~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2010

**H. 4239**

Introduced by Reps. Miller, Wylie, J.E. Smith and Anderson

S. Printed 5/5/10--S.

Read the first time January 21, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4239) to amend Section 8‑21‑310, as amended, Code of Laws of South Carolina, 1976, relating to the schedule of fees and costs collected by county clerks, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

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

/ SECTION 1. Section 8‑21‑310(10) of the 1976 Code, as last amended by Act 329 of 2002, is further amended to read:

“(10) for filing power of attorney, trustee qualification, or other appointment, fifteen dollars, and an additional one dollar a page for a document containing more than four pages. However, upon presentation of a copy of deployment orders to a combat zone by or on behalf of a member of the armed forces of the United States, the filing fee for a power of attorney for the person deployed is waived. In addition, the filing fee for a revocation of power of attorney filed by or on behalf of a member of the armed forces of the United States is waived if the revocation is filed: (i) within three years from the date of filing the power of attorney; and (ii) a copy of the deployment orders to a combat zone is presented. For purposes of this item, ‘combat zone’ has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JOHN L. SCOTT, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

A survey of several local counties revealed that the filing and recording fees for power of attorney are $15 for the first four pages and $1 for each additional page. Therefore, there should be minimal impact to counties with the adoption of this bill.

**SPECIAL NOTES:**

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this or any other bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE “COMBAT ZONE”.

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

SECTION 1. Section 8‑21‑310(10) of the 1976 Code, as last amended by Act 329 of 2002, is further amended to read:

“(10) for filing power of attorney, trustee qualification, or other appointment, fifteen dollars, and an additional one dollar a page for a document containing more than four pages. However, upon presentation of a copy of deployment orders to a combat zone by a member of the armed forces of the United States, the filing fee for a power of attorney for the person deployed is waived. For purposes of this item, ‘combat zone’ has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;”

SECTION 2. This act takes effect upon approval by the Governor.

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