

## Session 115 - (2003-2004)

### H 5086 General Bill, By Kirsh

#### *Similar (H 4644)*

**Summary:** Annual comprehensive DOR taxation bill

A BILL TO AMEND SECTION 4-29-67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF PROPERTY TAX, SO AS TO DELETE THE NET PERCENT VALUE METHOD OF CALCULATING ANNUAL FEE PAYMENTS; TO AMEND SECTION 6-1-320, AS AMENDED, RELATING TO THE LIMITS ON ANNUAL INCREASES IN LOCAL GOVERNMENT AND SCHOOL DISTRICT PROPERTY TAX MILLAGE, SO AS TO CLARIFY THE METHOD OF CALCULATING THE ALLOWED CONSUMER PRICE INDEX INCREASE IN THE MILLAGE RATE; TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA INDIVIDUAL TAXABLE INCOME FOR PURPOSES OF THE STATE INCOME TAX, SO AS TO DELETE AN OBSOLETE DEDUCTION RELATING TO MEDICAL INSURANCE PREMIUMS; TO AMEND SECTION 12-6-2320, RELATING TO ALLOCATION AND APPORTIONMENT FOR PURPOSES OF THE STATE INCOME TAX, SO AS TO PROVIDE FOR THE ALLOCATION OF DIVIDENDS; TO AMEND SECTION 12-6-3365, AS AMENDED, RELATING TO THE CORPORATE INCOME TAX MORATORIUM FOR JOB CREATION, SO AS TO CLARIFY THE APPLICATION OF THE MORATORIUM TO INSURANCE PREMIUM TAXES; TO AMEND SECTION 12-6-3480, RELATING TO TAX CREDITS, SO AS TO FURTHER PROVIDE THE MANNER IN WHICH CREDITS ARE ALLOWED AND MAY BE CLAIMED; TO AMEND SECTION 12-6-4910, AS AMENDED, RELATING TO THOSE REQUIRED TO FILE INCOME TAX RETURNS, SO AS TO PROVIDE FOR THOSE NONRESIDENTS REQUIRED TO FILE IN THIS STATE; TO AMEND SECTIONS 12-6-5020, AS AMENDED, AND 12-6-5030, RELATING TO THE FILING OF CONSOLIDATED CORPORATE INCOME TAX RETURNS AND COMPOSITE INDIVIDUAL INCOME TAX RETURNS, SO AS TO REQUIRE THE DETERMINATION OF CREDITS ON A CONSOLIDATED BASIS AND FURTHER PROVIDE FOR COMPOSITE RETURNS; TO AMEND SECTIONS 12-8-520 AND 12-8-1520, RELATING TO STATE INCOME TAX WITHHOLDING, SO AS TO PROVIDE FOR THE WITHHOLDING OF PARTNERSHIP AND SUBCHAPTER "S" CORPORATION INCOME OF NONRESIDENTS AND ADDITIONAL REQUIREMENTS FOR WITHHOLDING AGENTS; TO AMEND SECTION 12-10-105, RELATING TO ANNUAL FEES FOR JOB DEVELOPMENT CREDITS FOR PURPOSES OF THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXTEND THESE FEES TO JOB RETRAINING CREDITS IN EXCESS OF TEN THOUSAND DOLLARS AND PROVIDE FOR THE COLLECTION OF THESE FEES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO TAX CREDITS FOR PURPOSES OF THE CORPORATE LICENSE TAX, SO AS TO CLARIFY THE APPLICATION OF THESE CREDITS; TO AMEND SECTIONS 12-21-1090 AND 12-21-6550, RELATING TO LICENSE TAXES, SO AS TO PROVIDE FOR THE PERMISSIVE PROMULGATION OF REGULATIONS AND FURTHER PROVIDE FOR THE APPLICATIONS REQUIRED PURSUANT TO THE TOURISM INFRASTRUCTURE ADMISSIONS TAX ACT; TO AMEND SECTION 12-28-740, RELATING TO EXEMPTIONS FROM THE MOTOR FUELS USER FEE, SO AS TO DELETE A REFERENCE TO A CREDIT, BY ADDING SECTION 12-28-1400, SO AS TO REQUIRE SUCH REPORTING AS THE DEPARTMENT OF REVENUE MAY REQUIRE BY REGULATION FOR PURPOSES OF THE USER FEE ON MOTOR FUELS AND PROVIDE AN ADDITIONAL CIVIL PENALTY FOR VIOLATORS; TO AMEND SECTION 12-28-1730, AS AMENDED, RELATING TO PENALTIES FOR PURPOSES OF THE MOTOR FUELS TAX, SO AS TO DELETE A CIVIL PENALTY; TO AMEND SECTION 12-36-530, RELATING TO THE REQUIREMENT FOR THE RETURN OF A RETAIL LICENSE WHEN A BUSINESS CLOSES OR IS SOLD, SO AS TO ELIMINATE THE REQUIREMENT THAT THE TAX IS DUE AT THE TIME OF SALE AND CONSTITUTES A LIEN ON THE PROPERTY IN THE HANDS OF THE PURCHASER; TO AMEND SECTIONS 12-36-1310 AND 12-36-2120, BOTH AS AMENDED, AND SECTION 12-36-2510, RELATING TO THE SOUTH CAROLINA SALES AND USE TAX ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICATION OF SALES TAX TO TELECOMMUNICATIONS SERVICES, AND PROVIDE FURTHER FOR THE ISSUE OF CERTIFICATES BY THE DEPARTMENT OF REVENUE FOR DIRECT PAY AND EXEMPTIONS AND PROVIDE FOR MORE EFFICIENT ADMINISTRATION OF SALES TAXES AND SALES TAX EXEMPTIONS; TO REPEAL SECTION 12-37-240, RELATING TO PAYMENTS IN LIEU OF TAXES BY EXEMPT NONPROFIT HOUSING CORPORATIONS; TO REPEAL SECTION 12-37-290, RELATING TO AN OBSOLETE HOMESTEAD EXEMPTION PROVISION; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO DELETE OBSOLETE REFERENCES IN EXISTING EXEMPTIONS; TO AMEND SECTION 12-37-230, RELATING TO SERVICE CONTRACTS WITH NONPROFIT HOUSING CORPORATIONS, SO AS TO ALLOW TAXING ENTITIES TO CHARGE REASONABLE FEES FOR SERVICES NOT TO EXCEED TAXES THAT WOULD OTHERWISE BE DUE ON THE PROPERTY, TO AMEND SECTIONS 12-44-30, 12-44-50, 12-44-55, 12-44-60, AND 12-44-140, ALL AS AMENDED, RELATING TO THE "FEE IN LIEU OF TAX SIMPLIFICATION ACT OF 1997", SO AS TO ELIMINATE THE NET PERCENT VALUE METHOD OF CALCULATING THE ANNUAL FEE PAYMENT, BY ADDING SECTION 12-44-180, SO AS TO PROVIDE THOSE REQUIREMENTS FOR ELIMINATION OF THE NET

PERCENT VALUE METHOD IN AN EXISTING FEE AGREEMENT; TO AMEND SECTIONS 12-54-25, AS AMENDED, 12-54-42, AND 12-54-43, AS AMENDED, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF STATE LEVIED TAXES, SO AS TO CLARIFY WHEN INTEREST IS NOT DUE ON OVERPAYMENTS, TO CLARIFY THE APPLICATION OF PENALTIES FOR FAILING TO PROVIDE WITHHOLDING STATEMENTS, TO CLARIFY AND REVISE THE APPLICATION OF CIVIL PENALTIES FOR FILING GROUNDLESS RETURNS OR FOR MISUSE OF A SALES TAX CERTIFICATE; BY ADDING SECTION 12-54-123 SO AS TO PROTECT FROM LIABILITY A PERSON WHO SURRENDERS THE PROPERTY OF ANOTHER LEVIED ON BY THE DEPARTMENT OF REVENUE; TO AMEND SECTIONS 12-54-90, 12-54-210, AND 12-54-240, AS AMENDED, RELATING TO THE COLLECTION AND ENFORCEMENT OF STATE TAXES, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO REFUSE TO ISSUE A LICENSE TO A TAXPAYER IN VIOLATION AND TO DELETE NOTICE REQUIREMENTS AND TO INCREASE THE PENALTY FOR FAILURE TO KEEP RECORDS, FILE RETURNS, AND COMPLY WITH REGULATIONS, UPDATE REFERENCES RELATING TO THE CONFIDENTIALITY OF RETURNS, AND DELETE AN EXEMPTION TO THE CONFIDENTIALITY REQUIREMENTS FOR RECORDS SUBPOENAED BY A FEDERAL GRAND JURY; TO AMEND SECTION 12-58-185, AS AMENDED, RELATING TO THE TAXPAYERS' BILL OF RIGHTS, SO AS TO CLARIFY AND EXTEND THE APPLICATION OF HARDSHIP EXTENSIONS TO PAY; TO AMEND SECTIONS 12-60-420 AND 12-60-490, BOTH AS AMENDED, RELATING TO THE REVENUES PROCEDURE ACT, SO AS TO PROVIDE THAT THE APPLICATION OF A DIVISION DECISION OR A DETERMINATION OF DEFICIENCY APPLIES TO LOCAL TAXES ADMINISTERED BY THE DEPARTMENT OF REVENUE AND REQUIRE SUCH NOTICE TO PROVIDE THAT FAILURE TO FILE A PROTEST WILL RESULT IN A DECISION BECOMING FINAL AND TO PROVIDE FURTHER FOR SETOFFS AGAINST TAX REFUNDS; TO AMEND SECTION 61-4-720, AS AMENDED, RELATING TO THE REGULATION OF WINE, SO AS TO REPLACE THE LIMITATION TO DOMESTIC WINE WITH WINE PRODUCED ON THE PREMISES FOR WINE SALES AND TASTINGS AT LICENSED WINERIES IN THIS STATE; BY ADDING SECTION 61-4-725 SO AS TO ALLOW A LICENSED WINERY TO SELL, DELIVER, PERMIT ON-PREMISES CONSUMPTION ON SUNDAYS IN JURISDICTIONS WHERE MINIBOTTLE SALES ARE ALLOWED ON SUNDAYS; TO AMEND SECTIONS 61-4-730 AND 61-4-747, RELATING TO REGULATION OF WINE, SO AS TO REPLACE THE REQUIREMENT THAT PERMITTED WINERIES SELL ONLY DOMESTIC WINE WITH WINE PRODUCED IN THIS STATE IN ORDER TO SELL AND DELIVER WINE IN THIS STATE AND TO REQUIRE OUT-OF-STATE WINE SHIPPERS TO PAY SALES AND EXCISE TAXES ON WINE SHIPPED TO RESIDENTS OF THIS STATE BY JANUARY TWENTIETH OF EACH YEAR FOR THE PRECEDING YEAR.

<b>04/07/04</b>	<b>House</b>	<b>Introduced and read first time HJ-4</b>
<b>04/07/04</b>	<b>House</b>	<b>Referred to Committee on Ways and Means HJ-5</b>
<b>04/22/04</b>	<b>House</b>	<b>Committee report: Favorable with amendment Ways and Means HJ-8</b>
<b>04/28/04</b>	<b>House</b>	<b>Amended HJ-35</b>
<b>04/28/04</b>	<b>House</b>	<b>Read second time HJ-58</b>
<b>04/28/04</b>	<b>House</b>	<b>Roll call Yeas-102 Nays-0 HJ-58</b>
<b>04/29/04</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-16</b>
<b>04/29/04</b>	<b>Senate</b>	<b>Introduced and read first time SJ-13</b>
<b>04/29/04</b>	<b>Senate</b>	<b>Referred to Committee on Finance SJ-13</b>