATION;**

**(10) ONE MEMBER APPOINTED BY THE GOVERNOR REPRESENTING PRIVATE BUS COMPANIES FROM THOSE RECOMMENDED BY THE**

**MOTOR COACH ASSOCIATION OF SOUTH CAROLINA. THE APPOINTMENT MUST BE FROM A PRIVATE BUS COMPANY OPERATING IN THE STATE ON THE EFFECTIVE DATE OF THIS ACT WITH A SATISFACTORY SAFETY RATING; AND**

**(11) ONE MEMBER REPRESENTING SCHOOL ADMINISTRATORS APPOINTED BY THE SUPERINTENDENT OF EDUCATION FROM THOSE RECOMMENDED BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.**

**(C) APPOINTMENTS TO THE COMMITTEE MUST BE MADE NO LATER THAN THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS ACT. IN MAKING COMMITTEE APPOINTMENTS, THOSE MAKING APPOINTMENTS ARE ENCOURAGED, TO THE EXTENT POSSIBLE, TO INCLUDE REPRESENTATIVES FROM A VARIETY OF GEOGRAPHIC AREAS IN THE STATE AS WELL AS MEMBERS REPRESENTING LARGE, MEDIUM, SMALL, RURAL, SUBURBAN, AND URBAN SCHOOL DISTRICTS AND COUNTIES. CHAIRMAN OF THE COMMITTEE MUST BE ELECTED BY THE**

**MEMBERSHIP OF THE COMMITTEE AT ITS FIRST MEETING. THE HOUSE OF REPRESENTATIVES, THE SENATE, THE OFFICE OF THE GOVERNOR, AND THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE STAFF TO THE COMMITTEE AS SEEN FIT BY THE COMMITTEE. THE FIRST MEETING OF THE COMMITTEE MUST BE CALLED BY THE GOVERNOR NO LATER THAN JULY 1, 2012, AND THEREAFTER THE COMMITTEE SHALL MEET UPON THE CALL OF THE CHAIRMAN. THE COMMITTEE SHALL ISSUE ITS REPORT WITH FINDINGS AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2012. A COPY OF THE REPORT MUST BE TRANSMITTED TO THE GOVERNOR, THE GENERAL ASSEMBLY, THE STATE BOARD OF EDUCATION AND THE REPORT MUST BE POSTED ON THE RESPECTIVE WEBSITE OF EACH. THE COMMITTEE SHALL BE ABOLISHED ON THE DATE OF ITS REPORT OR DECEMBER 1, 2012, WHICHEVER OCCURS FIRST.**

**SECTION 2. COMMITTEE MEMBERS SHALL NOT RECEIVE MILEAGE, PER DIEM, AND SUBSISTENCE AS PROVIDED FOR BY LAW FOR MEMBERS OF STATE BOARDS, COMMISSIONS, AND COMMITTEES. /**

**SECTION 3. THIS ACT TAKES EFFECT UPON APPROVAL OF THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**



HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

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APRIL 17, 2012

CLERK OF THE HOUSE

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REP. OTT PROPOSES THE FOLLOWING AMENDMENT TO  
H. 4610 :

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. A COMMITTEE OF ELEVEN  
MEMBERS IS HEREBY CREATED TO STUDY THE  
DECENTRALIZATION OF THE PROVISION OF  
SCHOOL TRANSPORTATION SERVICES IN THIS  
STATE EITHER BY THE PUBLIC SECTOR, PRIVATE  
SECTOR, OR COMBINATION OF BOTH. THE STUDY  
OF THE COMMITTEE SHALL INCLUDE BUT IS NOT  
LIMITED TO THE MOST COST-EFFECTIVE,**

**EFFICIENT, AND SAFE WAY TO PROVIDE SCHOOL TRANSPORTATION SERVICES TO STUDENTS IN GRADES K-12 UTILIZING TO THE BEST EXTENT POSSIBLE AVAILABLE STATE AND LOCAL RESOURCES AND FUNDING. THE COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS, FOUR MEMBERS TO BE APPOINTED BY THE SPEAKER OF THE HOUSE, ONE OF WHICH MUST BE A SCHOOL DISTRICT FINANCE OFFICER, FOUR MEMBERS TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, ONE OF WHICH MUST BE A SCHOOL FINANCE OFFICER AND THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR. VACANCIES SHALL BE FILLED IN THE MANNER OF ORIGINAL APPOINTMENT. THE MEMBERS AT THEIR FIRST MEETING SHALL ELECT A CHAIRMAN, VICE CHAIRMAN, AND SUCH OTHER OFFICERS AS THEY DEEM NECESSARY. THE COMMITTEE SHALL MEET UPON THE CALL OF THE CHAIRMAN OR A MAJORITY OF ITS MEMBERS.**

**THE MEMBERS OF THE COMMITTEE SHALL RECEIVE SUCH MILEAGE, SUBSISTENCE, AND PER DIEM IN THE PERFORMANCE OF THEIR DUTIES AS IS PROVIDED BY LAW TO MEMBERS OF STATE BOARDS, COMMISSIONS, AND COMMITTEES TO BE PAID FROM THE APPROVED ACCOUNTS OF THE MEMBER'S APPOINTING AUTHORITY. THE STAFF OF THE HOUSE OF REPRESENTATIVES, THE SENATE, AND THE GOVERNOR'S OFFICE SHALL SUPPLY SUCH ASSISTANCE AS MAY BE NEEDED BY THE COMMITTEE IN THE PERFORMANCE OF ITS DUTIES. THE COMMITTEE SHALL RENDER ITS REPORT TO EACH HOUSE OF THE GENERAL ASSEMBLY AND THE GOVERNOR NO LATER THAN JANUARY 1, 2013, AT WHICH TIME THE COMMITTEE SHALL BE ABOLISHED.**

**SECTION 2. THIS ACT TAKES EFFECT UPON THE APPROVAL BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

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APRIL 17, 2012

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CLERK OF THE HOUSE

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REP. HUGGINS PROPOSES THE FOLLOWING AMENDMENT H.  
4610:

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. A COMMITTEE OF NINE MEMBERS  
IS HEREBY CREATED TO STUDY THE  
DECENTRALIZATION OF THE PROVISION OF  
SCHOOL TRANSPORTATION SERVICES IN THIS  
STATE EITHER BY THE PUBLIC SECTOR, PRIVATE  
SECTOR, OR COMBINATION OF BOTH. THE STUDY  
OF THE COMMITTEE SHALL INCLUDE BUT IS NOT  
LIMITED TO THE MOST COST-EFFECTIVE,**

**EFFICIENT, AND SAFE WAY TO PROVIDE SCHOOL TRANSPORTATION SERVICES TO STUDENTS IN GRADES K-12 UTILIZING TO THE BEST EXTENT POSSIBLE AVAILABLE STATE AND LOCAL RESOURCES AND FUNDING. THE COMMITTEE SHALL CONSIST OF NINE MEMBERS, THREE MEMBERS TO BE APPOINTED BY THE SPEAKER OF THE HOUSE, THREE MEMBERS TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR. THE COMMITTEE MUST INCLUDE MEMBERS OF THE GENERAL ASSEMBLY, TWO APPOINTED BY EACH BODY AS PRESCRIBED ABOVE AND THE REMAINDER TO INCLUDE SCHOOL DISTRICT FINANCE OFFICERS, SCHOOL DISTRICT TRANSPORTATION OFFICERS, AND PERSONS REPRESENTING PRIVATE SCHOOL BUS VENDORS. VACANCIES SHALL BE FILLED IN THE MANNER OF ORIGINAL APPOINTMENT. THE MEMBERS AT THEIR FIRST MEETING SHALL ELECT A CHAIRMAN, VICE CHAIRMAN, AND SUCH OTHER**

**OFFICERS AS THEY DEEM NECESSARY. THE COMMITTEE SHALL MEET UPON THE CALL OF THE CHAIRMAN OR A MAJORITY OF ITS MEMBERS.**

**THE MEMBERS OF THE COMMITTEE SHALL RECEIVE SUCH MILEAGE, SUBSISTENCE, AND PER DIEM IN THE PERFORMANCE OF THEIR DUTIES AS IS PROVIDED BY LAW TO MEMBERS OF STATE BOARDS, COMMISSIONS, AND COMMITTEES TO BE PAID FROM THE APPROVED ACCOUNTS OF THE MEMBER'S APPOINTING AUTHORITY. THE STAFF OF THE HOUSE OF REPRESENTATIVES, THE SENATE, AND THE GOVERNOR'S OFFICE SHALL SUPPLY SUCH ASSISTANCE AS MAY BE NEEDED BY THE COMMITTEE IN THE PERFORMANCE OF ITS DUTIES. THE COMMITTEE SHALL RENDER ITS REPORT TO EACH HOUSE OF THE GENERAL ASSEMBLY AND THE GOVERNOR NO LATER THAN JANUARY 1, 2013, AT WHICH TIME THE COMMITTEE SHALL BE ABOLISHED.**

**SECTION 2. THIS ACT TAKES EFFECT UPON THE  
APPROVAL BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

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HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

GOOD/DOWNEY  
APRIL 18, 2012

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CLERK OF THE HOUSE

REPS. COBB-HUNTER, OTT PROPOSES THE FOLLOWING  
AMENDMENT NO. TO H. 4484  
(COUNCIL\NBD\12362DG12):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING SECTION 2 IN ITS ENTIRETY AND  
INSERTING:/**

**/ SECTION 2. THIS ACT TAKES EFFECT  
UPON APPROVAL BY THE GOVERNOR. /**

RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.



#12

4/18/12

## **Sales and Income Tax Subcommittee**

**Representatives Ott and Bingham propose the following amendment to H. 4995:**

**Reference is to the bill as introduced.**

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (3) on page 1, lines 39 - 41 and page 2, lines 1 -2 and inserting:**

/ (3)(a) textbooks, books, magazines, periodicals, newspapers, and access to on-line information systems used in a course of study in primary and secondary schools and institutions of higher learning or for students' use in the school library of these schools and institutions; /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (35) on page 8, line 20 and inserting:**

/(35) motion picture film sold or rented to or by theaters; /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (43) on page 9, lines 12 - 22 and inserting:**

/(43) all supplies, technical equipment, machinery, and electricity sold to motion picture companies for use in filming or producing motion pictures. For the purposes of this item, 'motion picture' means any audiovisual work with a series of related images either on film, tape, or other embodiment, where the images shown in succession impart an impression of motion together with accompanying sound, if any, which is produced, adapted, or altered for exploitation as entertainment, advertising, promotional, industrial, or educational media; and a 'motion picture company' means a company generally engaged in the business of filming or producing motion pictures; /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (46) on page 9, lines 29 - 32 and inserting:**

/(46) War memorials or monuments honoring units or contingents of the Armed Forces of the United States or of the National Guard, including United States military vessels, which memorials or monuments are affixed to public property; /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (47) on page 9, lines 33 - 35 and inserting:**

/(47) tangible personal property sold to charitable hospitals predominantly serving children exempt under Section 12-37-220, where care is provided without charge to the patient. /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (57) on page 11, lines 30 - 41 and page 12, lines 1 - 13, and inserting:**

/(57)(a) sales taking place during a period beginning 12:01 a.m. on the first Friday in August and ending at twelve midnight the following Sunday of:

- (i) clothing;
- (ii) clothing accessories including, but not limited to, hats, scarves, hosiery, and handbags;
- (iii) footwear;
- (iv) school supplies including, but not limited to, pens, pencils, paper, binders, notebooks, books, bookbags, lunchboxes, and calculators;
- (v) computers, printers and printer supplies, and computer software;
- (vi) bath wash clothes, blankets, bed spreads, bed linens, sheet sets, comforter sets, bath towels, shower curtains, bath rugs and mats, pillows, and pillow cases.

(b) The exemption allowed by this item does not apply to:

- (i) sales of jewelry, cosmetics, eyewear, wallets, watches;
- (ii) sales of furniture;
- (iii) a sale of an item placed on layaway or similar deferred payment and delivery plan however described;
- (iv) rental of clothing or footwear;
- (v) a sale or lease of an item for use in a trade or business.

(c) Before July tenth of each year, the department shall publish and make available to the public and retailers a list of those articles qualifying for the exemption allowed by this item. /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (70) on page 15, lines 42 - 43 and inserting:**

/ (70)(a)gold, silver, or platinum bullion, or any combination of this bullion; /

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (72) on page 16, lines 24 - 35 and inserting:**

/ (72) any building materials used to construct a new or renovated building or any machinery or equipment located in a research district. However, the amount of the sales tax that would be assessed without the exemption provided by this section must be invested by the taxpayer in hydrogen or fuel cell machinery or equipment located in the same research district within twenty-four months of the purchase of an exempt item.

‘Research district’ means land owned by the State, a county, or other public entity that is designated as a research district by the University of South Carolina, Clemson University, the Medical University of South Carolina, South Carolina State University, or the Savannah River National Laboratory./

**Amend the bill, as and if amended, by deleting Section 12-36-2120 (76) on page 18, lines 12 - 17 and inserting:**

/ (76) sales of handguns as defined pursuant to Section 16-23-10(1), rifles, and shotguns during the forty-eight hours of the Second Amendment Weekend. For purposes of this item, the ‘Second

Amendment Weekend' begins at 12:01 a.m. on the Friday after Thanksgiving and ends at twelve midnight the following Saturday. /

**Amend the bill, as and if amended, by deleting Section 2 on page 20, lines 8 - 12, and inserting:**

/ The one percent tax specified in this item does not apply to sales to an individual eighty-five years of age or older purchasing tangible personal property for his own personal use, if at the time of sale, the individual requests the one percent exclusion from tax and provides the retailer with proof of age./

**Renumber sections to conform.**

**Amend title to conform.**

4/18/12

Amendment Number 13

Sales and Income Tax Subcommittee

Representative Garry Smith proposes the following amendment to H. 4995:

Reference is to the bill as introduced.

Amend the bill, as and if amended, by deleting Section 12-36-2120 (60) on page 12, line 37 and inserting:

/(60)a lottery ticket sold pursuant to Chapter 150 of Title 59; /

Renumber sections to conform.

Amend title to conform.