

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

GOOD/DOWNEY  
JANUARY 23, 2020

---

CLERK OF THE HOUSE

---

THE PROPERTY TAX LEGISLATIVE SUBCOMMITTEE PROPOSES  
THE FOLLOWING AMENDMENT No. TO S. 217  
(COUNCIL\DG\217C001.NBD.DG20):

REFERENCE IS TO PRINTER'S DATE 1/22/19-S.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. SECTION 6-1-730(A) OF THE  
1976 CODE IS AMENDED BY ADDING NEW ITEMS TO  
READ:**

**“(7) CONTROL AND REPAIR OF FLOODING AND  
DRAINAGE WITHIN OR ON TOURISM-RELATED  
LANDS OR AREAS; OR**

**(8)SITE PREPARATION FOR ITEMS IN THIS SECTION, INCLUDING, BUT NOT LIMITED TO, DEMOLITION, REPAIR, OR CONSTRUCTION.”**

**SECTION 2. SECTION 6-1-730 OF THE 1976 CODE IS AMENDED BY ADDING AN APPROPRIATELY LETTERED NEW SUBSECTION AT THE END TO READ:**

**“( ) IF APPLYING THE PROVISIONS OF SUBSECTION (A)(7), THEN THE REVENUES MUST BE EXPENDED EXCLUSIVELY ON PUBLIC WORKS PROJECTS DESIGNED TO ELIMINATE OR MITIGATE THE ADVERSE EFFECTS OF RECURRENT NUISANCE FLOODING, INCLUDING THAT WHICH IS ATTRIBUTABLE TO SEA-LEVEL RISE, OR OTHER RECURRENT FLOODING. SUCH ADVERSE EFFECTS INCLUDE ROAD CLOSURES AND OTHER TRANSPORTATION DISRUPTIONS, STORM-WATER DRAINAGE ISSUES, AND COMPROMISED PUBLIC INFRASTRUCTURE. THE PUBLIC WORKS PROJECTS MUST BE WITHIN OR ON TOURISM-RELATED LANDS**

**OR AREAS. REVENUES MUST NOT BE USED TO PAY CLAIMS OR OTHERWISE SETTLE LITIGATION THAT MAY ARISE FROM TIME TO TIME DUE TO THE HARMFUL IMPACTS OF NUISANCE OR OTHER FLOODING.”**

**SECTION 3. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

# REPORT OF THE PROPERTY TAX SUBCOMMITTEE

(Smith, G.R., Erickson, Rutherford & Weeks - Staff Contact: Blythe Littlefield)

---

---

## SENATE BILL 217

---

---

S. 217 -- Senators Kimpson, Campsen, Senn and Scott: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

***Proposed Amendment Summary:***

The amendment is a strike-all-and-insert. It takes out any reference to the accommodations tax and instead adds a new section under the hospitality tax code site which specifies that revenue from the hospitality tax may be used on control and repair of flooding and drainage within or on tourism-related lands or areas or on site preparation including, but not limited to, demolition, repair, or construction. The revenues must be expended exclusively on public works projects designed to eliminate or mitigate the adverse effects of recurrent nuisance flooding, including that which is attributable to sea-level rise, or other recurrent flooding.

***Proposed Amendment Fiscal Impact:*** Pending

***Other Notes/Comments:***

The Municipal Association of South Carolina as well as PRT are in favor of the proposed amendment.

**Bill as Introduced:**

***Summary of Bill:***

This bill revises provisions relating to the state accommodations tax, local accommodations tax, and local hospitality tax, to allow the revenue to be expended for the control and repair of flooding and drainage at tourism related lands or areas and for site preparation, including demolition, repair, or construction.

***Estimated Fiscal Impact:***

Would not affect state General Fund revenue in FY 19-20 or any fiscal year thereafter. It would also not impact local tax revenue, but would reallocate existing accommodations tax and hospitality tax revenue among

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

additional permissible tourism-related projects and purposes.

HOUSE ACTIONS:

<b><i>Received by Ways and Means:</i></b>	1/23/19
<b><i>Subcommittee Recommendation:</i></b>	Favorable with Amendment
<b><i>Full Committee Recommendation:</i></b>	Pending
<b><i>2<sup>nd</sup> Reading:</i></b>	

SENATE ACTIONS:

<b><i>Referred to Senate Finance:</i></b>	12/12/18
<b><i>Full Committee Recommendations:</i></b>	Favorable with Amendment
<b><i>Senate 2<sup>nd</sup> Reading:</i></b>	1/22/19
<b><i>Senate 3<sup>rd</sup> Reading:</i></b>	1/23/2019
<b><i>Reading Vote:</i></b>	34-2

**South Carolina General Assembly**  
123rd Session, 2019-2020

**S. 217**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimpson, Campsen, Senn and Scott

Document Path: l:\s-res\mek\003atax.kmm.mek.docx

Companion/Similar bill(s): 3132, 4674

Introduced in the Senate on January 8, 2019

Introduced in the House on January 23, 2019

Last Amended on January 22, 2019

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

Summary: Accommodations and hospitality tax expenditures

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/12/2018	Senate	Prefiled
12/12/2018	Senate	Referred to Committee on <b>Finance</b>
1/8/2019	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 137</a> )
1/8/2019	Senate	Referred to Committee on <b>Finance</b> ( <a href="#">Senate Journal-page 137</a> )
1/16/2019	Senate	Committee report: Favorable with amendment <b>Finance</b> ( <a href="#">Senate Journal-page 8</a> )
1/17/2019		Scrivener's error corrected
1/18/2019		Scrivener's error corrected
1/22/2019	Senate	Committee Amendment Adopted ( <a href="#">Senate Journal-page 18</a> )
1/22/2019	Senate	Read second time ( <a href="#">Senate Journal-page 18</a> )
1/23/2019	Senate	Read third time and sent to House ( <a href="#">Senate Journal-page 10</a> )
1/23/2019	Senate	Roll call Ayes-34 Nays-2 ( <a href="#">Senate Journal-page 10</a> )
1/23/2019	House	Introduced and read first time ( <a href="#">House Journal-page 12</a> )
1/23/2019	House	Referred to Committee on <b>Ways and Means</b> ( <a href="#">House Journal-page 12</a> )

View the latest [legislative information](#) at the website

**VERSIONS OF THIS BILL**

[12/12/2018](#)

[1/16/2019](#)

[1/17/2019](#)

[1/18/2019](#)

[1/22/2019](#)

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 COMMITTEE AMENDMENT ADOPTED

5 January 22, 2019

6

7

## S. 217

8

9 Introduced by Senators Kimpson, Campsen and Senn

10

11 S. Printed 1/22/19--S.

12 Read the first time January 8, 2019.

13

14

15



1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**A BILL**

11 TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE  
12 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE  
13 STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY  
14 TAX, AND LOCAL ACCOMMODATIONS TAX,  
15 RESPECTIVELY, TO ALLOW THE REVENUE TO BE  
16 EXPENDED FOR THE CONTROL AND REPAIR OF  
17 FLOODING AND DRAINAGE AT TOURISM-RELATED  
18 LANDS OR AREAS.

19 Amend Title To Conform

20

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

23

24 SECTION 1. Section 6-1-530(A) of the 1976 Code is amended by  
25 adding new items to read:

26

27 “(7) control and repair of flooding and drainage within or on  
28 tourism-related lands or areas; or

29 (8) site preparation for items in this section, including, but not  
30 limited to, demolition, repair, or construction.”

31

32 SECTION 2. Section 6-1-530 of the 1976 Code is amended by  
33 adding an appropriately lettered new subsection at the end to read:

34

35 “() If applying the provisions of subsection (A)(7), then the  
36 revenues must be expended exclusively on public works projects  
37 designed to eliminate or mitigate the adverse effects of recurrent  
38 nuisance tidal flooding, including that which is attributable to sea-  
39 level rise, or other recurrent flooding. Such adverse effects include  
40 road closures and other transportation disruptions, storm-water  
41 drainage issues, and compromised public infrastructure. The public  
42 works projects must be within or on tourism-related lands or areas.



1 Revenues must not be used to pay claims or otherwise settle  
2 litigation that may arise from time to time due to the harmful impacts  
3 of nuisance or other flooding.”

4  
5 SECTION 3. Section 6-1-730(A) of the 1976 Code is amended by  
6 adding new items to read:

7  
8 “(7) control and repair of flooding and drainage within or on  
9 tourism-related lands or areas; or

10 (8) site preparation for items in this section, including, but not  
11 limited to, demolition, repair, or construction.”

12  
13 SECTION 4. Section 6-1-730 of the 1976 Code is amended by  
14 adding an appropriately lettered new subsection at the end to read:

15  
16 “() If applying the provisions of subsection (A)(7), then the  
17 revenues must be expended exclusively on public works projects  
18 designed to eliminate or mitigate the adverse effects of recurrent  
19 nuisance tidal flooding, including that which is attributable to sea-  
20 level rise, or other recurrent flooding. Such adverse effects include  
21 road closures and other transportation disruptions, storm-water  
22 drainage issues, and compromised public infrastructure. The public  
23 works projects must be within or on tourism-related lands or areas.  
24 Revenues must not be used to pay claims or otherwise settle  
25 litigation that may arise from time to time due to the harmful impacts  
26 of nuisance or other flooding.”

27  
28 SECTION 5. Section 6-4-10(4)(b) of the 1976 Code is amended to  
29 read:

30  
31 “(b) The funds received by a county or municipality which has a  
32 high concentration of tourism activity may be used to provide  
33 additional county and municipal services including, but not limited  
34 to, law enforcement, traffic control, public facilities, and highway  
35 and street maintenance, as well as the continual promotion of  
36 tourism. The funds must not be used as an additional source of  
37 revenue to provide services normally provided by the county or  
38 municipality but to promote tourism and enlarge its economic  
39 benefits through advertising, promotion, and providing those  
40 facilities and services which enhance the ability of the county or  
41 municipality to attract and provide for tourists.

42 ‘Tourism-related expenditures’ include:

- 1 (i) advertising and promotion of tourism so as to develop  
2 and increase tourist attendance through the generation of publicity;  
3 (ii) promotion of the arts and cultural events;  
4 (iii) construction, maintenance, and operation of facilities  
5 for civic and cultural activities including construction and  
6 maintenance of access and other nearby roads and utilities for the  
7 facilities;  
8 (iv) the criminal justice system, law enforcement, fire  
9 protection, solid waste collection, and health facilities when  
10 required to serve tourists and tourist facilities. This is based on the  
11 estimated percentage of costs directly attributed to tourists;  
12 (v) public facilities such as restrooms, dressing rooms,  
13 parks, and parking lots;  
14 (vi) tourist shuttle transportation;  
15 (vii) control and repair of waterfront erosion, including  
16 beach renourishment;  
17 (viii) operating visitor information centers;  
18 (ix) site preparation for subsubitems in this subitem (b),  
19 including, but not limited to, demolition, repair, or construction; and  
20 (x) control and repair of flooding and drainage within or on  
21 tourism-related lands or areas.

22 If applying the provisions of item (4)(b)(x) relating to flooding  
23 and drainage, then the revenues must be expended exclusively on  
24 public works projects designed to eliminate or mitigate the adverse  
25 effects of recurrent nuisance tidal flooding, including that which is  
26 attributable to sea-level rise, or other recurrent flooding. Such  
27 adverse effects include road closures and other transportation  
28 disruptions, storm-water drainage issues, and compromised public  
29 infrastructure. The public works projects must be within or on  
30 tourism-related lands or areas. Revenues must not be used to pay  
31 claims or otherwise settle litigation that may arise from time to time  
32 due to the harmful impacts of nuisance or other flooding.”

33  
34 SECTION 6. This act takes effect upon approval by the Governor.

35 ----XX----