

REPORT OF THE ECONOMIC DEVELOPMENT, CAPITAL IMPROVEMENT & OTHER TAXES SUBCOMMITTEE

(Loftis, Cobb-Hunter, J.R. Smith, Barfield, & Ott - Staff Contact: Daniel Boan)

SENATE BILL 481

S. 481 -- Senators Malloy, McGill, Leatherman, Setzler, Johnson and Ford: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

Summary of Bill:

This bill would amend the motorsports entertainment complex admissions license tax exemption to delete the requirement that the complex have 60,000 seats and instead require that the complex be a NASCAR sanctioned motor speedway or a racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series.

Introduced: 01/10/2013

Received by Ways and Means: 4/30/2013

Estimated Fiscal Impact:

This bill is expected to reduce admissions tax revenue by \$67,500 in FY13-14.

Subcommittee Recommendation:

Favorable with Amendment

Full Committee Recommendation:

Pending

Other Notes/Comments:

Current law exempts qualifying motorsports entertainment complexes from half of the admissions license tax, which is 5%. The exemption sunsets on July 1, 2018. Companion bill to H. 3783, which passed the House.

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

GOOD/LEE
MAY 24, 2013

CLERK OF THE HOUSE

THE ECONOMIC DEVELOPMENT, CAPITAL IMPROVEMENT,
AND OTHER TAXES SUBCOMMITTEE PROPOSES THE
FOLLOWING AMENDMENT No. TO S. 481
(COUNCIL\NL\481C001.NL.DG13):

REFERENCE IS TO PRINTER'S DATE 4/10/13-S.

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

**/ SECTION 1. SECTION 12-21-2425(B)(1) OF
THE 1976 CODE IS AMENDED TO READ:**

**“(1) ~~HAS AT LEAST SIXTY THOUSAND FIXED~~
~~SEATS FOR RACE PATRONS~~ IS A NASCAR
SANCTIONED MOTOR SPEEDWAY OR RACETRACK”**

THAT HOSTED AT LEAST ONE NASCAR SPRINT CUP SERIES RACE IN 2012, AND CONTINUES TO HOST AT LEAST ONE NASCAR SPRINT CUP SERIES RACE, OR ANY SUCCESSOR RACE FEATURING THE SAME NASCAR CUP SERIES;"

SECTION 2. THIS ACT TAKES EFFECT FOR TAX YEARS BEGINNING AFTER 2012. /

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

Statement of Estimated State Revenue Impact

Date: April 8, 2013

Bill Number: S.B. 481

Authors: Malloy, McGill, Leatherman, and Setzler

Committee Requesting Impact: Senate Finance Committee

Bill Summary

A bill to amend Section 12-21-2425, of the Code of Laws of South Carolina, 1976, relating to the admissions license tax exemption for a motorsports entertainment complex, so as to require the complex to be a NASCAR sanctioned speedway that hosts at least one race each year featuring the preeminent NASCAR cup series, instead of requiring the speedway to have at least sixty thousand seats for race patrons.

REVENUE IMPACT ^{1/}

This bill is expected to reduce General Fund admissions tax revenue by an estimated \$67,500 in FY2013-14.

Explanation

Currently, pursuant to Section 12-21-2425(B)(1), a motorsport entertainment complex that has a least 60,000 fixed seats for race patrons, has at least three scheduled days of motorsports events each calendar year, and engages in tourism promotion, is eligible to become exempt from remitting one-half of the paid admissions to the complex. This exemption from admissions tax is good for ten years beginning July 1, 2008. In addition, pursuant to Proviso 118.10 in the FY2013-14 Appropriation Act as passed the House of Representatives, operators of motorsport facilities with 60,000 seats are not required to remit admissions tax on the other one-half of the paid admissions to a motorsports entertainment complex. This limitation allows the Darlington Motor Speedway to be exempt from remitting admissions tax revenue to the state, and is currently accounted for in the Board of Economic Advisors' General Fund revenue estimate for FY2013-14. This bill would amend Section 12-21-2425(B)(1) to delete the 60,000 seat limitation and add the requirement that the motorsports entertainment complex "is a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series". This change would allow additional racetracks to qualify for the admissions tax exemption.

The National Association of Stock Car Auto Racing (NASCAR) cup series races are made up of a number of series of race circuits. The three largest racing series sanctioned by NASCAR are the Sprint Cup Series (formerly the NASCAR Grand National Series), the Nationwide Series (formerly the NASCAR Busch Grand National Series), and the Camping World Truck Series. It also oversees NASCAR Local Racing, the Whelen Modified Tour, the Whelen All-American Series, and the NASCAR iRacing.com Series.

According to NASCAR, the only sanctioned tracks that meet these race series requirements are the Darlington Motor Speedway, the Myrtle Beach Speedway, and the Greenville-


Statement of Estimated State Revenue Impact

Pickens Speedway. The Myrtle Beach Speedway has undergone renovations including a new track surface to run an abbreviated race schedule in late 2012. The speedway has a full schedule of races slated for 2013, including the Myrtle Beach 400 race.

The Myrtle Beach Speedway is a semi-banked one-half mile oval with a seating capacity of 12,000 plus seats. The speedway is host to four (4) NASCAR sanctioned races in 2013, including the Whelen All-American Series races. The Whelen All-American Series (formerly the Dodge Weekly Series and Winston Racing Series) is a points championship for NASCAR sanctioned local racetracks around the United States and Canada. Ticket prices for NASCAR sanctioned races range from \$25 for general admission seats to \$75 for a limited number of adult VIP seats. Multiplying 12,000 seats sold at an average ticket price of \$25 per seat for premier races and applying an admissions tax rate of five percent yields an estimated \$15,000 of admissions tax revenue per race at full attendance. Pursuant to Section 12-21-2425(A), one-half of the paid admissions to a motorsport entertainment complex is exempt from the admissions tax. Multiplying \$15,000 by one-half for four (4) NASCAR sanctioned races per year yields a reduction in General Fund admissions tax revenue of an estimated \$30,000 in FY2013-14.

The Greenville-Pickens Speedway is a semi-banked one-half mile oval with a seating capacity of 20,000 plus seats, hosting weekly NASCAR sanctioned races, including team test sessions held by NASCAR. The speedway is home to the K&N Pro Series East (formerly Busch East Series & Busch North Series and Camping World Series East), a regional stock car racing series owned and operated by NASCAR. There are three (3) race weekends that are in combination with the NASCAR Sprint Cup Series and sanctioned by NASCAR. Multiplying 20,000 seats sold at an average ticket price of \$25 per seat for premier races and applying an admissions tax rate of five percent yields an estimated \$25,000 of admissions tax revenue per race at full attendance. Pursuant to Section 12-21-2425(A), one-half of the paid admissions to a motorsport entertainment complex is exempt from the admissions tax. Multiplying \$25,000 by one-half for three (3) NASCAR sanctioned races per year yields a reduction in General Fund admissions tax revenue of an estimated \$37,500 in FY2013-14.

Collectively, this bill is expected to reduce General Fund admissions tax revenue by an estimated \$67,500 in FY2013-14. This act takes effect for tax years beginning after 2012.



Frank A. Rainwater
Chief Economist

Analyst: Martin

¹¹ 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 of Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

South Carolina General Assembly
120th Session, 2013-2014

S. 481

STATUS INFORMATION

General Bill

Sponsors: Senators Malloy, McGill, Leatherman, Setzler, Johnson and Ford

Document Path: I:\council\bills\nl\13174dg13.docx

Companion/Similar bill(s): 3783

Introduced in the Senate on March 5, 2013

Introduced in the House on April 30, 2013

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

Summary: Admissions license tax exemption for motorsports entertainment complex

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/5/2013	Senate	Introduced and read first time (Senate Journal-page 7)
3/5/2013	Senate	Referred to Committee on Finance (Senate Journal-page 7)
4/10/2013	Senate	Committee report: Favorable Finance (Senate Journal-page 21)
4/24/2013	Senate	Read second time (Senate Journal-page 18)
4/24/2013	Senate	Roll call Ayes-37 Nays-1 (Senate Journal-page 18)
4/30/2013	Senate	Read third time and sent to House (Senate Journal-page 22)
4/30/2013	House	Introduced and read first time (House Journal-page 190)
4/30/2013	House	Referred to Committee on Ways and Means (House Journal-page 190)

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VERSIONS OF THIS BILL

[3/5/2013](#)

[4/10/2013](#)

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 COMMITTEE REPORT

5 April 10, 2013

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7

S. 481

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9 Introduced by Senators Malloy, McGill, Leatherman and Setzler

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11 S. Printed 4/10/13--S.

12 Read the first time March 5, 2013.

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15 THE COMMITTEE ON FINANCE

16 To whom was referred a Bill (S. 481) to amend Section
17 12-21-2425, Code of Laws of South Carolina, 1976, relating to the
18 admissions license tax exemption for a motorsports entertainment
19 complex, etc., respectfully

20 REPORT:

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

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24 HUGH K. LEATHERMAN, SR. for Committee.

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A BILL

TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

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

SECTION 1. Section 12-21-2425(B)(1) of the 1976 Code is amended to read:

~~“(1) has at least sixty thousand fixed seats for race patrons is a~~
NASCAR sanctioned motor speedway or racetrack that hosts at
least one race each year featuring the preeminent NASCAR cup
series;”

SECTION 2. This act takes effect for tax years beginning after 2012.

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