~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 26, 2016

**H. 5078**

Introduced by Reps. White and Cobb‑Hunter

S. Printed 4/26/16--H.

Read the first time March 9, 2016.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill as amended would have no expenditure or revenue impact on the general fund, federal funds, or other funds from this bill.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Ways and Means Committee on April 20, 2016**

**State Expenditure**

The Department of Revenue indicates that there is no expenditure impact to the general fund, federal funds, or other funds from this bill.

**Local Revenue**

This bill adds Section 4-10-10 to define general election as the first Tuesday following the first Monday in November of any year. Sections 4-10-330 and 4-10-340 are amended to eliminate the provision that requires a Capital Projects Sales Tax end on an odd‑numbered year. This bill would have no revenue impact on the general fund, federal funds, or other funds. The revenue impact of the amended bill is unchanged from the bill as filed.

**Explanation of Bill filed on March 9, 2016**

**State Expenditure**

The Department of Revenue indicates that there is no expenditure impact to the general fund, federal funds, or other funds from this bill.

**Local Revenue**

This bill adds Section 4-10-10 to define general election as the first Tuesday following the first Monday in November in each even‑numbered year for the Local Option Sales Tax. Sections 4‑10‑330 and 4‑10‑340 are amended to eliminate the provision that requires a Capital Projects Sales Tax end on an odd-numbered year. This bill would have no revenue impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 4‑10‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS LOCAL SALES AND USE TAXES, SO AS TO DEFINE “GENERAL ELECTION”; TO AMEND SECTIONS 4‑10‑330 AND 4‑10‑340, BOTH AS AMENDED, RELATING TO THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE TAX MUST TERMINATE ON APRIL THIRTIETH OF AN ODD‑ OR EVEN‑NUMBERED YEAR.

Amend Title To Conform

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

SECTION 1. Section 4‑10‑10 of the 1976 Code, as added by Act 317 of 1990, is amended by adding an appropriately numbered item to read:

“( ) ‘General election’ means the Tuesday following the first Monday in November in any year.”

SECTION 2. Section 4‑10‑330(A)(2) of the 1976 Code, as last amended by Act 49 of 2009, is further amended to read:

“(2) the maximum time, in two‑year increments not to exceed eight years from the date of imposition, or in the case of a reimposed tax, a period ending on April thirtieth ~~of an odd‑numbered year~~, not to exceed seven years, for which the tax may be imposed;”

SECTION 3. Section 4‑10‑340(A) of the 1976 Code, as last amended by Act 49 of 2009, is further amended to read:

“(A) If the sales and use tax is approved in the referendum, the tax is imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in the referendum, the new tax is imposed immediately following the termination of the earlier imposed tax and the reimposed tax terminates on the applicable thirtieth of April ~~in an odd‑numbered year~~, not to exceed seven years from the date of reimposition. If the certification is not timely made to the Department of Revenue, the imposition is postponed for twelve months.”

SECTION 4. This act takes effect upon approval by the Governor.

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