COMMITTEE REPORT

May 15, 2014

**S. 503**

Introduced by Senators Thurmond, Hembree, Campsen, Cleary, Rankin and Ford

S. Printed 5/15/14--H.

Read the first time May 14, 2013.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Bill (S. 503) to amend Chapter 1, Title 6 of the 1976 Code, by adding Article 6 to enact the “Beach Preservation Act”, to allow a qualified coastal municipality to impose, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

W. BRIAN WHITE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

This bill is not expected to impact state revenues. Local revenue for a beach preservation fee would be approximately $8,000,000 in FY 2013-14 if all qualifying cities imposed the maximum fee of 1%.

**Explanation**

This bill would allow a municipality that imposes a local accommodations tax of not more than one and one-half percent with a public beach to impose a beach preservation fee of up to one percent. The fee would apply in the same manner as accommodations tax as outlined in Section 12-36-920(A) and would not be subject to the maximum local accommodations tax limitations of Section 6-1-540. The bill does not specify a definition of public beach, so we have included any municipality with public beach access. We have identified the following municipalities that have public beach access as listed on the Department of Health and Environmental Control South Carolina Public Beach Access Guide: Hilton Head Island, Charleston, Folly Beach, Isle of Palms, Kiawah Island, Sullivan’s Island, Edisto Beach, Pawley’s Island, Atlantic Beach, Myrtle Beach, North Myrtle Beach and Surfside Beach. Based upon our research, Hilton Head already imposes a 2% beach preservation fee, Charleston and Edisto Beach impose a 2% accommodations tax and Pawley’s Island imposes a 3% accommodations tax and would all be excluded. Based upon collections for local accommodations tax reported to our office by the qualifying cities on the Annual Local Municipal Financial Report, we estimate that if all qualifying municipalities imposed a 1% beach preservation fee they would generate approximately $8,000,000 in FY 2013-14.

*Approved By:*

Frank A. Rainwater

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 6 OF THE 1976 CODE, BY ADDING ARTICLE 6 TO ENACT THE “BEACH PRESERVATION ACT”, TO ALLOW A QUALIFIED COASTAL MUNICIPALITY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT ON THE GROSS PROCEEDS DERIVED FROM THE RENTAL OR CHARGES FOR ACCOMMODATIONS FURNISHED TO TRANSIENTS SUBJECT TO THE MUNICIPALITY’S LOCAL ACCOMMODATIONS TAX, TO PROVIDE THAT THE MUNICIPALITY MAY IMPOSE THE FEE ONLY AFTER ITS APPROVAL IN A REFERENDUM HELD IN THE MUNICIPALITY, TO PROVIDE THAT THE FEE IS IN ADDITION TO ALL OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED AND MUST NOT BE DEEMED CUMULATIVE TO OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED BY THE MUNICIPALITY, TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, TO PROVIDE FOR REPORTING AND FOR REMITTANCE OF THESE FEES, AND TO PROVIDE DEFINITIONS.

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

SECTION 1. Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Article 6

Beach Preservation Act

Section 6‑1‑610. This article may be cited as the ‘Beach Preservation Act’.

Section 6‑1‑620. As used in this article:

(1) ‘Beach preservation fee’ means a fee imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients for consideration within the jurisdiction of the governing body which are subject to the tax imposed pursuant to Section 12‑36‑920(A).

(2) ‘Governing body’ means the governing body of a qualified coastal municipality.

(3) ‘Qualified coastal municipality’ means a municipality bordering on the Atlantic Ocean that has a public beach within its corporate limits and which imposes a local accommodations tax pursuant to Section 6‑1‑520 that does not exceed one and one‑half percent pursuant to the limitations imposed pursuant to Section 6‑1‑540.

Section 6‑1‑630. (A) The governing body of a qualified coastal municipality by ordinance, subject to a referendum, may impose a beach preservation fee not to exceed one percent.

(B) Upon the adoption of an ordinance calling for a referendum, the county election commission shall conduct a referendum at the time specified in the ordinance on the question of implementing a one percent beach preservation fee. The state election laws apply to the referendum, mutatis mutandis. The county election commission shall publish the results of the referendum to certify them to the governing body. The beach preservation fee must not be imposed unless a majority of the qualified electors residing in the municipality voting in the referendum vote in favor of the referendum.

(C)(1) The ballot must read substantially as follows:

‘Must an additional one percent beach preservation fee be added to the accommodations tax for the purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches, dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system, and maintenance of public beach accesses within the corporate limits of \_\_\_\_\_.’

Yes 

No 

(2) If the question is not approved at the initial referendum, the governing body may, by an ordinance meeting the requirements of this section, call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty‑four month period on the Tuesday following the first Monday in November in even‑numbered years.

(3) Once a week for the four weeks immediately preceding the referendum, the governing body of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a description of and the specific uses for the beach preservation fee. The governing body must also publish notice on its website in the same manner.

(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed pursuant to Section 6‑1‑520 and must not be deemed cumulative with the local accommodations tax or fee rate for the purposes of Section 6‑1‑540.

(E) All proceeds from the beach preservation fee must be kept in a separate fund segregated from the governing body’s general fund. All interest generated by the beach preservation fee fund must be credited to the beach preservation fee fund.

Section 6‑1‑640. The revenue generated by the beach preservation fee must be used exclusively for the following purposes:

(1) nourishment, renourishment, maintenance, erosion mitigation, and monitoring of the beaches within the corporate limits of the qualified coastal municipality;

(2) dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system within the corporate limits of the qualified coastal municipality; and

(3) maintenance of public beach accesses within the corporate limits of the qualified coastal municipality.

Section 6‑1‑650. Real estate agents, brokers, corporations, or listing services required to remit fees under this section must notify the appropriate governing body if rental property, previously listed by them, is dropped from their listings.

Section 6‑1‑660. The fee provided for pursuant to this article must be remitted to the local governing body on a monthly basis when the estimated amount of the average of the total of the tax imposed pursuant to Article 5 of this chapter and this article is more than fifty dollars a month, on a quarterly basis when the estimated amount of such average is twenty‑five dollars to fifty dollars a month, and on an annual basis when the estimated amount of such average is less than twenty‑five dollars a month.”

SECTION 2. This act takes effect upon approval by the Governor.

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