

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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4 AMENDED

5 April 20, 2022

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9 Introduced by Reps. G.M. Smith and West

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A BILL

TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

Amend Title To Conform

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

SECTION 1. A. Section 12-6-3795 of the 1976 Code, as added by Act 137 of 2020, is amended to read:

“Section 12-6-3795. (A) As used in this section:

(1) ‘Eligibility statement’ means a statement authorized and issued by the South Carolina State Housing and Finance Development Authority certifying that a given project qualifies for the South Carolina housing tax credit, including any preliminary determination thereof.

(2) ‘Federal housing tax credit’ means the federal tax credit as provided in Section 42 of the Internal Revenue Code of 1986, as amended.

1 (3) 'Median income' means those incomes that are
2 determined by the federal Department of Housing and Urban
3 Development guidelines and adjusted for family size.

4 (4) 'Project' means a housing project that has restricted rents
5 that do not exceed thirty percent of income for at least forty percent
6 of its units occupied by persons or families having incomes of sixty
7 percent or less of the median income, or at least twenty percent of
8 the units occupied by persons or families having incomes of fifty
9 percent or less of the median income.

10 (5) 'Qualified project' means a qualified low-income building
11 as that term is defined in Section 42 of the Internal Revenue Code
12 of 1986, as amended, that is located in South Carolina and receives
13 approval for tax credits from the South Carolina Housing and
14 Finance Development Authority provided pursuant to this section.

15 (6) 'Taxpayer' means a sole proprietor, partnership,
16 corporation of any classification, limited liability company, or
17 association taxable as a business entity that is subject to South
18 Carolina taxes pursuant to Section 12-6-510, Section 12-6-530,
19 Chapter 11, Title 12, or Chapter 7, Title 38.

20 (7) 'Federal 9 percent tax credit' means the federal housing
21 tax credit described in Section 42(b)(1)(B)(i) of the Internal
22 Revenue Code.

23 (8) 'Federal 4 percent tax credit' means the federal housing
24 tax credit described in Section 42(b)(1)(B)(ii) of the Internal
25 Revenue Code.

26 (9) 'Credit period' has the meaning defined in Section
27 42(f)(1) of the Internal Revenue Code.

28 (10) 'State housing authority' means the South Carolina State
29 Housing Finance and Development Authority.

30 (11) 'Department of Revenue' means the South Carolina
31 Department of Revenue.

32 (B)(1) A state tax credit pursuant to this section may be claimed
33 against income taxes imposed by Section 12-6-510 or 12-6-530,
34 bank taxes imposed pursuant to Chapter 11, Title 12, corporate
35 license fees imposed pursuant to Chapter 20, Title 12, and insurance
36 premium and retaliatory taxes imposed pursuant to Chapter 7, Title
37 38, to be termed the South Carolina housing tax credit, and is
38 allowed with respect to each qualified project placed in service after
39 January 1, 2020, and before December 31, 2030, in an amount ~~equal~~
40 not to exceed the federal housing tax credit allowed with respect to
41 such qualified project, subject to the limitations of item (5). In
42 computing a tax payable by a taxpayer pursuant to Section 38-7-90,

1 the credit allowed pursuant to this section must be treated as a
2 premium tax paid pursuant to Section 38-7-20.

3 (2)(a) If under Section 42 of the Internal Revenue Code of
4 1986, as amended, a portion of any federal housing tax credit taken
5 on a project is required to be recaptured, the taxpayer claiming any
6 ~~state~~ South Carolina housing tax credit with respect to such project
7 also is required to recapture a portion of any ~~state~~ South Carolina
8 housing tax credit authorized by this section. The state recapture
9 amount is equal to the proportion of the ~~state~~ South Carolina housing
10 tax credit claimed by the taxpayer that equals the proportion the
11 federal recapture amount bears to the original federal housing tax
12 credit amount subject to recapture.

13 (b) In the event that recapture of any South Carolina
14 housing tax credit is required, any ~~amended~~ return submitted to the
15 Department of Revenue, as provided in this section, shall include
16 the proportion of ~~state~~ the South Carolina housing tax credit
17 required to be recaptured, the identity of each taxpayer subject to the
18 recapture, and the amount of South Carolina housing tax credit
19 previously allocated to such taxpayer. Any recapture of the South
20 Carolina housing tax credit is reported in the same manner as any
21 recapture of the federal housing tax credit.

22 (3) The total amount of the South Carolina housing tax credit
23 allowed by this section for a taxable year may not exceed the
24 taxpayer's income tax liability. Any unused South Carolina housing
25 tax credit may be carried forward to apply to the taxpayer's next five
26 succeeding years' tax liability. The taxpayer may not apply the
27 credit against any prior tax years' tax liability.

28 (4) The South Carolina housing tax credit ~~allowed by this~~
29 ~~section~~, and any recaptured tax credit, must be allocated among
30 some or all of the partners, members, or shareholders of the entity
31 owning the project in any manner agreed to by such persons,
32 regardless of whether such persons are allocated or allowed any
33 portion of the federal housing tax credit with respect to the project.

34 (5)(a) The South Carolina housing tax credit allowed for any
35 project must supplement but not supplant the federal housing tax
36 credit and must be limited to an amount necessary only to achieve
37 financial feasibility of the project.

38 (b) The total amount of all South Carolina housing tax
39 credits that may be allocated in any calendar year must not exceed
40 twenty million dollars, plus the total of all unallocated tax credits, if
41 any, for any preceding years, and the total amount of any previously
42 allocated tax credits that have been recaptured, revoked, canceled,
43 or otherwise recovered but not otherwise reallocated.

1 (c) Of the dollar limitation prescribed in subitem (b), the
2 total amount of South Carolina housing tax credits allocated to
3 qualified projects utilizing the federal 9 percent tax credit must not
4 exceed forty percent of the dollar limitation prescribed in subitem
5 (b). Of the South Carolina housing tax credits allocated to qualified
6 projects utilizing the federal 9 percent tax credit, not less than fifty
7 percent of the South Carolina housing tax credits must be allocated
8 to qualified projects located in an eligible rural area as designated
9 by the United States Department of Agriculture, with the remainder
10 allocated to (i) qualified projects serving older persons or persons
11 with special needs, irrespective of rural eligibility criteria; (ii)
12 qualified projects supporting workforce development as certified by
13 the South Carolina Department of Commerce, irrespective of rural
14 eligibility criteria; and (iii) other qualified projects, irrespective of
15 rural eligibility criteria.

16 (d) Compliance with the dollar limitations of subitems (b)
17 and (c) must be determined by the total amount of South Carolina
18 housing tax credits allocated for one full year of the credit period
19 applicable to each qualified project, and not the total amount of
20 South Carolina housing tax credits allocated for the entire credit
21 period applicable to each qualified project. Compliance with the
22 dollar limitations of subitems (b) and (c) must be determined within
23 each calendar year at the time the state housing authority makes a
24 preliminary determination of any qualified project's eligibility for
25 the South Carolina housing tax credit.

26 (e) In addition to the dollar limitation of subitem (b),
27 allocation of any South Carolina housing tax credit to any qualified
28 project utilizing the federal 4 percent tax credit is conditioned on
29 among other things availability and allocation to the extent
30 necessary for the qualified project of any state ceiling made pursuant
31 to Article 3, Chapter 11, Title 1.

32 (C)(1) The state housing authority shall promulgate rules
33 establishing criteria upon which the eligibility statements are issued
34 which must include consideration of evidence of local support for
35 the project. The eligibility statement must specify the amount of the
36 South Carolina housing tax credit allowed, and must include: (i) the
37 annual amount of South Carolina housing tax credit allocated to the
38 qualified project for each year of credit the period; and (ii) the total
39 amount of South Carolina housing tax credit allocated to the
40 qualified project for the entire credit period.

41 (2) The state housing authority may not issue an eligibility
42 statement until the taxpayer provides a report to the state housing
43 authority detailing how the state South Carolina housing tax credit

1 ~~authorized by this section~~ will benefit the tenants of the project, once
2 placed in service, ~~including, but not limited to, including without~~
3 ~~limitation reduced rent, or and why the state South Carolina housing~~
4 ~~tax credit authorized by this section is necessary to undertake~~
5 ~~essential to the financial feasibility of the project.~~

6 (3) The state housing authority must establish uniform criteria
7 for allocating the South Carolina housing tax credit to eligible
8 projects pursuant to a competitive process that promotes highest
9 value and greatest public benefit. The state housing authority must
10 establish the criteria required by this section as part of any qualified
11 allocation plan adopted to administer the federal housing tax credit,
12 which must include without limitation an opportunity for public
13 comment at a public hearing conducted by the state housing
14 authority. The criteria established pursuant to this section, and any
15 qualified allocation plan are subject to the prior review and
16 comment of the Joint Bond Review Committee.

17 (4) The state housing authority must furnish no later than
18 January thirty-first of each year an annual report of South Carolina
19 housing tax credits allocated pursuant to this section, which must
20 include for the preceding calendar year the total amount of South
21 Carolina housing tax credits allocated, and for each project, the
22 project name and location, the amount of the South Carolina housing
23 tax credits allocated to the project, project ownership, total number
24 of units assisted, and the public benefit achieved by the project. The
25 annual report must be furnished to the President of the Senate, the
26 Speaker of the House of Representatives, the Chairman of the
27 Senate Finance Committee, the Chairman of the House of
28 Representatives Ways and Means Committee, the Joint Bond
29 Review Committee, and the State Fiscal Accountability Authority.

30 (D) ~~The Department of Revenue, in consultation with the South~~
31 ~~Carolina State Housing Finance and Development Authority state~~
32 ~~housing authority, may adopt rules and policies necessary to~~
33 ~~implement and administer the provisions of this section; provided,~~
34 ~~however, that the state housing authority has the responsibility for:~~
35 ~~(i) allocation and administration of the South Carolina housing tax~~
36 ~~credit; and (ii) ensuring that the limits prescribed by subsections~~
37 ~~(B)(5)(b) and (B)(5)(c) are not exceeded.~~

38 (E) Notwithstanding any other provision of law, the provisions
39 of this section and administration thereof are subject to the
40 oversight, and review and comment as appropriate, of the Joint
41 Bond Review Committee.”

42

1 B.1. Notwithstanding the limitations prescribed by Section
2 12-6-3795(B)(5)(b), (c), and (d) in SECTION 1.A., the General
3 Assembly hereby provides a one-time authorization of South
4 Carolina housing tax credits in an amount necessary but not
5 exceeding one hundred million dollars for qualified projects
6 approved before December 31, 2021, by the State Fiscal
7 Accountability Authority or the South Carolina State Housing and
8 Finance Development Authority, as applicable. Any allocations of
9 South Carolina housing tax credits made pursuant to this provision
10 are subject to the review and comment of the Joint Bond Review
11 Committee. Not later than thirty days following enactment hereof,
12 the South Carolina State Housing and Finance Development
13 Authority must identify and report to the President of the Senate, the
14 Speaker of the House of Representatives, the Chairman of the
15 Senate Finance Committee, the Chairman of the House of
16 Representatives Ways and Means Committee, the Joint Bond
17 Review Committee, and the State Fiscal Accountability Authority
18 all qualified projects to which this one-time authorization of South
19 Carolina housing tax credits is proposed to apply. The report must
20 be made in such form and substance as may be directed by the Joint
21 Bond Review Committee. Nothing in this provision grants any
22 rights to, or in the processes used in the determination of, allocation
23 of this one-time authorization of South Carolina housing tax credits.
24 Decisions made pursuant to this provision are final and are not
25 subject to judicial or administrative review.

26
27 2. This subsection B takes effect upon approval by the Governor.

28
29 C. This SECTION takes effect upon approval by the Governor and
30 first applies to tax years beginning after 2021.

31
32 SECTION 2. Article 3, Chapter 11, Title 1 of the 1976 Code is
33 amended to read:

34
35 “Article 3

36
37 Allocation of State Ceiling on Issuance of Private Activity Bonds

38
39 Section 1-11-500. The state ceiling on the issuance of private
40 activity bonds as defined in Section 146 of the Internal Revenue
41 Code of 1986 (~~the Code~~) established in the act must be certified
42 annually by the Secretary of the State Fiscal Accountability
43 Authority ~~secretary~~ (the state authority) based upon the provisions

1 of the act. The ~~board~~ secretary of the state authority shall make this
2 certification as soon as practicable after the estimates of the
3 population of the State of South Carolina to be used in the
4 calculation are published by the United States Bureau of the Census
5 but in no event later than February first of each calendar year.

6

7 Section 1-11-510. (A) The private activity bond limit for all
8 issuing authorities must be allocated by the ~~board~~ state authority in
9 response to authorized requests as described in Section 1-11-530 by
10 the issuing authorities, or as otherwise provided in Section
11 1-11-520(G).

12 (B) The aggregate private activity bond limit amount for all
13 South Carolina issuing authorities is allocated initially to the State
14 for further allocation within the limits prescribed herein.

15 ~~(C) Except as is provided in Section 1-11-540, all allocations~~
16 ~~must be made by the board on a first come, first served basis, to be~~
17 ~~determined by the date and time sequence in which complete~~
18 ~~authorized requests are received by the board secretary. Nothing in~~
19 ~~this article or the State Ceiling Allocation Plan adopted pursuant to~~
20 ~~this article grants any rights to, or in the processes used in the~~
21 ~~allocation or disposition of, state ceiling. Decisions made pursuant~~
22 ~~to this article are final and are not subject to judicial or~~
23 ~~administrative review.~~

24

25 Section 1-11-520. (A) ~~The private activity bond limit for all~~
26 ~~state government issuing authorities now or hereafter authorized to~~
27 ~~issue private activity bonds as defined in the act, to be known as the~~
28 ~~"state government pool", is forty percent of the state ceiling less any~~
29 ~~amount shifted to the local pool as described in subsection (B) of~~
30 ~~this section or plus any amount shifted from that pool. No later than~~
31 ~~September thirtieth of the year preceding the calendar year to which~~
32 ~~the state ceiling applies, and subject to review and comment by the~~
33 ~~Joint Bond Review Committee, the state authority must publish a~~
34 ~~State Ceiling Allocation Plan that assigns percentages of the state~~
35 ~~ceiling to categories of any of the permitted purposes prescribed by~~
36 ~~the Internal Revenue Code. Without limitation, categories of~~
37 ~~permitted purposes may include industrial and economic~~
38 ~~development bonds; single family housing bonds; multifamily~~
39 ~~housing bonds; student loan bonds; and any other bonds eligible for~~
40 ~~tax exemption as a private activity bond pursuant to the Internal~~
41 ~~Revenue Code. No initial assignment to any single category may~~
42 ~~exceed forty percent of the state ceiling, and no minimum~~
43 ~~assignment is required for any category.~~

1 ~~(B) The private activity bond limit for all issuing authorities~~
2 ~~other than state government agencies, to be known as the "local~~
3 ~~pool", is sixty percent of the state ceiling plus any amount shifted~~
4 ~~from the state government pool or less any amount shifted to that~~
5 ~~pool. Further, the allocation plan must provide for a process of~~
6 ~~periodic allocations of the state ceiling within each category, which~~
7 ~~for any period generally may not exceed an amount of the state~~
8 ~~ceiling allocated to that category equally divided among the number~~
9 ~~of periods in the year during which allocations are to be made;~~
10 ~~provided, however, that the state authority may, upon findings of~~
11 ~~exceptional and compelling circumstances, amend the annual~~
12 ~~allocation plan following review and comment by the committee.~~

13 ~~(C) The board, with review and comment by the Joint Bond~~
14 ~~Review Committee, may shift unallocated amounts from one pool~~
15 ~~to the other at any time. Notwithstanding the assigned percentages~~
16 ~~set forth in the allocation plan, the state authority may but need not~~
17 ~~reassign any state ceiling unused in prior periods as a supplement to~~
18 ~~and means to address demand for ceiling allocation in a subsequent~~
19 ~~period. Such re-assignment may be made for any allocation~~
20 ~~category, notwithstanding its original assignment.~~

21 ~~(D) Unless otherwise approved in writing by the state authority~~
22 ~~following justification and substantial findings of significance, no~~
23 ~~authorized request may receive an allocation of state ceiling~~
24 ~~applicable to that calendar year exceeding ten percent of the total~~
25 ~~state ceiling in the case of an industrial or economic development~~
26 ~~project, or five percent of the total state ceiling for any other~~
27 ~~allocation category.~~

28 ~~(E) The allocation plan must establish competitive criteria for~~
29 ~~allocation of state ceiling to authorized requests. Competitive~~
30 ~~criteria may be unique to each category but must be uniform within~~
31 ~~each category and established to achieve highest value and greatest~~
32 ~~public benefit. Discussions of matters related to the periodic~~
33 ~~evaluation of authorized requests may be conducted in executive~~
34 ~~session. The state authority may utilize the services of the South~~
35 ~~Carolina Department of Commerce, the South Carolina State~~
36 ~~Housing Finance and Development Authority, any other state~~
37 ~~agency, and any other public or private resources to inform and~~
38 ~~provide services for the development of the allocation plan,~~
39 ~~including the evaluation and competitive criteria; and the periodic~~
40 ~~evaluation of authorized requests. The Department of Commerce~~
41 ~~and the State Housing Finance and Development Authority are~~
42 ~~directed to provide to the state authority such assistance as may be~~
43 ~~requested or required to accomplish the purposes of this article.~~

1 (F) Allocations of state ceiling to authorized requests must be
2 made in accordance with the provisions of the allocation plan and
3 policies and procedures adopted by the state authority.

4 (G) The state authority must determine the disposition of any
5 remaining, unused state ceiling during the final period of the
6 calendar year pursuant to a petition submitted in accordance with
7 Section 1-11-530(D).

8
9 Section 1-11-530. (A) For private activity bonds proposed for
10 issue by other than state government issuing authorities, an
11 authorized request is a request included in a petition to the ~~board~~
12 state authority that a specific amount of the state ceiling be allocated
13 to the bonds for which the petition is filed. The petition must be
14 accompanied by: (i) a copy of the Inducement Contract, Inducement
15 Resolution, or other comparable preliminary approval entered into
16 or adopted by the issuing authority, if any, relating to the bonds. ~~The~~
17 ~~board shall forward promptly to the committee a copy of each~~
18 ~~petition received, and (ii) such other supporting documentation as~~
19 the state authority may by policy prescribe.

20 (B) For private activity bonds proposed for issue by any state
21 government issuing authority, an authorized request is a request
22 included in a petition to the ~~board~~ state authority that a specific
23 amount of the state ceiling be allocated to the bonds for which the
24 petition is filed. The petition must be accompanied by: (i) a bond
25 resolution or comparable action by the issuing authority authorizing
26 the issuance of the bonds. ~~The board shall forward promptly to the~~
27 ~~committee a copy of each petition received, and (ii) such other~~
28 supporting documentation as the state authority may by policy
29 prescribe.

30 (C) Each authorized request must demonstrate that the allocation
31 amount requested constitutes all of the private activity bond
32 financing contemplated at the time for the project and any other
33 facilities located at or used as a part of an integrated operation with
34 the project.

35 (D) An issuing authority seeking an allocation of any remaining
36 unused state ceiling for carry-forward designation must submit to
37 the state authority a petition identifying the types of tax-exempt
38 bonds to which the carry-forward designation will apply. The
39 petition must be accompanied by such other supporting
40 documentation as the state authority may by policy prescribe. Such
41 allocations are not subjected to the provisions of Section 1-11-
42 520(D), (E), and (F).

1 (E) Notwithstanding any other provision of this article, the state
2 authority may disapprove, reduce, or defer any authorized request
3 or petition for carryforward.

4 (F) The state authority must periodically furnish to the Joint
5 Bond Review Committee a report of petitions received, along with
6 their dispositions.

7
8 Section 1-11-540. ~~(A) The board, with review and comment by~~
9 ~~the committee, may disapprove, reduce, or defer any authorized~~
10 ~~request. If it becomes necessary to exercise this authority, the board~~
11 ~~and the committee shall take into account the public interest in~~
12 ~~promoting economic growth and job creation.~~

13 ~~(B) Authorized requests for state ceiling allocations of more than~~
14 ~~ten million dollars for a single project are deferred until after July~~
15 ~~first unless the board, after review and comment by the committee,~~
16 ~~determines in any particular instance that the positive impact upon~~
17 ~~the State of approving an allocation of an amount greater than ten~~
18 ~~million dollars is of such significance that approval of the allocation~~
19 ~~is warranted~~ Reserved.

20
21 Section 1-11-550. (A) An allocation of the state ceiling
22 approved by the ~~board~~ state authority is made formal initially by a
23 certificate which allocates tentatively a specific amount of the state
24 ceiling to the bonds for which the allocation is requested. This
25 tentative allocation certificate must specify the state ceiling amount
26 allocated, the issuing authority and the project involved, and the
27 time period during which the tentative allocation is valid. This
28 certificate must remind the issuing authority that the tentative
29 allocation is made final after the issuing authority chairman or other
30 duly authorized official or agent of the issuing authority, before the
31 issue is made, certifies the issue amount and the projected date of
32 issue, as is required by subsection (B) of this section. It also may
33 include other information considered relevant by the ~~board~~
34 of the state authority.

35 (B) The chairman or other authorized official or agent of an
36 issuing authority issuing any private activity bond for which a
37 portion of the state ceiling has been allocated tentatively shall
38 execute and deliver to the ~~board~~ secretary of the state authority an
39 issue amount certificate setting forth the exact amount of bonds to
40 be issued and the projected bond issue date which date must not be
41 more than ten business days after the date of the issue amount
42 certificate and it must be before the state ceiling allocation involved
43 expires. The issue amount certificate may be an executed copy of

1 the appropriate completed ~~Internal Revenue Service~~ form to be
2 submitted to the Internal Revenue Service on the issue or it may be
3 in the form of a letter which certifies the exact amount of bonds to
4 be issued and the projected date of the issue.

5 (C) In response to the issuing authority's issue amount certificate
6 required by subsection (B) of this section, the ~~board~~ secretary of the
7 state authority is authorized to issue and, as may be necessary, to
8 revise a certificate making final the ceiling allocation ~~approved~~
9 previously approved by the ~~board~~ state authority on a tentative basis,
10 if the secretary of the state authority determines that:

11 (1) the issuing authority's issue amount certificate specifies
12 an amount not in excess of the approved tentative ceiling allocation
13 amount;

14 (2) the issue amount certificate was received prior to the issue
15 date projected and that the certificate is dated not more than ten days
16 prior to the issue date projected; provided, however, that if an issue
17 amount certificate is dated more than ten days prior to the date of
18 issue of the bonds, such certificate shall be void, and a new request
19 must be provided to the secretary of the state authority prior to
20 issuance of the bonds;

21 (3) the issue date projected is within the time period approved
22 previously for the tentative ceiling allocation; and

23 (4) the bonds when issued and combined with the total
24 amount of bonds requiring a ceiling allocation included in issue
25 amount certificates ~~submitted~~ previously submitted to the ~~board~~
26 state authority by issuing authorities do not exceed the state ceiling
27 for the calendar year. Except under extraordinary circumstances, the
28 ~~board~~ secretary of the state authority shall issue this certificate
29 within two business days following the date the issue amount
30 certificate is received.

31 (D) In accordance with Section 149(e)(2)(F) of the Internal
32 Revenue Code, the secretary of the ~~State Fiscal Accountability~~
33 ~~Authority~~ state authority is designated as the state official
34 responsible for certifying, if applicable, that certain bonds meet the
35 requirements of Section 146 of the Internal Revenue Code relating
36 to the volume cap on private activity bonds.

37 (E) Any tentative or final state ceiling allocation granted by the
38 ~~board~~ state authority before the effective date of this act remains
39 valid as an allocation of a portion of the volume cap for South
40 Carolina provided under Section 146 of the Internal Revenue Code.
41 The allocations expire in accordance with the ~~regulations law~~
42 which they were granted or extended and their validity may be

1 extended or reinstated in accordance with the provisions of Sections
2 1-11-500 through 1-11-570.

3
4 Section 1-11-560. (A) Any state ceiling allocation approved by
5 the ~~board~~ state authority is valid only for the calendar year in which
6 it is approved, unless eligible and approved for carry-forward
7 election or unless specified differently in the ~~board~~ certificates
8 required by Section 1-11-550.

9 (B) Unless eligible and approved for carry-forward election or
10 unless specified differently in ~~board~~ certificates required by Section
11 1-11-550, each state ceiling allocation expires automatically if the
12 bonds for which the allocation is made are not issued within ninety
13 consecutive calendar days from the date the allocation is approved
14 by the ~~board~~ state authority.

15 (C) In response to a written request by the chairman or other duly
16 authorized official or agent of an issuing authority, the ~~board~~ state
17 authority, acting during the period an approved allocation is valid,
18 may but need not extend the period in which an allocation is valid
19 in a single calendar year by thirty-one consecutive calendar days to
20 a total of not more than one hundred twenty-one consecutive
21 calendar days.

22 (D) In response to a written request by the chairman or other
23 authorized official or agent of an issuing authority, the ~~board~~ state
24 authority may but need not reinstate for a period of not more than
25 thirty-one consecutive calendar days in any one calendar year part
26 or all of an allocation approved but not extended previously in
27 accordance with subsection (C) of this section in that same calendar
28 year which has expired. The reinstatement request must certify that
29 the authorized request ~~submitted~~ previously submitted is still true
30 and correct or a new authorized request must be submitted.

31 (E) A tentative ceiling allocation is canceled automatically if the
32 chairman or other authorized official or agent of the issuing
33 authority ~~involved~~ fails to deliver the issue amount certificate
34 required by Section 1-11-550 to the ~~board~~ secretary of the state
35 authority before the bonds for which the allocation is made are
36 issued.

37 (F) The chairman or other authorized official or agent of an
38 issuing authority shall advise the ~~board~~ secretary of the state
39 authority in writing as soon as is practicable after a decision is made
40 not to issue bonds for which a portion of the state ceiling has been
41 allocated. All notices of relinquishment of ceiling allocations must
42 be entered promptly in the ~~board's~~ state authority's records by the
43 ~~board~~ secretary of the state authority.

1 (G) Ceiling allocations which are eligible and approved for
2 carry-forward election are not subject to the validity limits of this
3 section. The ~~board~~ state authority shall join with the issuing
4 authorities involved in carry-forward election statements to meet the
5 requirements of the Internal Revenue Service.

6
7 Section 1-11-570. The ~~State Fiscal Accountability Authority,~~
8 ~~after review and comment by the committee,~~ state authority may
9 adopt the policies and procedures ~~it considers~~ necessary for the
10 equitable to implement and administer the provisions of this article.
11 All such policies and effective administration of Sections 1-11-500
12 through 1-11-570 procedures, and any changes thereto, are subject
13 to review and comment by the Joint Bond Review Committee.

14
15 Section 1-11-580. The State Fiscal Accountability Authority
16 shall make quarterly payments on insurance contracts where the
17 annual premium exceeds fifty thousand dollars. The board shall
18 undertake necessary negotiations to implement this requirement.
19 Where fees may be incurred for quarterly rather than annual
20 payments, the State Fiscal Accountability Authority shall determine
21 whether the investment income opportunity is greater or less than
22 proposed fees and shall make the decision which best benefits South
23 Carolina.”

24
25 SECTION 3. Section 1-11-370 of the 1976 Code is repealed.

26
27 SECTION 4. The provisions of Article 3, Chapter 11, Title 1 of the
28 1976 Code relating to the allocation of state ceiling on issuance of
29 private activity bonds, as amended in this act, shall control if there
30 is any conflict with any other provision of law or regulation,
31 specifically including Regulation 19-103.

32
33 SECTION 5. If any section, subsection, paragraph, subparagraph,
34 sentence, clause, phrase, or word of this act is for any reason held to
35 be unconstitutional or invalid, such holding shall not affect the
36 constitutionality or validity of the remaining portions of this act, the
37 General Assembly hereby declaring that it would have passed this
38 act, and each and every section, subsection, paragraph,
39 subparagraph, sentence, clause, phrase, and word thereof,
40 irrespective of the fact that any one or more other sections,
41 subsections, paragraphs, subparagraphs, sentences, clauses, phrases,
42 or words hereof may be declared to be unconstitutional, invalid, or
43 otherwise ineffective.

1 SECTION 6. The provisions of this act are effective for allocations
2 of state ceiling beginning January 1, 2022, and thereafter. For the
3 first year of implementation, the state authority may adopt such
4 special procedures as may be necessary to effect the requirements
5 of this act.

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