**A** **BILL**

TO AMEND SECTION 12‑6‑3790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONAL NEEDS TAX CREDIT, SO AS TO PROVIDE THAT THE CUMULATIVE MAXIMUM ANNUAL CREDIT AMOUNTS ARE INCREASED TO PROVIDE A SCHOLARSHIP TO ANY EXCEPTIONAL NEEDS CHILD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND WHO IS EITHER ON ACTIVE DUTY OR WAS KILLED IN THE LINE OF DUTY.

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

SECTION 1. Section 12‑6‑3790(D) of the 1976 Code, as added by Act 247 of 2018, is amended by adding an appropriately numbered item to read:

“( ) Notwithstanding the cumulative total of credits allowed pursuant to item (1), the cumulative amount is increased by an amount necessary to award a scholarship to any desirous exceptional needs child that is the child of a member of the armed forces of the United States and who is either on active duty or was killed in the line of duty. By October first of each year, the Revenue and Fiscal Affairs Office, in consultation with the department and the Education Oversight Committee, shall estimate the amount necessary and as soon as practicable thereafter, the Director of the Revenue and Fiscal Affairs Office shall submit the revised cumulative total to the State Register for publication pursuant to Section 1‑23‑40(2), and the revised cumulative total becomes effective upon publication in the State Register and applies to the following tax year.”

SECTION 2. Section 12-6-3790(D)(1)(a) of the 1976 Code is amended to read:

“(D)(1)(a) Tax credits authorized by subsection (H)(1) and subsection (I) annually may not exceed cumulatively a total of ~~twelve~~ twenty million dollars for contributions to the Educational Credit for Exceptional Needs Children’s Fund, unless an increased limit is authorized in the annual general appropriations act.”

SECTION 3. This act takes effect upon approval by the Governor and the adjustments first apply to the cumulative total for tax year 2022.

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