

1 HOUSE AMENDMENTS AMENDED

2 May 28, 2008

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## **S. 1143**

5

6 Introduced by Senators McConnell, Martin, Alexander, Hayes,

7 Hutto, Ceips, Peeler, Leventis, Rankin, Setzler, Knotts and Malloy

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9 S. Printed 5/28/08--S.

[SEC 5/29/08 1:57 PM]

10 Read the first time February 21, 2008.

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9 **A BILL**

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11 TO AMEND SECTION 12-36-2120, CODE OF LAWS OF  
12 SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS  
13 FROM THE STATE SALES TAX, SO AS TO INCLUDE THE  
14 GROSS PROCEEDS OF SALES OR THE SALES PRICE OF  
15 ENERGY EFFICIENT APPLIANCES.

16 Amend Title To Conform

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

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21 SECTION 1. Section 12-36-2120 of the 1976 Code is amended  
22 by adding an appropriately numbered item at the end to read:

23  
24 “( ) Energy efficient products purchased for noncommercial  
25 home or personal use with a sales price of two thousand five  
26 hundred dollars per product or less.

27 (a) For the purposes of this exemption, an ‘energy efficient  
28 product’ is any energy efficient product for noncommercial home  
29 or personal use consisting of any dishwasher, clothes washer, air  
30 conditioner, ceiling fan, fluorescent light bulb, dehumidifier,  
31 programmable thermostat, refrigerator, door, or window, the  
32 energy efficiency of which has been designated by the United  
33 States Environmental Protection Agency and the United States  
34 Department of Energy as meeting or exceeding each agency’s  
35 energy-saving efficiency requirements or which have been  
36 designated as meeting or exceeding such requirements under each  
37 agency’s ENERGY STAR program, and gas, oil, or propane water  
38 heaters with an energy factor of 0.80 or greater and electric water  
39 heaters with an energy factor of 2.0 or greater.

40 (b) This exemption shall not apply to purchases of energy  
41 efficient products purchased for trade, business, or resale.

42 (c) The exemption provided in this item applies only to sales  
43 occurring during a period commencing at 12:01 A.M. on October  
44 1, 2009, and concluding at 12:00 Midnight on October 31, 2009,

1 (National 'Energy Efficiency Month') and every year thereafter  
2 until 2019.

3 (d) Each year until 2019, the State Energy Office shall  
4 prepare an annual report on the fiscal and energy impacts of the  
5 October first through October thirty-first exemption and submit the  
6 report to the General Assembly no later than January first of the  
7 following year.

8 (e) Beginning with the February 15, 2009, forecast by the  
9 Board of Economic Advisors of annual general fund revenue  
10 growth for the upcoming fiscal year, and annually after that, if the  
11 forecast of that growth then and in any adjusted forecast made  
12 before the beginning of the fiscal year equals at least five percent  
13 of the most recent estimate by the board of general fund revenues  
14 for the current fiscal year, then the exemption allowed by this item  
15 shall be allowed for the applicable year. If the February fifteenth  
16 forecast or adjusted forecast annual general fund revenue growth  
17 for the upcoming fiscal year meets the requirement for the credit,  
18 the board promptly shall certify this result in writing to the  
19 department.”

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21 SECTION 2. (A) This section may be cited as the “Second  
22 Amendment Recognition Act”.

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24 (B) Section 12-36-2120 of the 1976 Code, as last amended by  
25 Act 116 of 2007, is further amended by adding a new item at the  
26 end appropriately numbered to read:

27 “( ) sales of handguns as defined pursuant to Section  
28 16-23-10(1), rifles, and shotguns during the forty-eight hours of  
29 the Second Amendment Weekend. For purposes of this item, the  
30 ‘Second Amendment Weekend’ begins at 12:01 a.m. on the Friday  
31 after Thanksgiving and ends at twelve midnight the following  
32 Saturday.”

33 (C) This section takes effect July 1, 2008.

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35 SECTION 3. Article 3, Chapter 28, Title 12 of the 1976 Code is  
36 amended by adding:

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38 “Section 12-28-340. (A) Regardless of other products offered,  
39 a terminal, as defined in Section 12-28-110(56), located within the  
40 State must offer a petroleum product that has not been blended  
41 with ethanol and that is suitable for subsequent blending with  
42 ethanol.

43 (B) A person or entity must not take any action to deny a  
44 distributor, as defined in Section 12-28-110(17), or retailer, as

1 defined in Section 12-28-110(52), who is doing business in this  
2 State and who has registered with the Internal Revenue Service on  
3 Form 637(M) from being the blender of record afforded them by  
4 the acceptance by the Internal Revenue Service of Form 637(M).

5 (C) A distributor or retailer and a refiner must utilize the  
6 Renewable Identification Number (RIN) trading system. Nothing  
7 in this section should be construed to imply a market value for  
8 RINs.”

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10 SECTION 4. Except as otherwise stated, this act takes effect July  
11 1, 2009.

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