

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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4 COMMITTEE AMENDMENT ADOPTED AND AMENDED

5 May 29, 2008

6

7

## **H. 4815**

8

9 Introduced by Reps. Harrell, Merrill, Thompson, Brady,  
10 Stavrinakis, Haley, Ballentine, Cato, Cooper, Delleney, Harrison,  
11 Limehouse, Sandifer, Scarborough, Shoopman, Taylor, Viers,  
12 Walker, Young, Mahaffey, Neilson, Bales, R. Brown,  
13 Herbkersman, Edge, Bingham, Simrill, Whipper, Bedingfield and  
14 Bowers

15

16 S. Printed 5/29/08--S.

[SEC 5/30/08 3:45 PM]

17 Read the first time April 29, 2008.

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**A BILL**

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, BY ADDING CHAPTER 64 TO TITLE 12 SO AS TO  
13 ENACT THE “SOUTH CAROLINA MOTION PICTURE  
14 INCENTIVE ACT OF 2008”, REVISING AND UPDATING TAX  
15 INCENTIVES FOR MOTION PICTURE PRODUCTIONS IN  
16 THIS STATE BY ADDING AND MODERNIZING  
17 DEFINITIONS, MAKING TECHNICAL CORRECTIONS,  
18 ELIMINATING THE REBATE OF STATE AND LOCAL SALES  
19 TAXES PROVIDED UNDER FORMER LAW, PROVIDING  
20 FOR THE CARRY FORWARD OF REBATE FUNDS TO AVOID  
21 MULTIPLE APPLICATIONS, CLARIFYING THE WAGE  
22 INCENTIVE AND RESIDENT HIRING BONUS,  
23 ESTABLISHING A FIVE-YEAR APPRENTICESHIP  
24 PROGRAM, INCREASING THE NUMBER OF DAYS STATE  
25 PROPERTY MAY BE USED WITHOUT FEE FROM SEVEN TO  
26 TEN DAYS, AND PROVIDING ADDITIONAL  
27 REQUIREMENTS FOR FILM CREDITS FOR THIS STATE;  
28 AND TO REPEAL CHAPTER 62 OF TITLE 12 RELATING TO  
29 THE SOUTH CAROLINA MOTION PICTURE INCENTIVE  
30 ACT.

31 Amend Title To Conform

32  
33 Be it enacted by the General Assembly of the State of South  
34 Carolina:

35  
36 SECTION 1. Section 1-30-25 of the 1976 Code is amended to  
37 read:

38  
39 “Section 1-30-25. ~~Effective on July 1, 1993, the~~ The following  
40 agencies, boards, and commissions, including all of the allied,  
41 advisory, affiliated, or related entities as well as the employees,  
42 funds, property, and all contractual rights and obligations  
43 associated with any such agency, except for those subdivisions  
44 specifically included under another department, are ~~hereby~~—

1 transferred to and incorporated in and shall must be administered  
2 as part of the Department of Commerce to be initially divided into  
3 divisions for Aeronautics, Advisory Coordinating Council for  
4 Economic Development, State Development, Public Railways, and  
5 Savannah Valley Development:

6 (A) South Carolina Aeronautics Commission, formerly  
7 provided for at Section 55-5-10, et seq.;

8 (B) Coordinating Council for Economic Development,  
9 formerly provided for at Section 41-45-30, et seq.;

10 (C) Savannah Valley Authority, formerly provided for at  
11 Section 13-9-10, et seq.;

12 (D) ~~Department of Commerce, including the South Carolina~~  
13 ~~Film Commission, except that the department must make~~  
14 ~~reasonable rules and promulgate reasonable regulations to ensure~~  
15 ~~that funds made available to film projects through its film~~  
16 ~~commission are budgeted and spent so as to further the following~~  
17 ~~objectives:-~~

18 (1) ~~stimulation of economic activity to develop the~~  
19 ~~potentialities of the State;-~~

20 (2) ~~conservation, restoration, and development of the natural~~  
21 ~~and physical, the human and social, and the economic and~~  
22 ~~productive resources of the State;-~~

23 (3) ~~promotion of a system of transportation for the State,~~  
24 ~~through development and expansion of the highway, railroad, port,~~  
25 ~~waterway, and airport systems;-~~

26 (4) ~~promotion and correlation of state and local activity in~~  
27 ~~planning public works projects;-~~

28 (5) ~~promotion of public interest in the development of the~~  
29 ~~State through cooperation with public agencies, private enterprises,~~  
30 ~~and charitable and social institutions;-~~

31 (6) ~~encouragement of industrial development, private~~  
32 ~~business, commercial enterprise, agricultural production,~~  
33 ~~transportation, and the utilization and investment of capital within~~  
34 ~~the State;-~~

35 (7) ~~assistance in the development of existing state and~~  
36 ~~interstate trade, commerce, and markets for South Carolina goods~~  
37 ~~and in the removal of barriers to the industrial, commercial, and~~  
38 ~~agricultural development of the State;-~~

39 (8) ~~assistance in ensuring stability in employment,~~  
40 ~~increasing the opportunities for employment of the citizens of the~~  
41 ~~State, devising ways and means to raise the living standards of the~~  
42 ~~people of the State;-~~

43 (9) ~~enhancement of the general welfare of the people; and~~

1 ~~(10) encouragement and consideration as appropriate so as to~~  
2 ~~consider race, gender, and other demographic factors to ensure~~  
3 ~~nondiscrimination, inclusion, and representation of all segments of~~  
4 ~~the State to the greatest extent possible. Existing divisions or~~  
5 ~~components of the Department of Commerce formerly a part of the~~  
6 ~~State Development Board excluding the South Carolina Film~~  
7 ~~Commission; and-~~

8 (E) South Carolina Public Railways Commission, formerly  
9 provided for at Section 58-19-10, et seq.

10  
11 SECTION 2. Section 1-30-80 of the 1976 Code is amended to  
12 read:

13  
14 “Section 1-30-80. ~~(A) Effective on July 1, 1993, the~~ The  
15 following agencies, boards, and commissions, including all of the  
16 allied, advisory, affiliated, or related entities as well as the  
17 employees, funds, property, and all contractual rights and  
18 obligations associated with any such agency, except for those  
19 subdivisions specifically included under another department, are  
20 ~~hereby~~ transferred to and incorporated in and ~~shall~~ must be  
21 administered as part of the Department of Parks, Recreation and  
22 Tourism to include a Parks, Recreation and Tourism Division ~~and~~  
23 ~~Film Division.~~

24 Department of Parks, Recreation and Tourism, formerly  
25 provided for at Sections 51-1-10, 51-3-10, 51-7-10, 51-9-10 and  
26 51-11-10, et seq.

27 (B)(1) Effective July 1, 2008, the South Carolina Film  
28 Commission of the Department of Commerce is transferred to the  
29 Department of Parks, Recreation and Tourism and becomes a  
30 separate division of the Department of Parks, Recreation and  
31 Tourism.

32 (2) The South Carolina Film Commission as established in  
33 this section as a division of the Department of Parks, Recreation  
34 and Tourism and transferred to it shall ensure that funds made  
35 available to film projects through the film commission are  
36 budgeted and spent so as to further the following objectives:

37 (a) stimulation of economic activity to develop the  
38 potentialities of the State;

39 (b) conservation, restoration, and development of the  
40 natural and physical, the human and social, and the economic and  
41 productive resources of the State;

42 (c) promotion of a system of transportation for the State,  
43 through development and expansion of the highway, railroad, port,  
44 waterway, and airport systems;

1           (d) promotion and correlation of state and local activity in  
2 planning public works projects;

3           (e) promotion of public interest in the development of the  
4 State through cooperation with public agencies, private enterprises,  
5 and charitable and social institutions;

6           (f) encouragement of industrial development, private  
7 business, commercial enterprise, agricultural production,  
8 transportation, and the utilization and investment of capital within  
9 the State;

10          (g) assistance in the development of existing state and  
11 interstate trade, commerce, and markets for South Carolina goods  
12 and in the removal of barriers to the industrial, commercial, and  
13 agricultural development of the State;

14          (h) assistance in ensuring stability in employment,  
15 increasing the opportunities for employment of the citizens of the  
16 State, devising ways and means to raise the living standards of the  
17 people of the State;

18          (i) enhancement of the general welfare of the people; and

19          (j) encouragement and consideration as appropriate so as  
20 to consider race, gender, and other demographic factors to ensure  
21 nondiscrimination, inclusion, and representation of all segments of  
22 the State to the greatest extent possible.”

23  
24 SECTION 3. (A) Where the provisions of this act transfer the  
25 South Carolina Film Commission from the Department of  
26 Commerce to the Department of Parks, Recreation and Tourism,  
27 the employees, authorized appropriations, and assets and liabilities  
28 of the South Carolina Film Commission are also transferred to and  
29 become part of the Department of Parks, Recreation and Tourism.  
30 All classified or unclassified personnel employed by the South  
31 Carolina Film Commission on the effective date of this act, either  
32 by contract or by employment at will, shall become employees of  
33 the Department of Parks, Recreation and Tourism, with the same  
34 compensation, classification, and grade level, as applicable. The  
35 Budget and Control Board shall cause all necessary actions to be  
36 taken to accomplish this transfer in accordance with state laws and  
37 regulations.

38 (B) Regulations promulgated by the South Carolina Film  
39 Commission are continued and are considered to be promulgated  
40 by the Film Commission as a division of the Department of Parks,  
41 Recreation and Tourism.

42 (C) The Code Commissioner is directed to change or correct all  
43 references to the South Carolina Film Commission to reflect its  
44 transfer to the Department of Parks, Recreation and Tourism.

1 References to the name of the South Carolina Film Commission in  
2 the 1976 Code or other provisions of law are considered to be and  
3 must be construed to mean appropriate references.

4  
5 SECTION 4. Chapter 62, Title 12 of the 1976 Code is amended to  
6 read:

7  
8 “CHAPTER 62

9  
10 SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT

11  
12 Section 12-62-10. This chapter may be cited as the ‘South  
13 Carolina Motion Picture Incentive Act’.

14  
15 Section 12-62-20. For purposes of this chapter:

16 (1) ‘Company’ means a corporation, partnership, limited  
17 liability company, or other business entity.

18 (2) ‘Department’ means the ~~South Carolina Department of~~  
19 ~~Commercee~~ Department of Parks, Recreation and Tourism.

20 (3) ‘Motion picture’ means a feature-length film, video,  
21 television series, or commercial made in whole or in part in South  
22 Carolina, and intended for national theatrical or television viewing  
23 or as a television pilot produced by a motion picture production  
24 company. The term ‘motion picture’ does not include the  
25 production of television coverage of news and athletic events or a  
26 production produced by a motion picture production company if  
27 records, as required by 18 U.S.C. 2257, are to be maintained by  
28 that motion picture production company with respect to any  
29 performer portrayed in that single media or multimedia program.

30 (4) ‘Motion picture production company’ means a company  
31 engaged in the business of producing motion pictures intended for  
32 a national theatrical release or for television viewing. ‘Motion  
33 picture production company’ does not mean or include a company  
34 owned, affiliated, or controlled, in whole or in part, by a company  
35 or person that is in default on a loan made by the State or a loan  
36 guaranteed by the State.

37 (5) ‘Payroll’ means salary, wages, or other compensation  
38 subject to South Carolina income tax withholdings.

39 (6) ~~“Secretary”~~ ‘Director’ means the ~~Secretary of the~~  
40 ~~Department of Commercee~~ Director of the Department of Parks,  
41 Recreation and Tourism, or his designee.

42  
43 Section 12-62-30. A motion picture production company that  
44 intends to expend in the aggregate two hundred fifty thousand

1 dollars or more in connection with the filming or production of one  
2 or more motion pictures in the State of South Carolina within a  
3 consecutive twelve-month period, upon making application for,  
4 meeting the requirements of, and receiving written certification of  
5 that designation from the department as provided in this chapter,  
6 shall be relieved from the payment of state and local sales and use  
7 taxes administered and collected by the Department of Revenue on  
8 funds expended in South Carolina in connection with the filming  
9 or production of a motion picture or pictures. The production of  
10 television coverage of news and athletic events is specifically  
11 excluded from the provisions of this chapter.  
12

13 Section 12-62-40. (A) A motion picture production company  
14 that intends to film all or parts of a motion picture in South  
15 Carolina and desires to be relieved from the payment of the state  
16 and local sales and use taxes, administered and collected by the  
17 Department of Revenue, as provided in this chapter shall provide  
18 an estimate of total expenditures expected to be made in South  
19 Carolina in connection with the filming or production of the  
20 motion picture. The estimate of expenditures must be filed with  
21 the department before the commencement of filming in South  
22 Carolina.

23 (B) At the time the motion picture production company  
24 provides the estimate of expenditures to the department, it also  
25 shall designate a member or representative of the motion picture  
26 production company to work with the department and the  
27 Department of Revenue on reporting of expenditures and other  
28 information necessary to take advantage of the tax relief afforded  
29 by this chapter.

30 (C)(1) An application for the tax relief provided by this chapter  
31 must be accepted only from those motion picture production  
32 companies that report anticipated expenditures in the State in the  
33 aggregate equal to or exceeding two hundred fifty thousand dollars  
34 in connection with the filming or production of one or more  
35 motion pictures in the State within a consecutive twelve-month  
36 period.

37 (2) The application must be approved by the ~~secretary~~  
38 director.

39 (3) Once the application is approved by the ~~secretary~~  
40 director, the Department of Revenue shall issue a sales and use tax  
41 exemption certificate to the motion picture production company as  
42 evidence of the exemption. The exemption is effective on the date  
43 the application is approved by the ~~secretary~~ director.

1 (D) A motion picture production company that is approved and  
2 receives a sales and use tax exemption certificate but fails to  
3 expend two hundred fifty thousand dollars within a consecutive  
4 twelve-month period is liable for the sales and use taxes that would  
5 have been paid had the approval not been granted; except, that the  
6 motion picture production company must be given a sixty-day  
7 period in which to pay the sales and use taxes without incurring  
8 penalties. The sales and use taxes are considered due as of the date  
9 the tangible personal property was purchased in or brought into  
10 South Carolina for use, storage, or consumption.

11 (E) Upon completion of the motion picture, the motion picture  
12 production company must return the sales and use tax exemption  
13 certificate to the Department of Revenue and submit a report to the  
14 department of the actual expenditures made in South Carolina in  
15 connection with the filming or production of the motion picture.

16  
17 Section 12-62-50. (A)(1) The South Carolina Film  
18 Commission may rebate to a motion picture production company a  
19 portion of the South Carolina payroll of the employment of  
20 persons subject to South Carolina income tax withholdings in  
21 connection with production of a motion picture. The rebate may  
22 not exceed fifteen percent of the total aggregate South Carolina  
23 payroll for persons subject to South Carolina income tax  
24 withholdings employed in connection with the production when  
25 total production costs in South Carolina equal or exceed one  
26 million dollars during the taxable year. The rebates in total may  
27 not annually exceed ten million dollars and shall come from the  
28 state's general fund. For purposes of this Section, 'total aggregate  
29 payroll' does not include the salary of an employee whose salary is  
30 equal to or greater than one million dollars for each motion picture.

31 (2)(a) For purposes of this section, an employee is an  
32 individual directly involved in the filming or post-production of a  
33 motion picture in South Carolina and who is an employee of a:

34 (i) motion picture production company that is directly  
35 involved in the filming or post-production of a motion picture in  
36 South Carolina; or

37 (ii) personal service corporation retained by a motion  
38 picture production company to provide persons used directly in the  
39 filming or post-production of a motion picture in South Carolina;  
40 or

41 (iii) payroll services or loan out company that is retained  
42 by a motion picture production company to provide employees  
43 who work directly in the filming or post-production of a motion  
44 picture in South Carolina.

1 (b) For his wages to qualify for the rebate, the employee  
2 must be certified by the department as a qualifying employee and  
3 the employee must have had South Carolina income tax  
4 withholding withheld and remitted to the Department of Revenue  
5 by a company described in item (2)(a).

6 (3) The rebate applies with respect to an employee described  
7 in subitem (a)(ii) or (iii) only if, before commencement of filming  
8 in South Carolina, the personal services corporation, payroll  
9 services company, or loan out company is approved and certified  
10 by the department, and makes an irrevocable assignment of its  
11 rebate to the motion picture production company that produced the  
12 motion picture. The assignment must be made on a form provided  
13 by the Department of Revenue, which must include a waiver of  
14 confidentiality pursuant to Section 12-54-240. Upon assignment,  
15 the rebate may be paid only to the motion picture production  
16 company.

17 (B)(1) The rebate provided in subsection (A) is available to the  
18 motion picture production company at the end of all filming in  
19 South Carolina in connection with the motion picture. The motion  
20 picture production company producing the motion picture must  
21 apply to the department for a certificate of completion once  
22 filming in South Carolina is complete. The motion picture  
23 production company must provide the information the department  
24 considers necessary to determine if the one million dollar  
25 expenditure requirement has been met.

26 (2) A motion picture production company may claim the  
27 rebate by filing a request for rebate with the department once the  
28 certificate of completion is obtained. The request for rebate must  
29 be filed by the last day of February of the year following the year  
30 in which the certificate of completion is obtained. To claim the  
31 rebate, the motion picture production company and all companies  
32 described in subsection (A)(2)(a)(ii) or (iii) must be current with  
33 respect to all taxes due and owing the State at the time of filing the  
34 request for rebate. If the motion picture production company or a  
35 company described in subsection (A)(2)(a)(ii) or (iii) is not current  
36 with respect to all taxes due and owing the State, the motion  
37 picture production company is permanently barred from claiming  
38 the rebate.

39 (3) The motion picture production company must attach to  
40 its request for rebate a copy of the certificate of completion and a  
41 copy of all assignments of the rebate, if applicable.

42 (C) A motion picture production company claiming a rebate  
43 pursuant to this section, and all companies described in subsection  
44 (A)(2)(a)(ii) or (iii), must make payroll books and records

1 available for inspection to the commission and the department at  
2 the times requested by the commission or the department. Each  
3 motion picture production company claiming the rebate, at the  
4 time of filing, must provide a report to both the commission and  
5 the department that includes the project's name, the name of each  
6 employee that worked on the motion picture, the social security  
7 number for each employee, the dates employed, the dates the  
8 employee worked on the motion picture, a job description for each  
9 employee, the total gross wages for each employee, the South  
10 Carolina taxable wages subject to withholding for each employee,  
11 the amount of rebate attributable to that employee, and other  
12 information considered necessary by the commission or the  
13 department. The report also must contain the total amount of  
14 withholding attributable to all employees that worked on the  
15 motion picture in South Carolina.

16 (D) For purposes of this section, and as an exception to Section  
17 12-54-240, a motion picture production company and a company  
18 described in subsection (A)(2)(a)(ii) or (iii) agree that the  
19 commission and the department may share or provide information  
20 concerning the request for rebate and the certificate of completion  
21 among the respective taxpayers and the respective agencies.  
22

23 Section 12-62-55. At the time the motion picture production  
24 company is certified by the department, it may make, ~~with the~~  
25 ~~approval of the coordinating council,~~ an irrevocable assignment of  
26 future payments attributable to the rebates made pursuant to  
27 Section 12-62-40 or 12-62-50 to a designated trustee. For  
28 purposes of this chapter, 'designated trustee' means the single  
29 financier or financial institution designated by the council to  
30 receive all assignments of payments made pursuant to this chapter  
31 and to the terms of an agreement entered into by the qualifying  
32 motion picture production company. If a qualifying motion picture  
33 production company elects to assign payments to the designated  
34 trustee, the election must be made on a form provided by the  
35 department, including a waiver of confidentiality pursuant to  
36 Section 12-54-240, and the payments may be paid only to the  
37 designated trustee. The qualifying motion picture production  
38 company must file an application for the assignment with the  
39 ~~secretary~~ director no later than thirty days after filming begins in  
40 South Carolina.  
41

42 Section 12-62-60. (A)(1) An amount equal to twenty-six  
43 percent of the general fund portion of admissions tax collected by  
44 the State of South Carolina for the previous fiscal year must be

1 funded annually by September first to the department for the  
2 exclusive use of the South Carolina Film Commission. The  
3 department may rebate to a motion picture production company up  
4 to fifteen percent of the expenditures made by the motion picture  
5 production company in the State if the motion picture production  
6 company has a minimum in-state expenditure of one million  
7 dollars. The distribution of rebates may not exceed the amount  
8 annually funded to the department for the South Carolina Film  
9 Commission from the admissions tax collected by the State.

10 (2) This subsection does not apply to payroll paid for motion  
11 picture production employees subject to Section 12-62-50 or  
12 money paid to the companies described in Section  
13 12-62-50(A)(2)(a)(ii) or (iii). Unexpended funds from this source  
14 may be carried over to the next and succeeding fiscal years.

15 (B) Up to seven percent of the amount provided to the  
16 department in subsection (A) may be used exclusively for  
17 marketing and special events.

18 (C) The allocations to motion picture production companies  
19 contemplated by this chapter must be made by the ~~Coordinating~~  
20 ~~Council for Economic Development~~ department. The  
21 ~~Coordinating Council for Economic Development~~ department may  
22 adopt rules and promulgate regulations for the application for and  
23 award of the rebate.

24 (D) One percent of the general fund portion of admissions tax  
25 collected by the State of South Carolina must be funded to the  
26 department for the exclusive use of the South Carolina Film  
27 Commission for the promotion of collaborative production and  
28 educational efforts between institutions of higher learning in South  
29 Carolina and motion picture related entities. The department, in  
30 conjunction with the South Carolina Film Commission, shall adopt  
31 rules and promulgate regulations necessary to administer this  
32 section. Unexpended funds from this source may be carried over  
33 to the next and succeeding fiscal years.

34 (E) The department shall report annually to the ~~coordinating~~  
35 ~~council~~ Chairman of the Senate Finance Committee and the  
36 Chairman of the House Ways and Means Committee on the use of  
37 all funds pursuant to this section. The report is a public record  
38 pursuant to the Freedom of Information Act, Chapter 4 of Title 30;  
39 and must be posted annually on the commission's website by  
40 January first.

41  
42 Section 12-62-70. (A)(1) Upon a determination by the Director  
43 of the Office of General Services Division of the South Carolina  
44 Budget and Control Board of the underutilization of state property

1 by a state agency, the department may negotiate below-market  
2 rates for temporary use, no more than twelve months, of space for  
3 the underutilized property. The negotiations and temporary use are  
4 exempt from the provisions of the State Consolidated Procurement  
5 Code. The motion picture production company shall reimburse  
6 costs at normal and customary rates incurred by the state agency to  
7 the state agency, including costs required to repair any damage  
8 caused by the motion picture production company to real or  
9 personal property of the State.

10 (2) The state agency or local political subdivision that owns  
11 the property determined to be underutilized may appeal that  
12 determination of underutilization to the Budget and Control Board.

13 (B) The State or its political subdivisions may not charge a  
14 location or facility fee for properties they own if the properties are  
15 used for seven or fewer days as a location or facility in the  
16 production of a motion picture. A property may be used for a total  
17 of only twenty-one days without location or facility fees in a  
18 calendar year. The motion picture production company may be on  
19 site no longer than seven days within a thirty-day period without a  
20 location or facility fee charge. State-owned or political  
21 subdivision-owned properties may recoup all costs they expend on  
22 behalf and at the direction of the motion picture production  
23 company. State-owned or political subdivision- owned properties  
24 also may recoup a location or facility fee, after the first seven days,  
25 not to exceed two thousand five hundred dollars a day. State-  
26 owned or political subdivision-owned properties also may recoup  
27 costs required to repair damage caused by the motion picture  
28 production company to real or personal property of the state  
29 agency or political subdivision. The motion picture production  
30 company shall reimburse all costs, at the property's normal and  
31 customary rates, to the state agency or political subdivisions  
32 incurring the costs within twenty-one calendar days of completion  
33 of production activities on site. The motion picture production  
34 company may use the publicly-owned property only on the days  
35 agreed to and approved by the state agency or political  
36 subdivision.

37  
38 Section 12-62-80. The department may form a South Carolina  
39 Film Foundation to solicit donations for the recruitment of motion  
40 pictures in furtherance of the purposes of this chapter.

41  
42 Section 12-62-90. The end credit roll of a motion picture that  
43 utilizes a South Carolina tax credit or rebate must recognize the  
44 State of South Carolina with the following statement: 'Filmed in

1 South Carolina pursuant to the South Carolina Motion Picture  
2 Incentive Act', except that the State of South Carolina reserves the  
3 right to refuse the use of South Carolina's name in the credits of a  
4 motion picture filmed or produced in the State.

5

6 Section 12-62-100. To the extent not already provided, the  
7 department may adopt rules and promulgate regulations to carry  
8 out the intent and purposes of this chapter."

9

10 SECTION 5. This act takes effect July 1, 2008.

11

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12