

## Session 115 - (2003-2004)

### **S\*0487 (Rat #0318, Act #0237 of 2004) General Bill, By Waldrep**

**Summary:** Drycleaning Facility Restoration Trust Fund, administration and enforcement

AN ACT 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 DRYCLEANING FACILITY RESTORATION TRUST FUND PROVISIONS, SO AS TO REVISE THE DEFINITIONS OF SEVERAL TERMS; TO AMEND SECTION 44-56-420, RELATING TO THE ESTABLISHMENT OF THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO REVISE THE TYPE OF PROJECTS THAT MAY NOT BE UNDERTAKEN BY THE DRYCLEANING FACILITY RESTORATION TRUST FUND; TO AMEND SECTION 44-56-430, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO DELETE THE PROVISION THAT ALLOWS AN ENVIRONMENTAL SURCHARGE TO BE LEVIED IF THE STATE TREASURER DETERMINES THAT THE FUND IS INSOLVENT, TO PROVIDE THAT ONE PERCENT OF THE GROSS PROCEEDS OF SALES OF A DRYCLEANING FACILITY MUST BE LEVIED AS AN ENVIRONMENTAL SURCHARGE ON CERTAIN OWNERS OR OPERATORS OF DRYCLEANING FACILITIES AND MUST BE SUSPENDED ONCE THE FUND EXCEEDS FIVE MILLION DOLLARS UNTIL THE BALANCE BECOMES LESS THAN ONE MILLION DOLLARS, TO REVISE THE DATES WHEN THE INITIAL AND SUBSEQUENT CHARGES ARE DUE AND PAYABLE, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL RETAIN FUNDS FOR THE COSTS INCURRED TO ADMINISTER, COLLECT, AND ENFORCE THE FUND, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST PROVIDE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY THAT CONTAINS THE CURRENT FINANCIAL POSITION OF THE FUND; TO AMEND SECTION 44-56-440, RELATING TO THE MORATORIUM PLACED ON ADMINISTRATIVE AND JUDICIAL ACTIONS CONCERNING DRYCLEANING FACILITIES AND WHOLESALE SUPPLY FACILITIES RESULTING FROM THE DISCHARGE OF DRYCLEANING SOLVENTS, SO AS TO REVISE THE STANDARDS A FACILITY MUST MEET TO BE SUBJECT TO THE PROVISIONS CONTAINED IN THE MORATORIUM AND TO RECEIVE ASSISTANCE FROM THE DRYCLEANING FACILITY RESTORATION FUND; TO AMEND SECTION 44-56-450, RELATING TO THE REPORTING OF DISCHARGED DRYCLEANING SOLVENT THAT CAUSES CONTAMINATION, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL NOTIFY OWNERS, OPERATORS, AND PERSONS OF DRYCLEANING AND WHOLESALE SUPPLY FACILITIES WITHIN A CERTAIN PERIOD OF TIME OF CERTAIN REGISTRATION REQUIREMENTS; TO AMEND SECTION 44-56-470, RELATING TO THE ANNUAL REGISTRATION AND FEES FOR DRYCLEANING FACILITIES, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT REQUIRES THE REGISTRATION FEE BE PAID WITHIN THIRTY DAYS AFTER RECEIPT OF BILLING, TO PROVIDE THAT THE PROVISIONS CONTAINED IN TITLE 12 APPLY TO THE COLLECTION AND ENFORCEMENT OF THE FEES, TO DELETE THE PROVISION THAT REQUIRES AN OWNER OR OPERATOR OF A DRYCLEANING FACILITY TO RECEIVE CERTIFICATION THAT HE HAS DEMONSTRATED A LEVEL OF COMPETENCY TO OPERATE A DRYCLEANING FACILITY, TO PROVIDE THAT THE DEPARTMENT OF REVENUE MUST RETAIN FUNDS FOR THE COSTS INCURRED TO COLLECT AND ENFORCE THE DRYCLEANING FACILITY RESTORATION FUND, TO LIMIT THE AMOUNT OF FUNDS THAT MAY BE RETAINED, TO PROVIDE THAT THE AMOUNT THAT EXCEEDS THE COSTS INCURRED BY THE DEPARTMENT OF REVENUE MUST BE REMITTED TO THE STATE TREASURER AND USED PURSUANT TO THE PROVISIONS CONTAINED IN SECTION 44-56-420, TO REVISE THE PERIOD OF TIME WHEN CERTAIN OWNERS OR OPERATORS OF DRYCLEANING FACILITIES SHALL INSTALL CERTAIN CONTAINMENT STRUCTURES; TO AMEND SECTION 44-56-480, RELATING TO THE SURCHARGE ASSESSED AGAINST PERCHLOROETHYLENE AND STODDARD SOLVENT, SO AS TO DELETE THE TERM PERCHLORETHYLENE AND REPLACE IT WITH THE TERM HALOGENATED DRYCLEANING FLUID, TO DELETE THE TERM STODDARD SOLVENT AND REPLACE IT WITH THE TERM NONHALOGENATED CLEANER, TO PROVIDE THAT CERTAIN NONHALOGENATED CLEANERS MUST BE ASSESSED A SURCHARGE OF TWENTY CENTS PER POUND, TO MAKE CERTAIN TECHNICAL CHANGES, TO REVISE THE PERIOD OF TIME WHEN THE SURCHARGE IS DUE AND PAYABLE, TO DELETE THE PROVISION THAT REQUIRES THAT CERTAIN PERSONS MUST DOCUMENT THAT THE SURCHARGE HAS BEEN PAID, TO PROVIDE THAT FINAL RETAIL CUSTOMERS MUST DOCUMENT THAT THE SURCHARGE HAS BEEN PAID, TO PROVIDE THAT A SOLVENT DEALER MAY PASS THE COSTS OF THE SURCHARGE TO CERTAIN PERSONS, TO REVISE THE MANNER IN WHICH THE DEPARTMENT OF REVENUE SHALL ADMINISTER, COLLECT, ENFORCE, AND DISTRIBUTE THE SURCHARGE, AND TO PROVIDE THAT A PERSON WHO SELLS DRYCLEANING SOLVENT THAT IS EXEMPT FROM THE COLLECTION OF THE SURCHARGE MAY APPLY FOR A CREDIT OR REFUND; AND TO AMEND SECTION 44-56-485, RELATING TO DRYCLEANING FACILITIES THAT ARE

EXEMPT FROM PROVISIONS CONTAINED IN THE STATUTES RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO REVISE THE TYPE OF DRYCLEANING FACILITIES THAT ARE EXEMPT FROM THESE PROVISIONS, AND TO PROVIDE A PROCEDURE FOR AN OWNER OR OPERATOR OF CERTAIN DRYCLEANING FACILITIES TO ELECT TO VOLUNTARILY, OR BE DIRECTED TO PLACE A FACILITY UNDER THESE PROVISIONS. - ratified title

03/13/03	Senate	Introduced and read first time SJ-5
03/13/03	Senate	Referred to Committee on Finance SJ-5
03/18/03	Senate	Recalled from Committee on Finance SJ-2
03/18/03	Senate	Committed to Committee on Agriculture and Natural Resources SJ-2
04/23/03	Senate	Committee report: Favorable with amendment Agriculture and Natural Resources SJ-21
04/24/03	Senate	Amended SJ-66
04/24/03	Senate	Read second time SJ-66
04/29/03	Senate	Amended SJ-52
04/29/03	Senate	Read third time and sent to House SJ-52
04/30/03	House	Introduced and read first time HJ-14
04/30/03	House	Referred to Committee on Ways and Means HJ-15
04/01/04	House	Committee report: Favorable with amendment Ways and Means HJ-8
04/05/04		Scrivener's error corrected
04/14/04	House	Amended HJ-24
04/14/04	House	Read second time HJ-39
04/15/04	House	Read third time and returned to Senate with amendments HJ-14
04/15/04		Scrivener's error corrected
04/28/04	Senate	House amendment amended SJ-11
04/28/04	Senate	Returned to House with amendments SJ-11
04/28/04		Scrivener's error corrected
05/04/04	House	Concurred in Senate amendment and enrolled HJ-16
05/19/04		Ratified R 318
05/24/04		Signed By Governor
05/27/04		Copies available
05/27/04		Effective date See Act for Effective Date
06/10/04		Act No. 237