**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3836**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Toole, Clyburn, Huggins, Spires, Jefferson, Herbkersman, Douglas, Hosey, Elliott, G.R. Smith, Norrell, Magnuson, Martin, Robinson‑Simpson, Blackwell, Brown, V.S. Moss, B. Newton, Pitts, Ridgeway, Simrill, Whipper and Long

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Companion/Similar bill(s): 729, 756

Introduced in the House on February 22, 2017

Currently residing in the House Committee on **Ways and Means**

Summary: South Carolinians with Disabilities Economic Development Trust Fund

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/22/2017 House Introduced and read first time ([House Journal‑page 46](file:///h:\hj\20170222.docx))

2/22/2017 House Referred to Committee on **Ways and Means** ([House Journal‑page 46](file:///h:\hj\20170222.docx))

3/20/2018 House Member(s) request name added as sponsor: Long

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**VERSIONS OF THIS BILL**

[2/22/2017](file:///p:\pprever\2017-18\3836_20170222.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 28, TITLE 44 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF THE “SOUTH CAROLINIANS WITH DISABILITIES ECONOMIC DEVELOPMENT TRUST FUND” TO PROVIDE ASSISTANCE TO INDIVIDUALS WITH DISABILITIES TO PURSUE ENTREPRENEURSHIP AND SELF‑EMPLOYMENT OPPORTUNITIES THROUGH BUSINESS DEVELOPMENT GRANTS FOR THE STARTUP, EXPANSION, OR ACQUISITION OF A BUSINESS OPERATED WITHIN THE STATE; BY ADDING SECTION 12‑6‑3760 SO AS TO PROVIDE FOR A TAX CREDIT FOR TAXPAYER CONTRIBUTIONS TO THE FUND; AND TO AMEND SECTION 12‑6‑5060, AS AMENDED, RELATING TO TAX RETURNS, SO AS TO ADD THE FUND TO THE LIST OF FUNDS TO WHICH A TAXPAYER MAY CONTRIBUTE ON A STATE INDIVIDUAL TAX RETURN.

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

SECTION 1. Chapter 28, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolinians with Disabilities Economic Development Trust Fund

Section 44‑28‑510. There is created in the State Treasury the South Carolinians with Disabilities Economic Development Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of appropriations and donations, contributions, bequests, or other gifts. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year.

Section 44‑28‑520. The Vocational Rehabilitation Department shall establish the program that awards grants from the fund to qualifying residents of this State with physical or mental impairments who start, expand, or acquire a business within this State. The department may administer the program or contract with another public or private agency to administer the program.

Section 44‑28‑530. To receive a grant pursuant to this program, an applicant must:

(1) be eligible for vocational rehabilitation services as defined in Section 43‑31‑30(3) and (12);

(2) not have previously received educational or training equipment through another rehabilitation program when that equipment could be used in the applicant’s proposed business;

(3) have at least fifty‑one percent ownership in a for‑profit business that is actively owned, operated, and managed in this State;

(4) agree to an approved business plan that will result in self‑sufficiency as measured by earnings that equal or exceed eighty percent of substantial gainful activity; and

(5) provide documentation to the satisfaction of the department of the applicant’s ability to match dollar‑for‑dollar the amount of funds requested.

Section 44‑28‑540. Monies in the South Carolinians with Disabilities Economic Development Trust Fund must be expended solely to provide business development grants pursuant to this article. Grants must be limited to a maximum of two thousand five hundred dollars.

Section 44‑28‑550. Grants awarded pursuant to the program may in no way reduce, impair, or diminish the benefits to which the beneficiary is otherwise entitled by law.

Section 44‑28‑560. Grants may not be awarded:

(1) to be used as a cash infusion, for personal or business loan repayments, or for personal or business credit card debt; or

(2) to start, expand, or acquire any of the following types of businesses:

(a) a hobby or similar activity that does not produce income at the level required for self‑sufficiency;

(b) a business venture that is speculative in nature or considered high risk;

(c) a business registered with the federal Internal Revenue Service as a Section 501(c)(3) entity or other entity set up deliberately to be not‑for‑profit;

(d) a business that is not fully compliant with all local, state, and federal zoning requirements and all other applicable local, state, and federal requirements; or

(e) any illegal business venture as defined by state law.

Section 44‑28‑570. The Vocational Rehabilitation Department may promulgate regulations necessary for the implementation and administration of this article.”

SECTION 2. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3760. There is allowed a tax credit against income tax liability of a taxpayer imposed by this chapter for contributions to the South Carolinians with Disabilities Economic Development Fund. The credit is equal to one hundred percent of the contribution. The tax credit allowed by this section is nonrefundable and, if the amount of the credit exceeds the taxpayer’s liability for the applicable taxable year any unused credit may be carried forward and claimed in the five succeeding taxable years.”

SECTION 3. Section 12‑6‑5060(A) of the 1976 Code, as last amended by Act 280 of 2016, is further amended to read:

“(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51‑18‑115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50‑1‑280, the Children’s Trust Fund of South Carolina established pursuant to Section 63‑11‑910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43‑21‑160, the First Steps to School Readiness Fund established pursuant to Section 63‑11‑1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44‑43‑1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23‑3‑65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K‑12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48‑59‑60, the Financial Literacy Trust Fund established pursuant to Section 59‑29‑510, ~~or~~ the South Carolina Association of Habitat for Humanity Affiliates, or the South Carolinians with Disabilities Economic Development Fund established pursuant to Section 44‑28‑510, by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.”

SECTION 4. This act takes effect January first of the following year after approval by the Governor.

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