**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 55 TO TITLE 46 SO AS TO ENACT THE “SOUTH CAROLINA EQUINE PROMOTION ACT” INCLUDING PROVISIONS TO PROVIDE FOR THE SUPPORT OF THIS PROGRAM BY MEANS OF A VOLUNTARY CONTRIBUTION MADE BY PREVIOUS FILING OF SOUTH CAROLINA STATE INDIVIDUAL INCOME TAX RETURNS AND OTHER DONATIONS, GRANTS, OR APPROPRIATIONS, AND TO PROVIDE FOR THE MANNER IN WHICH THE REVENUE DERIVED FROM THESE ASSESSMENTS MUST BE USED; AND TO AMEND SECTION 12‑6‑5060, AS AMENDED, RELATING TO VOLUNTARY CONTRIBUTIONS FOR SPECIFIC PURPOSES MADE BY TAXPAYERS ON STATE INDIVIDUAL INCOME TAX RETURNS, SO AS TO CONFORM THE SECTION TO THE SOUTH CAROLINA EQUINE PROMOTION ACT.

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

SECTION 1. A. The General Assembly finds that the horse industry in this State contributes significantly to the economic development of this State. The South Carolina Equine Promotion Act is enacted to promote and improve equine economic development, education, and health.

B. Title 46 of the 1976 Code is amended by adding:

“CHAPTER 55

Equine Promotion Act

Section 46‑55‑10. This chapter may be cited as the ‘South Carolina Equine Promotion Act’.

Section 46‑55‑20. As used in this chapter:

(1) ‘Board’ means the Equine Promotion Board established pursuant to Section 46‑55‑30.

(2) ‘Commissioner’ means the Commissioner of the Department of Agriculture.

(3) ‘Department’ means the South Carolina Department of Agriculture.

(4) ‘Equine’ means a horse, pony, mule, donkey, or hinny.

(5) ‘Equine industry’ applies to both commercial and recreational aspects of equine activities.

Section 46‑55‑30. (A) There is established under the administration of the Department of Agriculture, the Equine Promotion Board. The promotion board is composed of nine members who have adirect association with theequine industry andwho are residents of this State. The members of the board must be appointed as follows:

(1) one member must be appointed by the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee;

(2) one member must be appointed by the Chairman of the Senate Agriculture and Natural Resources Committee; and

(3) seven members must be appointed by the Commissioner of Agriculture; one of whom must be a member of the South Carolina Horsemen’s Council; one of whom must be a member of the South Carolina Farm Bureau Equine Advisory Committee; and five of whom must be appointed upon nomination by a statewide meeting of individuals interested in the equine industry called by the commissioner. No one equine breed, discipline, or special interest group may have more than two representatives on the board.

The equine marketing specialist within the Department of Agriculture and an equine specialist from Clemson University as selected by the commissioner shall serve as advisors to the board, but are not members.

(B) Of the initial members of the Equine Promotion Board created pursuant to this section, three members shall serve terms of four years, including the members appointed by the respective General Assembly chairmen, three members shall serve terms of three years, and three members shall serve terms of two years. After the initial terms all new members shall serve four‑year terms. The Commissioner of Agriculture shall designate the initial term of all members appointed by the commission when making the initial appointments.

(C) In making these appointments, race, gender, and other demographic factors must be considered by the appointing authorities to ensure nondiscrimination and to ensure, to the greatest extent possible, inclusion and representation of all segments of the population of the State; however, consideration of these factors in making a selection in no way creates a cause of action or the basis for a grievance by a person appointed or by a person who fails to be appointed. Vacancies must be filled in the manner of the original appointment. All members shall serve until their successors are appointed and qualify. The board shall elect a chairman, vice chairman, secretary, and treasurer from among its members. The board shall meet at least quarterly or upon the call of the chairman. Members of the board are not entitled to compensation but shall receive mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions to be paid from approved accounts of the Department of Agriculture.

Section 46‑55‑40. (A)(1) The revenues of the state income tax charitable deduction provided pursuant to Section 12‑6‑5060(A)(1)(q) must be credited to a fund which is hereby established in the State Treasury separate and distinct from the general fund and all other funds, entitled the ‘Equine Promotion Fund’ (fund). All revenues of the fund must be used for the sole purpose of promoting the equine industry in this State. Revenue earned on the fund must be credited to it and balances in the fund at the end of a state fiscal year carry forward in the fund to the succeeding fiscal year. The fund may also receive other donations and grants from public and private sources together with any additional revenues which the General Assembly may appropriate to the fund. Expenses incurred by the Department of Agriculture in administering the fund must be paid from approved accounts of the department.

(2) There must be employed by the department an Equine Fund and Marketing Manager who shall manage and promote the fund under the supervision of the commissioner and the board.

(B) Promotion of the equine industry in this State includes, but is not limited to:

(1) as a first priority, development and maintenance of a registry of the state’s equine population;

(2) development and production of an original and reoccurring equine census as determined by the Equine Promotion Board essential to the promotion and marketing of South Carolina equine interests;

(3) informational and educational materials and programs;

(4) encouraging development and growth of the equine industry, and encouragingexpansion of new and existing equine‑related agribusiness;

(5) encouraging research that would help the development of the equine industry;

(6) improving interaction with state and local governmental agencies and any national agencies considered necessary for the improvement of South Carolina equine;

(7) enhancing the general public’s image and knowledge of South Carolina equine;

(8) development of programs to improve disaster preparedness for health and biohazard evacuations in the State of South Carolina for the equine industry; and

(9) using fund revenues to provide incentive bonus payments to breeders and owners using best practices, in the amounts and subject to the criteria the board and the commissioner shall determine.

Section 46‑55‑50. The State Auditor shall conduct annual audits of the Equine Promotion Fund, and the manner in which the assessments are imposed and expended to ensure that the funds are collected and utilized as required by this chapter.”

SECTION 2. Section 12‑6‑5060(A) of the 1976 Code, as last amended by Act 274 of 2010, is further amended to read:

“(A)(1) Each taxpayer required to file a state individual income tax return may contribute to the:

(a) War Between the States Heritage Trust Fund established pursuant to Section 51‑18‑115~~,~~;

(b) ~~the~~ Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50‑1‑280~~,~~;

(c) ~~the~~ Children’s Trust Fund of South Carolina established pursuant to Section 63‑11‑910~~,~~;

(d) ~~the~~ Eldercare Trust Fund of South Carolina established pursuant to Section 43‑21‑160~~,~~; ~~or~~

(e) ~~the~~ First Steps to School Readiness Fund established pursuant to Section 63‑11‑1750~~,~~;

(f) ~~the~~ South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25~~,~~;

(g) ~~the~~ Donate Life South Carolina established pursuant to Section 44‑43‑1310~~,~~;

(h) ~~the~~ Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, ~~of~~ Title 25~~,~~;

(i) ~~the~~ South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program~~,~~;

(j) ~~the~~ South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23‑3‑65~~,~~;

(k) ~~the~~ South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides~~,~~;

(l) ~~the~~ South Carolina Forestry Commission for use in the state forest system~~,~~;

(m) ~~the~~ South Carolina Department of Natural Resources for use in its programs and operations~~,~~;

(n) K‑12 public education for use in the manner the General Assembly provides by law~~,~~;

(o) South Carolina Conservation Bank Trust Fund established pursuant to Section 48‑59‑60~~,~~; ~~or~~

(p) ~~the~~ Financial Literacy Trust Fund as established pursuant to Section 59‑29‑510~~,~~; or

(q) ~~the~~ Equine Promotion Fund administered by the South Carolina Department of Agriculture pursuant to Chapter 55, Title 46.

(2) The contribution is made by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.”

SECTION 3. This act takes effect upon approval by the Governor.

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