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COMMITTEE AMENDMENT ADOPTED

May 31, 2016

**H. 5078**

Introduced by Reps. White and Cobb‑Hunter

S. Printed 5/31/16--S. [SEC 6/1/16 3:27 PM]

Read the first time April 28, 2016.

**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. Section 4-10-330(C) of the 1976 Code is amended to read:

“(C)(1) Upon receipt of the ordinance, the county election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. The referendum for imposition or reimposition of the tax must be held at the time of the general election. Subject to item (2), two weeks before the referendum the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any project, the notice must include a statement indicating that principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(2) If the referendum on the question of imposting sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.”

SECTION 5. This act takes effect upon approval by the Governor.

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