

## Session 115 - (2003-2004)

### H 3918 General Bill, By Kirsh and Witherspoon

#### Summary: Drycleaning Facility Restoration Trust Fund

A BILL TO AMEND SECTION 12-36-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALES AND USE TAX ACT, SO AS TO EXCLUDE THE ENVIRONMENTAL SURCHARGE IMPOSED PURSUANT TO SECTION 44-56-430 FROM THE DEFINITION OF "GROSS PROCEEDS OF SALES"; TO AMEND SECTION 44-56-410, RELATING TO THE DEFINITION OF TERMS CONTAINED IN THE PROVISIONS THAT REGULATE THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "HALOGENATED DRYCLEANING FLUID", "NONHALOGENATED CLEANER", AND "NONAQUEOUS SOLVENT", AND TO REVISE THE DEFINITION OF "DRYCLEANING SOLVENTS"; TO AMEND SECTION 44-56-420, RELATING TO THE ESTABLISHMENT OF THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO REVISE CERTAIN PROVISIONS THAT RESTRICT THE USE OF REVENUES CONTAINED IN THE FUND; TO AMEND SECTION 44-56-430, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO PROVIDE FOR THE CALCULATION, ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE ENVIRONMENTAL SURCHARGE; TO AMEND SECTION 44-56-440, RELATING TO THE MORATORIUM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL ON CERTAIN ADMINISTRATIVE AND JUDICIAL ACTIONS, SO AS TO REVISE CONDITIONS UPON WHICH DRYCLEANING FACILITIES AND WHOLESALE SUPPLY FACILITIES ARE COVERED BY THE MORATORIUM; TO AMEND SECTION 44-56-450, RELATING TO THE REPORTING OF DISCHARGED DRYCLEANING SOLVENTS THAT CAUSE CONTAMINATION, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL IDENTIFY AND NOTIFY OWNERS, OPERATORS, AND PERSONS OF DRYCLEANING AND WHOLESALE SUPPLY FACILITIES THAT THEY MUST REGISTER WITH THE DEPARTMENT; TO AMEND SECTION 44-56-470, RELATING TO THE ANNUAL REGISTRATION AND FEES FOR DRYCLEANING FACILITIES, SO AS TO PROVIDE FOR THE DEPARTMENT OF REVENUE'S RETENTION OF FUNDS FOR COSTS INCURRED TO COLLECT AND ENFORCE THE DRYCLEANING FACILITY RESTORATION TRUST FUND; TO DELETE THE PROVISION THAT REQUIRES CERTAIN PERSONS WHO OWN OR OPERATE A DRYCLEANING FACILITY TO OBTAIN CERTIFICATION FROM A NATIONALLY RECOGNIZED DRYCLEANING INDUSTRY ASSOCIATION, AND TO REVISE CERTAIN DATES THAT RELATE TO WHEN A FACILITY MUST INSTALL CERTAIN CONTAINMENT STRUCTURES AROUND CERTAIN EQUIPMENT; TO AMEND SECTION 44-56-480, RELATING TO THE SURCHARGE ON PERCHLOROETHYLENE (TETRACHLOROETHYLENE) AND STODDARD SOLVENT, SO AS TO REVISE TYPES OF SOLVENTS AND FACILITIES THE SURCHARGE RELATES TO, TO REVISE THE FINE FOR A VIOLATION OF THIS PROVISION, TO ALLOW A SOLVENT DEALER TO PASS THE COST OF THE SURCHARGE TO OTHER PERSONS, AND TO PROVIDE THAT THE DEPARTMENT OF REVENUE MUST ADMINISTER, COLLECT, AND ENFORCE THE SURCHARGE IN THE MANNER THAT SALES AND USE TAXES ARE ADMINISTERED, COLLECTED, AND ENFORCED UNDER CHAPTER 36 OF TITLE 12; AND TO AMEND SECTION 44-56-485, RELATING TO THE ELECTION TO PLACE A DRYCLEANING FACILITY UNDER THE PROVISIONS OF ARTICLE 4, CHAPTER 56 OF TITLE 44, SO AS TO REVISE THE TYPE OF SOLVENTS THAT THIS PROVISION DOES AND DOES NOT APPLY TO, AND TO ADD PROVISIONS PERTAINING TO THE EFFECT OF VOLUNTARY REGISTRATION ON A DRYCLEANING FACILITY'S LIABILITY FOR THE PAYMENT OF CERTAIN TAXES, FEES, PENALTIES, AND INTEREST.

04/02/03 House Introduced and read first time HJ-7

04/02/03 House Referred to Committee on Ways and Means HJ-9