**South Carolina General Assembly**

118th Session, 2009-2010

**A130, R133, H4310**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Edge and Barfield

Document Path: l:\council\bills\ggs\22390htc10.docx

Companion/Similar bill(s): 4170

Introduced in the House on January 13, 2010

Introduced in the Senate on January 27, 2010

Passed by the General Assembly on February 17, 2010

Became law without Governor's signature, February 25, 2010

Summary: Local option tourism development fee

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-13-10.docx)‑42

1/13/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\01-13-10.docx)‑42

1/14/2010 House Recalled from Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\01-14-10.docx)‑541

1/19/2010 House Member(s) request name added as sponsor: Edge

1/19/2010 House Requests for debate‑Rep(s). Haley, Ott, Kennedy, Hart, McLeod, Duncan, Clemmons, Jefferson, Skelton, Littlejohn, R. Brown, and Toole [HJ](file:///h:\HJ%20Archive\2010\01-19-10.docx)‑16

1/20/2010 House Member(s) request name added as sponsor: Barfield

1/20/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\01-20-10.docx)‑22

1/20/2010 House Roll call Yeas‑91 Nays‑2 [HJ](file:///h:\HJ%20Archive\2010\01-20-10.docx)‑24

1/21/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\01-21-10.docx)‑33

1/27/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-27-10.docx)‑9

1/27/2010 Senate Referred to Committee on **Finance** [SJ](file:///h:\SJ%20Archive\2010\01-27-10.docx)‑9

2/3/2010 Senate Committee report: Favorable with amendment **Finance** [SJ](file:///h:\SJ%20Archive\2010\02-03-10.docx)‑34

2/4/2010 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2010\02-04-10.docx)‑16

2/4/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\02-04-10.docx)‑16

2/9/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\02-09-10.docx)‑16

2/17/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2010\02-17-10.docx)‑28

2/17/2010 House Roll call Yeas‑97 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\02-17-10.docx)‑30

2/18/2010 Ratified R 133

2/25/2010 Became law without Governor's signature

3/3/2010 Effective date 02/25/10

3/10/2010 Act No. 130

**VERSIONS OF THIS BILL**

[1/13/2010](file:///p:\pprever\2009-10\4310_20100113.docx)

[1/14/2010](file:///p:\pprever\2009-10\4310_20100114.docx)

[2/3/2010](file:///p:\pprever\2009-10\4310_20100203.docx)

[2/4/2010](file:///p:\pprever\2009-10\4310_20100204.docx)

(A130, R133, H4310)

**AN ACT TO AMEND SECTION 4‑10‑970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR REVENUES OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE, SO AS TO ALLOW AMOUNTS UP TO TWENTY PERCENT OF THE REVENUE TO BE USED FOR PROPERTY TAX RELIEF FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND FOR TOURISM‑RELATED CAPITAL PROJECTS BEGINNING IN THE SECOND RATHER THAN THE THIRD YEAR OF IMPOSITION OF THE FEE, TO REQUIRE THE AMOUNTS USED FOR THESE PURPOSES TO BE RETAINED BY THE MUNICIPALITY WITH AT LEAST TWENTY PERCENT OF THE AMOUNT RETAINED USED AS A CREDIT AGAINST THE PROPERTY TAX LIABILITY OF OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND PROVIDE FOR THE CALCULATION OF THE CREDIT, TO PROVIDE FOR THE USE OF CREDITS IN EXCESS OF THE MUNICIPAL PROPERTY TAX LIABILITY, AND TO PROVIDE REPORTING REQUIREMENTS.**

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

**Use of Revenues**

SECTION 1. Section 4‑10‑970(A) of the 1976 Code, as added by Act 3 of 2009, is amended to read:

“(A)(1) Except as provided in item (2) of this subsection, all revenues and interest of the fee must be used exclusively for tourism advertisement and promotion directed at non‑South Carolina residents.

(2) Revenues received in the second and subsequent years of imposition must be used as provided in item (1) except that up to twenty percent may be retained by the municipality and used as follows:

(a) at least twenty percent of the amount retained must be used to provide a credit against the property tax liability imposed by the municipality on parcels of owner‑occupied residential property located in the municipality classified for property taxes pursuant to Section 12‑43‑220(c). The credit is an amount determined by multiplying the appraised value of the residence by a fraction in which the numerator is the total estimated revenue retained by the municipality allocated to the credit and the denominator is the total of the appraised value of all such property in the municipality as of January first of the applicable property tax year. For purposes of this calculation, appraised value is as defined in Section 12‑37‑3130(3) reduced by the limitation provided pursuant to Section 12‑37‑3140(B);

(b) the balance for tourism‑related capital projects. No capital project is eligible to be funded directly or indirectly with fee revenues unless the project consists of construction of new or renovation of existing tourism‑related facilities intended to grow or maintain the overnight tourism market in the municipality; and

(c) the credit allowed pursuant to subitem (a) of this item applies after all other credits have been applied. To the extent that the credit amount allowed by this item exceeds the municipal property tax liability, the excess credit is added to the amount set aside for use as provided in subitem (b) of this item. If no projects are funded pursuant to subitem (b) of this item, the excess credit must be used to provide a credit against the municipal tax liability of all taxable property in the municipality ineligible for the credit allowed by subitem (a) of this item. This credit must be calculated in the same manner as the credit provided in subitem (a), mutatis mutandis.”

**Reporting**

SECTION 2. Section 4‑10‑970 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) At least quarterly, an organization designated by the municipality pursuant to this section shall provide a report to the municipality that includes identification of revenues received from the Local Option Tourism Development Fee during the previous quarter, as well as expenditures made from those funds during the previous quarter. Each report also shall be posted by the organization on its website.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 18th day of February, 2010.

Became law without the signature of the Governor -- 2/25/10.

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