**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3401**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrell

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Companion/Similar bill(s): 891, 3629, 4331

Introduced in the House on January 20, 2011

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

Summary: Property tax exemption

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/20/2011 House Introduced and read first time ([House Journal‑page 8](file:///h:\hj%20archive\2011\01-20-11.docx))

1/20/2011 House Referred to Committee on **Ways and Means** ([House Journal‑page 8](file:///h:\hj%20archive\2011\01-20-11.docx))

**VERSIONS OF THIS BILL**

[1/20/2011](file:///p:\pprever\2011-12\3401_20110120.docx)

**A** **BILL**

TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE VALUATION ASSESSMENT RATIO FOR PURPOSES OF THE PROPERTY TAX, SO AS TO ALLOW AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO IS ALLOWED THE FOUR PERCENT SPECIAL ASSESSMENT RATIO ON HIS PERSONAL RESIDENCE TO RETAIN THAT ASSESSMENT RATIO AND ANY APPLICABLE EXEMPTION EVEN IF PERMANENTLY ASSIGNED TO A DUTY STATION OUTSIDE OF THIS STATE THROUGH THE EARLIER OF THE RESIDENCE UNDERGOING AN ASSESSABLE TRANSFER OF INTEREST OR THE MEMBER LEAVING ACTIVE DUTY, TO PROVIDE THAT THE SPECIAL RATIO APPLIES WHETHER OR NOT THE RESIDENCE IS OCCUPIED OR UNOCCUPIED, AND TO PROVIDE THAT THE APPLICATION OF THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ON AN OWNER‑OCCUPIED LEGAL RESIDENCE SO ALLOWED MUST BE CONSTRUED AS A PROPERTY TAX EXEMPTION.

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

SECTION 1. Section 12‑43‑220(c)(2)(v) of the 1976 Code is amended to read:

“(v)(A) A member of the armed forces of the United States on active duty who is a legal resident of and domiciled in another state is nevertheless deemed a legal resident and domiciled in this State for purposes of this item if the members permanent duty station is in this State. A copy of the member’s orders filed with the assessor is considered proof sufficient of the member’s permanent duty station.

(B) A member of the armed forces of the United States eligible pursuant to this subitem (v) or otherwise for the special four percent assessment ratio allowed an owner‑occupied legal residence and applicable exemptions, retains that ratio and applicable exemptions on that residence if the member is subsequently permanently assigned to a duty station outside of this State. This special ratio and applicable exemptions for the nonresident member applies through the earlier of the residence undergoing an assessable transfer of interest or the member leaving active duty and applies whether or not the residence is occupied or unoccupied. However, if the residence is rented, the four percent special assessment ratio and applicable exemptions no longer apply.

(C) The special four percent assessment ratio and applicable exemptions allowed pursuant to (A) and (B) of this subitem (v) must be construed as an exemption of an amount of value of the residence sufficient to result in the property tax on the residence being that which would be due on an owner‑occupied legal residence in this State.”

SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2010.

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