

## Session 113 - (1999-2000)

**H\*3782 (Rat #0312, Act #0283 of 2000) General Bill, By Campsen, Barfield, Barrett, Beck, Bowers, Cato, Cotty, Davenport, Delleney, Easterday, Edge, Emory, Gilham, Govan, Hamilton, Harrell, Harris, Harrison, Haskins, Klauber, Koon, Leach, Limehouse, Littlejohn, Loftis, Lourie, Lucas, Maddox, M. McLeod, W. McLeod, Meacham, Miller, J.H. Neal, Quinn, Rice, Robinson, Sandifer, Sheheen, Simrill, D. Smith, J. Smith, Stille, Stuart, Taylor, Vaughn, Whatley, Whipper and Woodrum**

**Summary:** Conservation Incentives Act, Property taxes, fee in lieu of; Research technology development, Businesses, Audiovisuals

A BILL TO ENACT THE "SOUTH CAROLINA CONSERVATION INCENTIVES ACT" AMENDING THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3515 SO AS TO ALLOW AN INCOME TAX CREDIT EQUAL TO TWENTY-FIVE PERCENT OF THE VALUE OF A FEDERAL INCOME TAX CHARITABLE DEDUCTION FOR A GIFT OF LAND FOR CONSERVATION OR FOR A QUALIFIED CONSERVATION CONTRIBUTION OF A QUALIFIED REAL PROPERTY INTEREST LOCATED IN THIS STATE WHEN DONATED AFTER MAY 31, 2001, TO PROVIDE A CAP ON THIS CREDIT AND TO DEFINE THE LANDS OVER WHICH THESE EASEMENTS APPLY WHICH ARE ELIGIBLE FOR THESE CREDITS, TO PROVIDE A CARRY FORWARD OF UNUSED CREDIT AND MAKE THE UNUSED CREDIT TRANSFERABLE UPON NOTICE TO THE DEPARTMENT OF REVENUE WITH THE CREDIT RETAINING ALL ITS ATTRIBUTES IN THE HANDS OF THE TRANSFEREE AND TO PROVIDE DEFINITIONS, BY ADDING ARTICLE 11 IN CHAPTER 3 OF TITLE 50, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO ESTABLISH THE CONSERVATION GRANT FUND IN THE STATE TREASURY, TO PROVIDE FOR THE PURPOSE, GOVERNANCE, AND SOURCE OF FUNDS FOR THIS FUND, INCLUDING THE PROMOTION OF DONATIONS OF LANDS AND CONSERVATION EASEMENTS AND AUTHORIZING THE FUND TO MAKE GRANTS IN FURTHERANCE OF THIS PURPOSE, NOT INCLUDING GRANTS TO PURCHASE ANY INTEREST IN REAL PROPERTY, TO AMEND SECTION 62-3-715, AS AMENDED, RELATING TO THE TRANSACTIONS AUTHORIZED FOR PERSONAL REPRESENTATIVES UNDER THE SOUTH CAROLINA PROBATE CODE, SO AS TO AUTHORIZE A PERSONAL REPRESENTATIVE OR TRUSTEE, AS APPLICABLE, WITH THE CONSENT OF ALL AFFECTED PARTIES TO MAKE A DONATION OF A QUALIFIED CONSERVATION EASEMENT OR DONATION OF LAND TO OBTAIN A FEDERAL ESTATE TAX AND STATE INCOME TAX CREDIT BENEFIT, AND TO PROVIDE FOR THE METHOD TO OBTAIN THE CONSENT OF PERSONS OTHERWISE UNABLE TO GIVE SUCH CONSENT; TO AMEND SECTION 12-36-130, RELATING TO THE DEFINITION OF THE TERM "SALES PRICE" FOR SALES AND USE TAX PURPOSES, SO AS TO DEFINE SALES PRICE FOR PURPOSES OF THE SALE OF AN "AUDIOVISUAL MASTER", AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO EXEMPT THE SALE OF AUDIOVISUAL MASTERS MADE OR USED BY A PRODUCTION COMPANY MAKING VISUAL AND AUDIO IMAGES FOR FIRST GENERATION REPRODUCTION, AND TO WAIVE TAXES, PENALTIES, AND INTEREST DUE ON SALES AND USE TAX UNDER PAYMENTS RELATING TO PRIOR TRANSACTIONS ARISING FROM THE SALE OR USE OF AUDIOVISUAL MASTERS; TO AMEND SECTION 4-12-10 AND SECTION 4-12-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF FEES IN LIEU OF TAXES AND THE APPLICATION OF THE FEE TO ELIGIBLE PROJECTS, SO AS TO EXTEND THE BENEFITS OF SUCH FEE AGREEMENTS TO SPONSORS AND SPONSOR AFFILIATES OF THE PROJECTS RATHER THAN A SINGLE ENTITY, AND TO ELIMINATE APPLICATION OF INTERNAL REVENUE CODE "CONTROLLED GROUP OF CORPORATIONS" PRINCIPLES TO INVESTORS, AND TO INCLUDE TYPES OF INTERESTS OTHER THAN RECORD TITLE FOR QUALIFICATIONS FOR FEE AGREEMENTS, AND TO AMEND SECTIONS 12-44-30, AS AMENDED, 12-44-40, 12-44-120, AND 12-44-130, RELATING TO DEFINITIONS, TRANSFER OF INTERESTS, TERMINATION OR AMENDMENT, AND MINIMUM INVESTMENT REQUIREMENTS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO ELIMINATE THE SINGLE ENTITY REQUIREMENT FOR A SPONSOR AND ELIMINATE APPLICATION OF INTERNAL REVENUE CODE "CONTROLLED GROUP OF CORPORATIONS" PRINCIPLES TO SPONSORS AND TO INCLUDE TYPES OF INTERESTS OTHER THAN RECORD TITLE FOR QUALIFICATIONS FOR FEE AGREEMENTS; BY ADDING SECTION 12-37-223A SO AS TO AUTHORIZE A COUNTY GOVERNING BODY BY ORDINANCE TO LIMIT THE INCREASE IN REAL PROPERTY VALUE TO FIFTEEN PERCENT AS THE RESULT OF A COUNTYWIDE REASSESSMENT AND EQUALIZATION PROGRAM AND TO SPECIFY THE APPLICATION OF THIS PROVISION, TO PROVIDE CERTAIN EXCEPTIONS AND AUTHORIZE THE COUNTY GOVERNING BODY TO ALLOW THE ORDINANCE TO APPLY RETROACTIVELY, TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO PROPERTY TAX ASSESSMENT NOTICES AND OBJECTIONS THERETO, SO AS TO INCLUDE VALUES AS LIMITED UNDER SECTION 12-37-223A ABOVE AS PART OF WHAT THESE ASSESSMENT NOTICES MUST CONTAIN, IF APPLICABLE, AND TO REPEAL SECTION 12-37-223, RELATING TO AUTHORIZATIONS TO A COUNTY TO LIMIT INCREASES IN THE VALUE OF REAL PROPERTY; TO AMEND SECTION 12-6-3360, AS

AMENDED, RELATING TO JOBS TAX CREDIT, SO AS TO INCLUDE AND DEFINE A "TECHNOLOGY INTENSIVE FACILITY" AS A QUALIFYING FACILITY, TO ADD SECTION 12-6-3415 SO AS TO PROVIDE AN INCOME TAX CREDIT FOR RESEARCH AND DEVELOPMENT EXPENDITURES, TO AMEND SECTION 12-10-20, AS AMENDED, RELATING TO LEGISLATIVE INTENT FOR THE ENTERPRISE ZONE ACT OF 1995, SO AS TO INCLUDE TECHNOLOGY INTENSIVE FACILITIES, TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS FOR THE ENTERPRISE ZONE ACT, SO AS TO DEFINE "TECHNOLOGY EMPLOYEE", TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO A JOB DEVELOPMENT CREDIT UNDER THE ENTERPRISE ZONE ACT, SO AS TO INCLUDE EMPLOYEE RELOCATION EXPENSES ASSOCIATED WITH NEW OR EXPANDED TECHNOLOGY INTENSIVE FACILITIES AND RETRAINING EXPENSES FOR TECHNOLOGY EMPLOYEES, TO AMEND SECTION 12-36-2110, AS AMENDED, RELATING TO MAXIMUM SALES AND USE TAX, SO AS TO DELETE THE CAP ON TAX FOR THE SALE OR USE OF MACHINERY FOR RESEARCH OR DEVELOPMENT, AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM SALES TAX, AND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM THE SALES TAX AND PROPERTY TAX MACHINES USED DIRECTLY AND PRIMARILY FOR RESEARCH AND DEVELOPMENT.-AMENDED TITLE

**03/24/99 House Introduced and read first time HJ-39**  
**03/24/99 House Referred to Committee on Ways and Means HJ-40**  
**04/22/99 House Committee report: Favorable Ways and Means HJ-7**  
**04/27/99 House Read second time HJ-88**  
**04/28/99 House Read third time and sent to Senate HJ-14**  
**04/28/99 Senate Introduced and read first time SJ-14**  
**04/28/99 Senate Referred to Committee on Finance SJ-14**  
**05/12/99 Senate Recalled from Committee on Finance SJ-8**  
**05/26/99 Senate Retaining place on calendar recommitted to Committee on Finance SJ-64**  
**05/27/99 Senate Recalled from Committee on Finance SJ-130**  
**05/27/99 Senate Read second time SJ-130**  
**05/27/99 Senate Ordered to third reading with notice of amendments SJ-130**  
**04/04/00 Senate Amended SJ-23**  
**04/04/00 Senate Read third time and returned to House with amendments SJ-23**  
**04/11/00 House Debate adjourned until Wednesday, April 12, 2000 HJ-35**  
**04/12/00 House Senate amendment amended HJ-93**  
**04/12/00 House Returned to Senate with amendments HJ-99**  
**04/13/00 Senate Non-concurrence in House amendment SJ-25**  
**04/18/00 House House insists upon amendment and conference committee appointed Reps. Campsen, Harrell and R. Smith HJ-3**  
**04/18/00 Senate Conference committee appointed Sens. McConnell, Leventis, and Passailaigue SJ-4**  
**05/04/00 House Free conference powers granted HJ-51**  
**05/04/00 House Free conference committee appointed Reps. Campsen, Harrell and R. Smith HJ-51**  
**05/04/00 House Free conference report received and adopted HJ-53**  
**05/04/00 House Roll call Yeas-84 Nays-0 HJ-87**  
**05/04/00 Senate Free conference powers granted SJ-24**  
**05/04/00 Senate Free conference committee appointed Sen. Leventis, McConnell, Passailaigue SJ-24**  
**05/04/00 Senate Free conference report received and adopted SJ-24**  
**05/04/00 Senate Ordered enrolled for ratification SJ-60**  
**05/16/00 Ratified R 312**  
**05/19/00 Signed By Governor**  
**06/14/00 Effective date 05/19/00; Except where otherwise provided**  
**06/14/00 Copies available**  
**06/14/00 Act No. 283**