



SC REVENUE RULING #94-1 (TAX)

- SUBJECT:** Legislative Agencies
(Sales Tax)
- EFFECTIVE DATE:** Applies to all periods open under the statute.
- SUPERSEDES:** All previous documents and any oral directives in conflict herewith.
- REFERENCES:** Act 164 of 1993, Part 1, Proviso 3.51 (Enacted June, 1993)
- AUTHORITY:** S. C. Code Ann. Section 12-4-320 (Supp. 1993)
SC Revenue Procedure #93-6
- SCOPE:** A Revenue Ruling is the Department of Revenue's official interpretation of how laws administered by the Department are to be applied to a specific issue or a specific set of facts, and applies to all persons or a particular group. It is valid and remains in effect until superseded or modified by a change in the statute or regulations or a subsequent court decision, Revenue Ruling or Revenue Procedure.

Question:

What is meant by the term "legislative agency" with respect to the sales tax exemption on copies of legislation or other informational documents as it is used in Act 164 of 1993, Part 1, Proviso 3.51?

Conclusion:

As used in Act 164 of 1993, Part 1, Proviso 3.51, the term "legislative agency" means those agencies that are under the direct control of the South Carolina Legislature.

Examples of agencies that are under the direct control of the South Carolina Legislature include:

1. The Senate
2. The House of Representatives
3. Senate and House of Representatives Joint Legislative Committees
4. Legislative Printing and Information Technology Resources
5. Legislative Audit Council
6. Legislative Information Systems
7. Reorganization Commission
8. Legislative Council

Discussion:

As explained in South Carolina Information Letter #93-28, the General Assembly enacted the following exemption from State and local sales taxes as part of the 1993-1994 General Appropriation Bill (Act 164 of 1993, Part 1, Proviso 3.51):

No sales tax is required to be charged or paid on copies of or access to legislation or other informational documents provided to the general public or any other person by a legislative agency when a charge for these copies is made reflecting the agency's cost thereof.

This exemption is valid only for the 1993-1994 State fiscal year (July 1, 1993 through June 30, 1994), unless the General Assembly re-enacts this proviso in subsequent Appropriation Bills or permanently codifies this law.

In reviewing the applicability of this statute, the question has arisen as to what is meant by the term "legislative agency".

The following quote from 73 Am. Jur. 2d Statutes Section 198 provides guidance:

The general rule is that nothing may be read into a statute which is not within the manifest intention of the legislature as gathered from the act itself, and that a statute should not be construed any more broadly or given any greater effect than its terms require. Where the language of a statute is clear in limiting its application to a particular class of cases and leaves no room for doubt as to the intention of the legislature, there is no authority to transcend or add to the statute, which may not be enlarged, stretched, or expanded.

Therefore, the exemption applies only to agencies that are under the direct control of the South Carolina Legislature. It does not apply to all State agencies.

SOUTH CAROLINA DEPARTMENT OF REVENUE

s/A. Crawford Clarkson Jr.

A. Crawford Clarkson, Jr., Chairman

s/T. R. McConnell

T. R. McConnell, Commissioner

s/James M. Waddell Jr.

James M. Waddell, Jr., Commissioner

Columbia, South Carolina

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For questions concerning the sales tax exemption on copies of legislation, contact Deana West at 803-737-4439 or John McCormack at 803-737-4438.