~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

September 23, 2020

**H. 3596**

Introduced by Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson‑Myers

S. Printed 9/23/20--S.

Read the first time January 15, 2019.

**A** **BILL**

TO AMEND SECTION 12‑43‑220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Amend Title To Conform

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

SECTION 1. Section 12‑43‑220(d)(4) of the 1976 Code is amended to read:

“(4) Except as provided pursuant to Section 12‑43‑222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by actions taken by the owner of the real property which is inconsistent with agricultural use, it is subject to additional taxes, ~~hereinafter~~ referred to as ~~roll‑back~~ rollback taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder~~ pursuant to this item and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs the real property was not valued, assessed, and taxed under this article, then the real property is subject to ~~roll‑back~~ rollback taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder~~ pursuant to this item. In determining the amounts of the ~~roll‑back~~ rollback taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ for ~~each of~~ the ~~roll‑back~~ rollback tax years involved shall ascertain:

(A) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

(B) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

(C) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under (B) of this section;

(D) the amount of the ~~roll‑back~~ rollback for that tax year by multiplying the amount of the additional assessment determined under (C) of this section by the property tax rate of the taxing district applicable for that tax year.”

SECTION 2.A. Section 12-6-3790(B)(4) of the 1976 Code is amended to read:

“(4) In concert with the public charity directors, the department shall administer the public charity including, but not limited to, the keeping of records, the management of accounts, and disbursement of the grants awarded pursuant to this section. The public charity may expend up to ~~two~~ five percent of the fund for administration and related costs. The department and the public charity may not expend public funds to administer the program. Information contained in or produced from a tax return, document, or magnetically or electronically stored data utilized by the Department of Revenue or the public charity in the exercise of its duties as provided in this section must remain confidential and is exempt from disclosure pursuant to the Freedom of Information Act. Personally identifiable information, as described in the Family Educational Rights and Privacy Act and individual health records, or the medical or wellness needs of children applying for or receiving grants must remain confidential and is not subject to disclosure pursuant to the Freedom of Information Act.”

B. Section 12-6-3790(D)(1)(a) of the 1976 Code is amended to read:

“(D)(1)(a) Tax credits authorized by subsection (H)(1) and subsection (I) annually may not exceed cumulatively a total of twelve million dollars for contributions to the Educational Credit for Exceptional Needs Children’s Fund, unless an increased limit is authorized in the annual general appropriations act. However, the fund may carry forward up to five million dollars into the next year to provide credits in the next year. This carryforward amount does not in any way increase the cumulative tax credit amount set forth in this item for any one year.”

C. Section 12-6-3790(D)(2)(b) of the 1976 Code is amended to read:

“(b) A taxpayer may not claim more than ~~sixty~~ seventy-five percent of his total tax liability for the year in contribution toward the tax credit authorized by subsection (H)(1) or subsection (I). This credit is nonrefundable. If the amount of the credit exceeds the taxpayer's income tax liability for that taxable year, the taxpayer may carry forward the excess for up to three years.”

D. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2019, including the cumulative totals.

SECTION 3. This act takes effect January 1, 2021, and applies for agricultural real property changed to another use after 2020.

‑‑‑‑XX‑‑‑‑