**South Carolina General Assembly**

125th Session, 2023-2024

**R139, H3121**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hyde, Carter, B. Newton, Neese, T. Moore, Pope, Bauer, Davis, M.M. Smith, Willis, Brewer, Robbins, Felder, Stavrinakis, Wetmore and Caskey

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Introduced in the House on January 10, 2023

Introduced in the Senate on May 11, 2023

Last Amended on March 19, 2024

Currently residing in the House

Summary: Recreational Trail Easement Income Tax Credit

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Ways and Means**

1/10/2023 House Introduced and read first time ([House Journal‑page 71](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 71](h:\hj\20230110.docx))

1/26/2023 House Member(s) request name added as sponsor: Neese,
T. Moore

2/7/2023 House Member(s) request name added as sponsor: Pope

2/8/2023 House Member(s) request name added as sponsor: Bauer,
Davis, M.M. Smith

3/14/2023 House Member(s) request name added as sponsor: Willis

3/29/2023 House Member(s) request name added as sponsor: Brewer,
Robbins

4/19/2023 House Member(s) request name added as sponsor: Felder

4/26/2023 House Member(s) request name added as sponsor:
Stavrinakis, Wetmore

5/4/2023 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 4](h:\hj\20230504.docx))

5/9/2023 House Debate adjourned ([House Journal‑page 23](h:\hj\20230509.docx))

5/10/2023 House Member(s) request name added as sponsor: Caskey

5/10/2023 House Amended ([House Journal‑page 26](h:\hj\20230510.docx))

5/10/2023 House Read second time ([House Journal‑page 26](h:\hj\20230510.docx))

5/10/2023 House Roll call Yeas-113 Nays-0 ([House Journal‑page 27](h:\hj\20230510.docx))

5/11/2023 House Read third time and sent to Senate ([House Journal‑page 20](h:\hj\20230511.docx))

5/11/2023 Senate Introduced and read first time ([Senate Journal‑page 9](h:\sj\20230511.docx))

5/11/2023 Senate Referred to Committee on **Finance** ([Senate Journal‑page 9](h:\sj\20230511.docx))

2/28/2024 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 17](h:\sj\20240228.docx))

3/19/2024 Senate Committee Amendment Adopted ([Senate Journal‑page 20](h:\sj\20240319.docx))

3/19/2024 Senate Read second time ([Senate Journal‑page 20](h:\sj\20240319.docx))

3/19/2024 Senate Roll call Ayes-43 Nays-0 ([Senate Journal‑page 20](h:\sj\20240319.docx))

3/20/2024 Senate Read third time and returned to House with amendments ([Senate Journal‑page 12](h:\sj\20240320.docx))

3/27/2024 House Concurred in Senate amendment and enrolled ([House Journal‑page 37](h:\hj\20240327.docx))

3/27/2024 House Roll call Yeas-107 Nays-0 ([House Journal‑page 37](h:\hj\20240327.docx))

5/8/2024 Ratified R 139

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3121&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3121_20221208.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3121_20230504.docx)

[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3121_20230510.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3121_20240228.docx)

[03/19/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3121_20240319.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R139, H3121)

AN ACT to amend the South Carolina Code of Laws by adding Section 12-6-3810 so as to PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

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

Recreational Trail Easement Income Tax Credit

SECTION 1. Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12‑6‑3810. (A) A taxpayer who encumbers his property with a perpetual recreational trail easement and right of way is allowed a one‑time income tax credit equal to ten cents for each square foot of the property that is encumbered by the recreational trail easement.

(B) The easement and right of way must be held by a municipality, county, or special purpose district within the State or by a Land Trust Alliance accredited land trust and must be recorded with the appropriate Register of Deeds. The easement must include an agreement with the municipality, county, or land trust to grant access to the general public and address improvements to the trail, which could include pavement or soft‑surface trails and maintenance.

(C) To qualify for this tax credit, the trail must provide a connection between a trail within a municipality’s, county’s, or special purpose district’s regional trail system plan in this State and a local or regional attraction or point of interest. User groups may include equestrians, pedestrians, bicyclists, and other non‑motorized users. Local or regional points of interest include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations.

(D) If the credit exceeds the taxpayer’s tax liability for the taxable year, the excess amount may be carried forward for credit against income taxes in the next five succeeding taxable years.

(E) To receive the credit the taxpayer shall claim the credit on his income tax or withholding return in a manner prescribed by the department. The department may require any information that it determines is necessary for the calculation of the credit provided by this section.

(F) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed one million dollars for each calendar year.

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to income tax years beginning after 2023. This act is repealed on January 1, 2029, and is no longer effective for any income tax year after 2028.

Ratified the 8th day of May, 2024.

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President of the Senate

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Speaker of the House of Representatives

Approved the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2024.

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Governor

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