

## Session 110 - (1993-1994)

### H\*3907 (Rat #0575, Act #0516 of 1994) General Bill, By Kirsh

#### *Similar (S 0666)*

A Bill to amend Section 12-7-435, as amended, Code of Laws of South Carolina, 1976, relating to deductions from South Carolina taxable income for purposes of the State Income Tax, so as to clarify the retirement income exclusion for surviving spouses; to amend Section 12-7-1260, relating to the employer's capital expenditure child care credit, so as to limit the credit to employers of South Carolina residents and to capital expenditures made in this State; to amend Section 12-7-1640, as amended, relating to the time for filing income tax returns, so as to provide that any tax due must be paid at the time the return is filed without regard to any extension; to amend Section 12-7-2419, relating to the Eldercare Trust Fund Checkoff, so as to clarify that the checkoff applies only to individual income tax returns; to amend the 1976 Code by adding Section 12-7-1145, 12-27-335, and 12-54-138 so as to provide for apportioning of income of a business incorporated in a foreign country, to provide further for the application of and exemptions from the motor fuels tax to an unlicensed supplier, and to provide for the assessment and collection as a tax of any duplicate refund issued; to amend Section 12-7-430, as amended, relating to adjustments to income for purposes of the State Income Tax, so as to provide for the treatment of foreign dividends; to amend Section 12-9-40, relating to tax withholding on distributions, so as to allow exemptions from withholding for exempt nonresident shareholders or partners; to amend Section 12-9-390, as amended, relating to requirements applicable to income tax withholding, so as to provide that these requirements automatically conform to federal withholding requirements when the state income tax law federal reference date changes; to amend Section 12-21-720, relating to indicia for payment of the cigarette tax, so as to authorize the Department to allow storage of unstamped cigarettes prior to delivery out of state and provide penalties; to amend Section 12-27-1510, as amended, relating to refunds on gasoline and motor fuels taxes, so as to prohibit refunds on fuel used before a refund application is filed; to amend Section 12-31-430, relating to motor carrier reports, so as to revise the reporting dates; to amend Section 12-36-110, as amended, relating to the definition of "retail sale", so as to include in the definition local telecommunications services of coin-operated telephone providers; to amend Section 12-36-2120, as amended, relating to sales tax exemptions, so as to clarify the exemption for gasoline and other fuels and the exemption allowed for sales of motor vehicles to certain members of the armed forces; to amend Sections 12-54-40, as amended, and 12-54-240, as amended, relating to the enforcement and collection of state taxes, so as to revise penalties and further provide for the use of tax return information; to amend Section 12-54-420, as amended, relating to the Debt Setoff Act, so as to further define "claimant agency" and to allow the setoff of collection costs; to amend Section 12-54-810, relating to the Taxpayers' Bill of Rights, so as to further provide for the limit on investigative activities of the Department; to repeal Section 12-21-2040, relating to soft drink license tax crowns or lids; to amend the 1976 Code by adding Sections 12-4-755 and 12-4-770 so as to provide for the appeal of a property tax exemption denial to the Department of Revenue and Taxation and provide the appeal procedure and provide for the appeal procedure for an appeal of a proposed property tax assessment to the Department for property originally assessed by the Department; to amend the 1976 Code by adding Section 12-39-70 so as to provide the method of appraising certain personal property of businesses and other entities under the jurisdiction of the county auditor; to amend the 1976 Code by adding Section 12-37-120 so as to require the assessed value of property to be rounded to the nearest ten dollars; to amend Section 12-4-320, relating to the powers of the Department, so as to authorize it to prescribe temporary rules for filing, payment, and extensions in case of damage by operation by natural forces; to amend Section 12-4-330, relating to witnesses before the Department, so as to provide that out-of-state appraisers appearing before the Department do not have to be licensed or certified in this State; to amend Section 12-4-720, relating to filing property tax exemption applications, so as to revise certain applications; to amend Section 12-37-220 of the 1976 Code, as amended, relating to property tax exemptions, so as to standardize at two vehicles the motor vehicle exemption for disabled veterans, Medal of Honor recipients, persons confined to wheelchairs, and former POW's and include leased vehicles, and to exempt furnishings and fixtures in time-share units; to amend Section 12-37-800, as amended, relating to the penalty for failure to make a property tax return, so as to provide a penalty equal to twenty-five percent of the tax due for making a false return; to amend Section 12-37-930, relating to valuation of property for purposes of the property tax, so as to provide that "gross capitalized cost" includes property expensed under Section 179 of the Internal Revenue Code of 1986; to amend Section 12-37-2725, as amended, relating to refunds of personal property taxes paid on licensed motor vehicles, so as to allow a refund when a vehicle owner becomes a legal resident of another state and registers the vehicle in the new state; to amend Section 12-43-335, relating to the classification of merchants' property for purposes of the property tax, so as to revise the classifications and add classifications for property of manufacturers, railroads, private carlines, airlines, water, power, telephone, cable television, sewer, and pipeline companies; and to amend Act 168 of 1991, relating to taxation, so as to define "corporation" for the purposes of the allowance of the five-year property tax abatement allowed a corporation which acquired eight or more existing textile manufacturing facilities, and delete a reference to county in calculating the required number of

employees to obtain the abatement; to amend Section 12-23-60, relating to the due date for the electric power tax, so as to change the due date; to repeal Section 4-9-155, relating to audit standards for county officials; and to amend Section 12-7-1210, relating to credits for married individuals filing joint tax returns, so as to further provide for the determination of this credit.-amended title

<b>04/13/93</b>	<b>House</b>	<b>Introduced and read first time HJ-8</b>
<b>04/13/93</b>	<b>House</b>	<b>Referred to Committee on Ways and Means HJ-8</b>
<b>05/05/93</b>	<b>House</b>	<b>Committee report: Favorable with amendment Ways and Means HJ-20</b>
<b>05/19/93</b>	<b>House</b>	<b>Amended HJ-69</b>
<b>05/19/93</b>	<b>House</b>	<b>Read second time HJ-69</b>
<b>05/20/93</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-12</b>
<b>05/25/93</b>	<b>Senate</b>	<b>Introduced and read first time SJ-23</b>
<b>05/25/93</b>	<b>Senate</b>	<b>Referred to Committee on Finance SJ-23</b>
<b>03/31/94</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Finance SJ-9</b>
<b>04/05/94</b>	<b>Senate</b>	<b>Amended SJ-25</b>
<b>04/05/94</b>	<b>Senate</b>	<b>Read second time SJ-31</b>
<b>04/05/94</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-31</b>
<b>05/24/94</b>	<b>Senate</b>	<b>Amended SJ-47</b>
<b>05/24/94</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments SJ-53</b>
<b>06/01/94</b>	<b>House</b>	<b>Debate adjourned HJ-268</b>
<b>06/02/94</b>	<b>House</b>	<b>Senate amendment amended HJ-35</b>
<b>06/02/94</b>	<b>House</b>	<b>Returned to Senate with amendments HJ-35</b>
<b>06/02/94</b>	<b>Senate</b>	<b>Concurred in House amendment and enrolled SJ-79</b>
<b>06/02/94</b>		<b>Ratified R 575</b>
<b>08/31/94</b>		<b>Signed By Governor</b>
<b>08/31/94</b>		<b>Effective date 08/31/94</b>
<b>09/19/94</b>		<b>Act No. 516</b>
<b>09/19/94</b>		<b>Copies available</b>