

## Session 113 - (1999-2000)

### H 4931 General Bill, By Robinson

**Summary:** Real Property Tax Liability Act, Assessments, Delinquent sales, Redemption period; School district allocations, budgets

A BILL TO AMEND CHAPTER 45, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY TREASURERS, BY ADDING SECTION 12-45-420, SO AS TO PROVIDE FOR A COMMITTEE COMPOSED OF THE COUNTY TREASURER, COUNTY AUDITOR, AND COUNTY ASSESSOR TO ADDRESS AN ERRONEOUS PENALTY LEVIED AGAINST PROPERTY; TO AMEND SECTION 12-43-217, AS AMENDED, RELATING TO PROPERTY REASSESSMENT, SO AS TO PROVIDE FOR POSTPONEMENT OF APPROVAL OF THE REASSESSMENT PROGRAM IF IMPLEMENTATION OF THE REVISED PROPERTY VALUATIONS IS POSTPONED; TO AMEND THE 1976 CODE SO AS TO ENACT THE REAL PROPERTY TAX LIABILITY ACT; TO AMEND CHAPTER 45, TITLE 12, RELATING TO COUNTY TREASURERS, BY ADDING SECTION 12-45-78 SO AS TO PROVIDE THAT A REFUND OF OVERPAYMENT OF REAL PROPERTY TAX RESULTING FROM THE GRANTING OF THE HOMESTEAD EXEMPTION OR RESIDENTIAL CLASSIFICATION MUST BE PAID TO THE OWNER OF RECORD AT THE TIME OF THE EXEMPTION OR CLASSIFICATION; TO AMEND SECTION 12-37-610, AS AMENDED, RELATING TO LIABILITY FOR TAXES ON REAL ESTATE, SO AS TO PROVIDE FOR LIABILITY OF THE OWNER OR CARETAKER OF RECORD AS OF DECEMBER THIRTY-FIRST PRECEDING THE TAX YEAR; TO AMEND SECTION 12-51-40, AS AMENDED, RELATING TO LEVY OF EXECUTION AND SALE OF PROPERTY FOR DELINQUENT TAXES, SO AS TO PROVIDE FOR EXECUTION AGAINST PROPERTY TRANSFERRED BY THE DEFAULTING TAXPAYER AND NOTICE TO THE GRANTEE OF RECORD, AND TO PROVIDE THAT THE PROPERTY MAY BE PARTITIONED BEFORE THE SALE BUT TO ELIMINATE THE REQUIREMENT OF PARTITION OF DIVISIBLE PROPERTY; TO AMEND SECTION 12-51-50, AS AMENDED, RELATING TO PROCEDURES FOR THE SALE OF PROPERTY OF A DEFAULTING TAXPAYER, SO AS TO PROVIDE FOR SALE OF PROPERTY OF THE DEFAULTING TAXPAYER AND OF A GRANTEE OF THE DEFAULTING TAXPAYER; TO AMEND SECTION 12-51-55, AS AMENDED, RELATING TO A BID SUBMITTED BY THE FORFEITED LAND COMMISSION, SO AS TO PROVIDE THAT A SALE TO THE COMMISSION IS VOIDABLE BY THE COMMISSION UPON LATER DISCOVERY THAT THE PROPERTY IS CONTAMINATED; TO AMEND SECTION 12-51-60, AS AMENDED, RELATING TO PAYMENT BY THE SUCCESSFUL BIDDER, SO AS TO PROVIDE FOR NOTICE TO THE DEFAULTING TAXPAYER AND THE OWNER OF RECORD OF THE ISSUANCE OF THE TAX DEED; TO AMEND SECTION 12-51-90, AS AMENDED, RELATING TO REDEMPTION OF REAL PROPERTY SOLD FOR DELINQUENT TAXES, SO AS TO PROVIDE FOR REDEMPTION BY A LESSEE OF THE PROPERTY, IN ADDITION TO REDEMPTION BY THE DEFAULTING TAXPAYER, A MORTGAGEE, OR A JUDGMENT CREDITOR; TO PROVIDE THAT INTEREST ON THE WHOLE AMOUNT OF THE TAX SALE BID ACCRUES AT THE RATE OF THREE, SIX, NINE, OR TWELVE PERCENT, INCREASING BY THREE PERCENTAGE POINTS FOR EACH SUCCESSIVE THREE MONTHS OF THE REDEMPTION PERIOD, AND TO PROVIDE A LIMIT ON THE INTEREST DUE; TO AMEND SECTION 12-51-120, AS AMENDED, RELATING TO NOTICE OF THE RUNNING OF THE REDEMPTION PERIOD, SO AS TO PROVIDE FOR NOTICE TO THE DEFAULTING TAXPAYER AND A PUBLICLY RECORDED GRANTEE, MORTGAGEE, OR LESSEE; TO AMEND SECTION 12-51-130, AS AMENDED, RELATING TO EXECUTION AND DELIVERY OF A TAX TITLE, SO AS TO PROVIDE THAT THE TAX TITLE INCLUDE THE NAME OF A GRANTEE OF RECORD OF THE PROPERTY AND THAT AN OVERPAYMENT BE PAID WITHIN NINETY DAYS TO THE OWNER OF RECORD; TO REPEAL ARTICLE 3, CHAPTER 49, TITLE 12, RELATING TO RIGHTS OF REAL ESTATE MORTGAGEES; TO AMEND SECTION 59-20-40, AS AMENDED, RELATING TO THE DETERMINATION OF ANNUAL ALLOCATIONS UNDER THE EDUCATION FINANCE ACT AND THE AMOUNT OF LOCAL EFFORT REQUIRED, SO AS TO PROVIDE THAT THE STATE BOARD OF EDUCATION IN PROVIDING FOR THE MANNER IN WHICH AVERAGE DAILY MEMBERSHIP OF A SCHOOL DISTRICT SHALL BE DETERMINED FOR PURPOSES OF THE LOCAL EFFORT REQUIRED MAY USE ESTIMATED ATTENDANCE FIGURES FOR A PARTICULAR YEAR, AND TO PROVIDE THAT WHEN THE AUDITED ATTENDANCE FIGURES BECOME AVAILABLE, ADJUSTMENTS TO THE AMOUNT OF LOCAL EFFORT REQUIRED THEN SHALL BE MADE TO REFLECT THE AUDITED ATTENDANCE FIGURES; AND TO AMEND SECTION 59-20-80, RELATING TO SCHOOL BUDGETS OF LOCAL DISTRICTS AND THE ITEMIZATION OF CERTAIN AMOUNTS REQUIRED UNDER THE EDUCATION FINANCE ACT, SO AS TO PROVIDE THAT WHEN A SCHOOL BOARD OF TRUSTEES PREPARES ITS ANNUAL BUDGET AND INCLUDES IN IT A CALCULATION OF THE AMOUNT OF LOCAL EFFORT REQUIRED UNDER THE EDUCATION FINANCE ACT, THIS CALCULATION SHALL BE BASED ON THE AMOUNT IN THE PREVIOUS BUDGET AND NOT ON THE AMOUNT RAISED BY THE MILLAGE LEVIED TO FUND THE AMOUNT, AND TO PROVIDE THAT IF THE MILLAGE IMPOSED TO GENERATE THIS BUDGETED DOLLAR FIGURE RESULTS IN A HIGHER DOLLAR RETURN THAN BUDGETED, THE EXCESS MUST BE HELD IN ESCROW UNTIL THE

FOLLOWING YEAR AND THEN USED FOR THE PURPOSE OF MEETING THE DISTRICT'S LOCAL EFFORT REQUIREMENT.

- 04/13/00    House    Introduced and read first time HJ-9**
- 04/13/00    House    Referred to Committee on Ways and Means HJ-9**