~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 3, 2010

**H. 4174**

Introduced by Reps. Harvin, Bales, Harrison, G.M. Smith and Wylie

S. Printed 3/3/10--S.

Read the first time February 3, 2010.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (H. 4174) to amend Section 12‑37‑3150, as amended, Code of Laws of South Carolina, 1976, relating to determining when a parcel of real property must be appraised, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. A. Section 12‑37‑3150(A)(3) of the 1976 Code is amended to read:

“(3) a conveyance to a trust, except if:

(a) the settlor or the settlor’s spouse, or both, conveys the property to the trust and the sole present beneficiary or beneficiaries are the settlor or the settlor’s spouse, or both; or

(b) the settlor or the settlor’s spouse, or both, conveys property subject to the special four percent assessment ratio pursuant to Section 12-43-220(c) and the sole present beneficiary or beneficiaries are the child or children of the settlor or the settlor’s spouse;”

B. Section 12‑37‑3150(A)(6) of the 1976 Code is amended to read:

“(6) a conveyance by distribution under a will or by intestate succession, except if:

(a) the distributee is the decedent’s spouse; or

(b) the distributee is a child or children of the decedent, the decedent did not have a spouse at the time of the decedent’s death, and the property is subject to the special four percent assessment ratio pursuant to Section 12-43-220(c);”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**A** **BILL**

TO AMEND SECTION 12‑37‑3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO PROVIDE THAT A CONVEYANCE TO A TRUST DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE SETTLOR OR SETTLOR’S SPOUSE CONVEYS THE PROPERTY TO A TRUST THE BENEFICIARIES OF WHICH ARE A CHILD OR CHILDREN OF THE SETTLOR OR THE SETTLOR’S SPOUSE AND TO PROVIDE THAT A CONVEYANCE BY DISTRIBUTION UNDER A WILL OR BY INTESTATE SUCCESSION DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE DISTRIBUTEE IS A CHILD OR CHILDREN OF A DECEDENT AND THE DECEDENT DID NOT HAVE A SPOUSE AT THE DECEDENT’S DATE OF DEATH.

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

SECTION 1.A. Section 12‑37‑3150(A)(3) of the 1976 Code is amended to read:

“(3) a conveyance to a trust, except if the settlor or the settlor’s spouse, or both, conveys the property to the trust and the sole present beneficiary or beneficiaries are the settlor, ~~or~~ the settlor’s spouse, or both, or a child or children of the settlor or the settlor’s spouse;”

B. Section 12‑37‑3150(A)(6) of the 1976 Code is amended to read:

“(6) a conveyance by distribution under a will or by intestate succession, except if the distributee is the decedent’s spouse or a child or children of the decedent if the decedent did not have a spouse at the decedent’s date of death;”

SECTION 2. This act takes effect upon approval by the Governor.

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