**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3624**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jefferson, Hosey, Anderson, G.A. Brown, Sabb, King, Knight, Williams, Clyburn, Limehouse and Sottile

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Companion/Similar bill(s): 461

Introduced in the House on February 8, 2011

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Require recycling plan for alcohol permit for consumption on premises

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/8/2011 House Introduced and read first time ([House Journal‑page 53](file:///h:\hj%20archive\2011\02-08-11.docx))

2/8/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 53](file:///h:\hj%20archive\2011\02-08-11.docx))

**VERSIONS OF THIS BILL**

[2/8/2011](file:///p:\pprever\2011-12\3624_20110208.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑2‑85 SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON‑PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61‑2‑90, RELATING TO LICENSE OR PERMIT APPLICATIONS, SO AS TO REQUIRE AN APPROVED RECYCLING PLAN BE INCLUDED IN A PERMIT APPLICATION FOR ON‑PREMISES CONSUMPTION; AND TO AMEND SECTION 6‑4‑20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

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

SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For purposes of this section:

(1) ‘Permit holder’ means a holder of a permit issued by the Department of Revenue which authorizes on‑premises consumption of beer, wine, or alcoholic liquor by the drink.

(2) ‘Practical means of glass collection’ means the existence of a financially feasible commercial or governmental recycling program or programs that allow a permit to contract for onsite pickup of glass or a local and noncostly drop‑off location that accepts glass containers for recycling and that is easily available to a permit holder.

(3) ‘Recycling plan’ means a plan for recycling which provides for the separation, storage, collection, and recycling of recyclable beverage containers and their packaging that are sold on the premises of a permit holder including, but not limited to, aluminum, plastic, glass beverage containers, and cardboard used to package, ship, or deliver the beverage containers.

(B)(1) Each permit holder has a recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder. Each recycling plan must:

(a) contain all elements included in the model recycling plan that must be developed by the Department of Health and Environmental Control and made available on its website; or

(b) be at least as comprehensive as the model recycling plan.

(2) A permit holder that provides substantial evidence to the Department of Health and Environmental Control that a practical means of collection of glass beverage containers does not exist may exempt glass collection from its recycling plan.

(C) A permit holder must certify as part of its permitting process with the Department of Revenue that a site specific recycling plan has been prepared and will be made available upon demand to the Department of Revenue and the Department of Health and Environmental Control.

(D) The Department of Health and Environmental Control annually shall perform a random audit of recycling plans and shall notify the Department of Revenue and the permit holder of a recycling plan that is not in compliance with the provisions of this section.

(E) A permit holder that fails to provide certification of a recycling plan in its permit application or renewal must be assessed by the Department of Revenue for a:

(1) first offense, a fine of not less than two hundred dollars nor more than five hundred dollars;

(2) second offense within three years of the first offense, a fine of not less than five hundred dollars;

(3) third or subsequent offense, a fine of not less than one thousand dollars.

(F) A permit holder whose recycling plan is determined to be noncompliant with the provisions of this section must be assessed by the Department of Health and Environmental Control for a:

(1) first offense, a fine of not less than two hundred dollars nor more than five hundred dollars;

(2) second offense within three years of the first offense, a fine of not less than five hundred dollars;

(3) third or subsequent offense, a fine of not less than one thousand dollars.

(G) Failure of a permit holder to comply with the provisions of this section must not be grounds for revocation or for nonrenewal of a permit authorized under Title 61.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title must file ~~with the department~~ an application in writing with the department on forms provided by the department containing a statement ~~under oath~~ setting forth under oath:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of ~~abode~~ residence in the State for at least thirty days before the date of application; and

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit to allow on‑premises consumption of beer, wine, or alcoholic liquor by the drink must include in the application or renewal a written certification of a recycling plan required by Section 61‑2‑85.

(C) The Department of Revenue annually shall provide by December fifteenth of each year to the Department of Health and Environmental Control an electronic database containing the names and addresses of all permit holders required to have a recycling plan.”

SECTION 3. Section 6‑4‑20 of the 1976 Code is amended to read:

“Section 6‑4‑20. (A) An accommodations tax account is created to be administered by the State Treasurer.

(B) At the end of each fiscal year and before August first, a percentage~~,~~ ~~to be~~ determined by the State Treasurer~~,~~ must be withheld from those county areas collecting four hundred thousand dollars or more from that amount which exceeds four hundred thousand dollars from the tax authorized by Section 12‑36‑2630(3), and that amount must be distributed to assure ~~that~~ each county area receives a minimum of fifty thousand dollars. The amount withheld from those county areas collecting four hundred thousand dollars or more must be apportioned among the municipalities and the county in the same proportion as those units received quarterly remittances in Section 12‑36‑2630(3). If the total statewide collections from the local accommodations tax exceeds the statewide collections for the preceding fiscal year then, this fifty thousand dollar figure must be increased by a percentage equal to seventy‑five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. The difference between the fifty thousand dollars minimum and the actual collections within a county area must be distributed to the eligible units within the county area based on population as determined by the most recent United States census.

(C) At the end of each fiscal year and before August first, the State Treasurer shall distribute to each county area collecting more than fifty thousand dollars but less than four hundred thousand dollars an additional fifteen thousand dollars. If the total statewide collections from the local accommodations tax exceed the statewide collections for the preceding fiscal year, this fifteen thousand dollar figure must be increased by a percentage equal to seventy‑five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. This amount must be distributed in the same manner as the fifty thousand dollars in subsection (B). The amount paid those qualified county areas under this subsection must be paid from the account created under this section.

(D) The amount withheld in excess must be distributed to the county areas whose collections exceed four hundred thousand dollars based on the ratio of the funds available to the collections by each county area.

(E) The accommodations tax funds received by a municipality or county in county areas collecting fifty thousand dollars or less are not subject to the tourism‑related provisions of this chapter.

(F) Two percent of the local accommodations tax levied pursuant to Section 12‑36‑2630(3) must be remitted quarterly and ~~equally~~ in equal amounts to the eleven agencies designated by law and regional organizations to administer multicounty tourism programs in the state tourism regions as identified in the promotional publications of the South Carolina Department of Parks, Recreation and Tourism. This remittance is in addition to other funds that may be allocated to the agencies by local governments.

(G) One‑half percent of the local accommodations tax levied pursuant to Section 12‑36‑2630(3) must be remitted annually in equal amounts to the Department of Health and Environmental Control and the Department of Revenue for supervision, implementation, and enforcement of the recycling plans required by Section 61‑2‑85 and Section 61‑2‑90.

(H) The State Treasurer may correct misallocations to counties and municipalities from accommodations tax revenues by adjusting subsequent allocations, but these adjustments may be made only in allocations made in the same fiscal year as the misallocation.”

SECTION 4. The Department of Health and Environmental Control and the Department of Revenue may promulgate regulations to implement these provisions.

SECTION 5. This act takes effect one year after approval by the Governor. However, if no glass container recycling market is available by the effective date, the provisions of the act concerning recycling of glass containers must not be effective until three years after approval of the Governor.

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