

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

GOOD/DOWNEY
APRIL 25, 2019

CLERK OF THE HOUSE

THE ECONOMIC DEVELOPMENT SUBCOMMITTEE PROPOSES
THE FOLLOWING AMENDMENT No. TO S. 309
(COUNCIL\DG\309C002.NBD.DG19):

REFERENCE IS TO PRINTER'S DATE 2/5/19-S.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**/ SECTION 1. SECTION 12-6-3360(A) AND (M)
OF THE 1976 CODE IS AMENDED TO READ:**

**“(A) TAXPAYERS THAT OPERATE
MANUFACTURING, TOURISM, PROCESSING,
AGRICULTURAL PACKAGING, WAREHOUSING,
DISTRIBUTION, RESEARCH AND DEVELOPMENT,**

CORPORATE OFFICE, QUALIFYING SERVICE-RELATED FACILITIES, AGRIBUSINESS OPERATIONS, EXTRAORDINARY RETAIL ESTABLISHMENT, PROFESSIONAL SPORTS TEAMS, AND QUALIFYING TECHNOLOGY INTENSIVE FACILITIES, AND BANKS AS DEFINED PURSUANT TO THIS TITLE ARE ALLOWED AN ANNUAL JOBS TAX CREDIT AS PROVIDED IN THIS SECTION. IN ADDITION, TAXPAYERS THAT OPERATE RETAIL FACILITIES AND SERVICE-RELATED INDUSTRIES QUALIFY FOR AN ANNUAL JOBS TAX CREDIT IN COUNTIES DESIGNATED AS 'TIER IV'. AS USED IN THIS SECTION, 'CORPORATE OFFICE' INCLUDES GENERAL CONTRACTORS LICENSED BY THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION. CREDITS PURSUANT TO THIS SECTION MAY BE CLAIMED AGAINST INCOME TAXES IMPOSED BY SECTION 12-6-510 OR 12-6-530, BANK TAXES IMPOSED PURSUANT TO CHAPTER 11 OF THIS TITLE, AND INSURANCE PREMIUM TAXES IMPOSED PURSUANT TO CHAPTER 7, TITLE 38, AND ARE LIMITED IN USE

TO FIFTY PERCENT OF THE TAXPAYER'S SOUTH CAROLINA INCOME TAX, BANK TAX, OR INSURANCE PREMIUM TAX LIABILITY. IN COMPUTING A TAX PAYABLE BY A TAXPAYER PURSUANT TO SECTION 38-7-90, THE CREDIT ALLOWABLE PURSUANT TO THIS SECTION MUST BE TREATED AS A PREMIUM TAX PAID PURSUANT TO SECTION 38-7-20.

(M) AS USED IN THIS SECTION:

(1) 'TAXPAYER' MEANS A SOLE PROPRIETOR, PARTNERSHIP, CORPORATION OF ANY CLASSIFICATION, LIMITED LIABILITY COMPANY, OR ASSOCIATION TAXABLE AS A BUSINESS ENTITY THAT IS SUBJECT TO SOUTH CAROLINA TAXES AS CONTAINED IN SECTION 12-6-510, SECTION 12-6-530, CHAPTER 11, TITLE 12, OR CHAPTER 7, TITLE 38.

(2) 'APPROPRIATE AGENCY' MEANS THE DEPARTMENT OF REVENUE, EXCEPT THAT FOR TAXPAYERS SUBJECT TO THE PREMIUM TAX

IMPOSED BY CHAPTER 7, TITLE 38, IT MEANS THE DEPARTMENT OF INSURANCE.

(3) 'NEW JOB' MEANS A JOB CREATED IN THIS STATE AT THE TIME A NEW FACILITY OR AN EXPANSION IS INITIALLY STAFFED. EXCEPT AS OTHERWISE PROVIDED IN THIS ITEM, THE TERM DOES NOT INCLUDE A JOB CREATED WHEN AN EMPLOYEE IS SHIFTED FROM AN EXISTING LOCATION IN THIS STATE TO A NEW OR EXPANDED FACILITY WHETHER THE TRANSFERRED JOB IS FROM, OR TO, A FACILITY OF THE TAXPAYER OR A RELATED PERSON. HOWEVER, FOR A PROFESSIONAL SPORTS TEAM, 'NEW JOB' MEANS ALL JOBS LOCATED AT THE PROFESSIONAL SPORTS TEAM PARK REGARDLESS OF WHETHER AN EMPLOYEE PREVIOUSLY WORKED AT AN EXISTING LOCATION IN THIS STATE BEFORE 2019 AS AN EMPLOYEE OF THE SAME PROFESSIONAL SPORTS TEAM. A RELATED PERSON INCLUDES ANY ENTITY OR PERSON THAT BEARS A RELATIONSHIP TO THE TAXPAYER AS DESCRIBED IN SECTION 267 OF THE INTERNAL REVENUE CODE. HOWEVER, THIS EXCLUSION OF A NEW JOB CREATED BY EMPLOYEE SHIFTING DOES NOT EXTEND TO A JOB CREATED AT A NEW OR EXPANDED FACILITY LOCATED IN A COUNTY IN WHICH IS LOCATED AN 'APPLICABLE FEDERAL FACILITY' AS DEFINED IN SECTION 12-6-3450(A)(1)(B). THE TERM 'NEW JOB' ALSO INCLUDES AN EXISTING JOB AT A FACILITY OF AN EMPLOYER WHICH IS REINSTATED AFTER THE EMPLOYER HAS REBUILT THE FACILITY DUE TO:

(A) ITS DESTRUCTION BY ACCIDENTAL FIRE, NATURAL DISASTER, OR ACT OF GOD;

(B) INVOLUNTARY CONVERSION AS A RESULT OF CONDEMNATION OR EXERCISE OF EMINENT DOMAIN BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS OR BY THE FEDERAL GOVERNMENT.

DESTRUCTION FOR PURPOSES OF THIS PROVISION MEANS THAT MORE THAN FIFTY PERCENT OF THE FACILITY WAS DESTROYED. FOR PURPOSES OF THIS SECTION, INVOLUNTARY CONVERSION AS A RESULT OF CONDEMNATION OR EXERCISE OF EMINENT DOMAIN INCLUDES A

LEGALLY BINDING AGREEMENT FOR THE PURCHASE OF A FACILITY OF AN EMPLOYER ENTERED INTO BETWEEN AN EMPLOYER AND THE STATE OF SOUTH CAROLINA OR A POLITICAL SUBDIVISION OF THE STATE UNDER THREAT OF EXERCISE OF EMINENT DOMAIN BY THE STATE OR ITS POLITICAL SUBDIVISION.

THE YEAR OF REINSTATEMENT IS THE YEAR OF CREATION OF THE JOB. ALL REINSTATED JOBS QUALIFY FOR THE CREDIT PURSUANT TO THIS SECTION, AND A COMPARISON IS NOT REQUIRED TO BE MADE BETWEEN THE NUMBER OF FULL-TIME JOBS OF THE EMPLOYER IN THE TAXABLE YEAR AND THE NUMBER OF FULL-TIME JOBS OF THE EMPLOYER WITH THE CORRESPONDING PERIOD OF THE PRIOR TAXABLE YEAR.

(4) 'FULL-TIME' MEANS A JOB REQUIRING A MINIMUM OF THIRTY-FIVE HOURS OF AN EMPLOYEE'S TIME A WEEK FOR THE ENTIRE NORMAL YEAR OF COMPANY OPERATIONS OR A JOB REQUIRING A MINIMUM OF THIRTY-FIVE HOURS OF AN EMPLOYEE'S TIME FOR A WEEK FOR A YEAR IN WHICH THE EMPLOYEE WAS HIRED INITIALLY FOR OR TRANSFERRED TO THE SOUTH CAROLINA FACILITY. FOR MEMBERS OF A PROFESSIONAL SPORTS TEAM, 'FULL-TIME' MEANS A JOB REQUIRING A MINIMUM OF ONE HUNDRED EIGHTY DAYS OF AN EMPLOYEE'S TIME A YEAR OF WHICH AT LEAST EIGHTY PERCENT OF SUCH DAYS MUST BE SPENT AT A PROFESSIONAL SPORTS TEAM PARK LOCATED IN SOUTH CAROLINA. FOR THE PURPOSES OF THIS SECTION, TWO HALF-TIME JOBS ARE CONSIDERED ONE FULL-TIME JOB. A 'HALF-TIME JOB' IS A JOB REQUIRING A MINIMUM OF TWENTY HOURS OF AN EMPLOYEE'S TIME A WEEK FOR THE ENTIRE NORMAL YEAR OF THE COMPANY'S OPERATIONS OR A JOB REQUIRING A MINIMUM OF TWENTY HOURS OF AN EMPLOYEE'S TIME A WEEK FOR A YEAR IN WHICH THE EMPLOYEE WAS HIRED INITIALLY FOR OR TRANSFERRED TO THE SOUTH CAROLINA FACILITY. FOR AGRICULTURAL PACKAGING AND AGRIBUSINESS OPERATIONS, SEASONAL WORKERS MAY BE CONSIDERED A FULL-TIME EMPLOYEE; HOWEVER, A SEASONAL EMPLOYEE ONLY COUNTS AS A FRACTION OF A FULL-TIME WORKER, WITH THE NUMERATOR BEING THE NUMBER OF

HOURS WORKED A WEEK MULTIPLIED BY THE NUMBER OF WEEKS WORKED, AND THE DENOMINATOR BEING THE NUMBER ONE THOUSAND EIGHT HUNDRED TWENTY.

(5) 'MANUFACTURING FACILITY' MEANS AN ESTABLISHMENT WHERE TANGIBLE PERSONAL PROPERTY IS PRODUCED OR ASSEMBLED.

(6) 'PROCESSING FACILITY' MEANS AN ESTABLISHMENT THAT PREPARES, TREATS, OR CONVERTS TANGIBLE PERSONAL PROPERTY INTO FINISHED GOODS OR ANOTHER FORM OF TANGIBLE PERSONAL PROPERTY. THE TERM INCLUDES A BUSINESS ENGAGED IN PROCESSING AGRICULTURAL, AQUACULTURAL, OR MARICULTURAL PRODUCTS AND SPECIFICALLY INCLUDES MEAT, POULTRY, AND ANY OTHER VARIETY OF FOOD PROCESSING OPERATIONS. IT DOES NOT INCLUDE AN ESTABLISHMENT IN WHICH RETAIL SALES OF TANGIBLE PERSONAL PROPERTY ARE MADE TO RETAIL CUSTOMERS.

(7) 'WAREHOUSING FACILITY' MEANS AN ESTABLISHMENT WHERE TANGIBLE PERSONAL PROPERTY IS STORED BUT DOES NOT INCLUDE ANY ESTABLISHMENT WHERE RETAIL SALES OF TANGIBLE PERSONAL PROPERTY ARE MADE TO RETAIL CUSTOMERS.

(8) 'DISTRIBUTION FACILITY' MEANS AN ESTABLISHMENT WHERE SHIPMENTS OF TANGIBLE PERSONAL PROPERTY ARE PROCESSED FOR DELIVERY TO CUSTOMERS. THE TERM DOES NOT INCLUDE AN ESTABLISHMENT WHERE RETAIL SALES OF TANGIBLE PERSONAL PROPERTY ARE MADE TO RETAIL CUSTOMERS ON MORE THAN TWELVE DAYS A YEAR EXCEPT FOR A FACILITY WHICH PROCESSES CUSTOMER SALES ORDERS BY MAIL, TELEPHONE, OR ELECTRONIC MEANS, IF THE FACILITY ALSO PROCESSES SHIPMENTS OF TANGIBLE PERSONAL PROPERTY TO CUSTOMERS AND IF AT LEAST SEVENTY-FIVE PERCENT OF THE DOLLAR AMOUNT OF GOODS SOLD THROUGH THE FACILITY ARE SOLD TO CUSTOMERS OUTSIDE OF SOUTH CAROLINA. RETAIL SALES MADE INSIDE THE FACILITY TO EMPLOYEES WORKING AT THE FACILITY ARE NOT CONSIDERED FOR PURPOSES OF THE TWELVE-DAY AND SEVENTY-FIVE PERCENT LIMITATION. FOR PURPOSES OF THIS

DEFINITION, 'RETAIL SALE' AND 'TANGIBLE PERSONAL PROPERTY' HAVE THE MEANING PROVIDED IN CHAPTER 36 OF THIS TITLE.

(9) 'RESEARCH AND DEVELOPMENT FACILITY' MEANS AN ESTABLISHMENT ENGAGED IN LABORATORY, SCIENTIFIC, OR EXPERIMENTAL TESTING AND DEVELOPMENT RELATED TO NEW PRODUCTS, NEW USES FOR EXISTING PRODUCTS, OR IMPROVING EXISTING PRODUCTS. THE TERM DOES NOT INCLUDE AN ESTABLISHMENT ENGAGED IN EFFICIENCY SURVEYS, MANAGEMENT STUDIES, CONSUMER SURVEYS, ECONOMIC SURVEYS, ADVERTISING, PROMOTION, BANKING, OR RESEARCH IN CONNECTION WITH LITERARY, HISTORICAL, OR SIMILAR PROJECTS.

(10) 'CORPORATE OFFICE FACILITY' MEANS A CORPORATE HEADQUARTERS THAT MEETS THE DEFINITION OF A 'CORPORATE HEADQUARTERS' CONTAINED IN SECTION 12-6-3410(J)(1). THE CORPORATE HEADQUARTERS OF A GENERAL CONTRACTOR LICENSED BY THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION QUALIFIES EVEN IF IT IS NOT A REGIONAL OR NATIONAL HEADQUARTERS AS THOSE TERMS ARE DEFINED IN SECTION 12-6-3410(J)(1).

(11) THE TERMS 'RETAIL SALES' AND 'TANGIBLE PERSONAL PROPERTY' FOR PURPOSES OF THIS SECTION ARE DEFINED IN CHAPTER 36 OF THIS TITLE.

(12) 'TOURISM FACILITY' MEANS AN ESTABLISHMENT USED FOR A THEME PARK; AMUSEMENT PARK; HISTORICAL, EDUCATIONAL, OR TRADE MUSEUM; BOTANICAL GARDEN; CULTURAL CENTER; THEATER; MOTION PICTURE PRODUCTION STUDIO; CONVENTION CENTER; ARENA; AUDITORIUM; OR A SPECTATOR OR PARTICIPATORY SPORTS FACILITY; AND SIMILAR ESTABLISHMENTS WHERE ENTERTAINMENT, EDUCATION, OR RECREATION IS PROVIDED TO THE GENERAL PUBLIC. TOURISM FACILITY ALSO INCLUDES NEW HOTEL AND MOTEL CONSTRUCTION, EXCEPT THAT TO QUALIFY FOR THE CREDITS ALLOWED BY THIS SECTION AND REGARDLESS OF THE COUNTY IN WHICH THE FACILITY IS LOCATED,

THE NUMBER OF NEW JOBS THAT MUST BE CREATED BY THE NEW HOTEL OR MOTEL IS TWENTY OR MORE. IT DOES NOT INCLUDE THAT PORTION OF AN ESTABLISHMENT WHERE RETAIL MERCHANDISE OR RETAIL SERVICES ARE SOLD DIRECTLY TO RETAIL CUSTOMERS.

(13) 'QUALIFYING SERVICE-RELATED FACILITY' MEANS:

(A) AN ESTABLISHMENT ENGAGED IN AN ACTIVITY OR ACTIVITIES LISTED UNDER THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM MANUAL (NAICS) SECTION 62, SUBSECTORS 621, 622, AND 623, OR SECTOR 4881, SUBSECTOR 488190; OR

(B) A BUSINESS, OTHER THAN A BUSINESS ENGAGED IN LEGAL, ACCOUNTING, BANKING, OR INVESTMENT SERVICES (INCLUDING A BUSINESS IDENTIFIED UNDER NAICS SECTION 55) OR RETAIL SALES, WHICH HAS A NET INCREASE OF AT LEAST:

(I) ONE HUNDRED SEVENTY-FIVE JOBS AT A SINGLE LOCATION;

(II) ONE HUNDRED FIFTY JOBS AT A SINGLE LOCATION COMPRISED OF A BUILDING OR PORTION OF BUILDING THAT HAS BEEN VACANT FOR AT LEAST TWELVE CONSECUTIVE MONTHS PRIOR TO THE TAXPAYER'S INVESTMENT;

(III) ONE HUNDRED JOBS AT A SINGLE LOCATION AND THE JOBS HAVE AN AVERAGE CASH COMPENSATION LEVEL OF MORE THAN ONE AND ONE-HALF TIMES THE LOWER OF STATE PER CAPITA INCOME OR PER CAPITA INCOME IN THE COUNTY WHERE THE JOBS ARE LOCATED;

(IV) FIFTY JOBS AT A SINGLE LOCATION AND THE JOBS HAVE AN AVERAGE CASH COMPENSATION LEVEL OF MORE THAN TWICE THE LOWER OF STATE PER CAPITA INCOME OR PER CAPITA INCOME IN THE COUNTY WHERE THE JOBS ARE LOCATED; OR

(V) TWENTY-FIVE JOBS AT A SINGLE LOCATION AND THE JOBS HAVE AN AVERAGE CASH COMPENSATION LEVEL OF MORE THAN TWO AND ONE-HALF TIMES THE LOWER OF STATE PER CAPITA

INCOME OR PER CAPITA INCOME IN THE COUNTY WHERE THE JOBS ARE LOCATED.

A TAXPAYER SHALL USE THE MOST RECENT PER CAPITA INCOME DATA AVAILABLE AS OF THE END OF THE TAXABLE YEAR IN WHICH THE JOBS ARE FILLED. DETERMINATION OF THE REQUIRED NUMBER OF JOBS IS IN ACCORDANCE WITH THE MONTHLY AVERAGE DESCRIBED IN SUBSECTION (F).

(14) 'TECHNOLOGY INTENSIVE FACILITY' MEANS:

(A) A FACILITY AT WHICH A FIRM ENGAGES IN THE DESIGN, DEVELOPMENT, AND INTRODUCTION OF NEW PRODUCTS OR INNOVATIVE MANUFACTURING PROCESSES, OR BOTH, THROUGH THE SYSTEMATIC APPLICATION OF SCIENTIFIC AND TECHNICAL KNOWLEDGE. INCLUDED IN THIS DEFINITION ARE THE FOLLOWING NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEMS CODES, NAICS, PUBLISHED BY THE OFFICE OF THE MANAGEMENT AND BUDGET OF THE FEDERAL GOVERNMENT:

- (I) 5114 DATABASE AND DIRECTORY PUBLISHERS;**
- (II) 5112 SOFTWARE PUBLISHERS;**
- (III) 54151 COMPUTER SYSTEMS DESIGN AND RELATED SERVICES;**
- (IV) 541511 CUSTOM COMPUTER PROGRAMMING SERVICES;**
- (V) 541512 COMPUTER SYSTEMS DESIGN SERVICES;**
- (VI) 541711 RESEARCH AND DEVELOPMENT IN BIOTECHNOLOGY; 2007 NAICS;**
- (VII) 541712 RESEARCH AND DEVELOPMENT IN PHYSICAL, ENGINEERING, AND LIFE SCIENCES; 2007 NAICS;**
- (VIII) 518210 DATA PROCESSING, HOSTING, AND RELATED SERVICES;**
- (IX) 9271 SPACE RESEARCH AND TECHNOLOGY; OR**

(B) A FACILITY PRIMARILY USED FOR ONE OR MORE ACTIVITIES LISTED UNDER THE 2002 VERSION OF THE NAICS CODES 51811 (INTERNET SERVICE PROVIDERS AND WEB SEARCH PORTALS).

(15)‘EXTRAORDINARY RETAIL ESTABLISHMENT’ AS DEFINED IN SECTIONS 12-21-6520 AND 12-21-6590.

(16)‘AGRICULTURAL PACKAGING’ MEANS THE TECHNOLOGY OF ENCLOSING OR PROTECTING OR PRESERVING AGRICULTURAL PRODUCTS FOR DISTRIBUTION, STORAGE, SALE, AND USE. PACKAGING ALSO REFERS TO THE PROCESS OF DESIGN, EVALUATION, AND PRODUCTION OF PACKAGES USED FOR AGRICULTURAL PRODUCTS. PACKAGING CAN BE DESCRIBED AS A COORDINATED SYSTEM OF PREPARING AGRICULTURAL GOODS FOR TRANSPORT, WAREHOUSING, LOGISTICS, SALE, AND END USE.

(17)‘PROFESSIONAL SPORTS TEAM’ MEANS A PROFESSIONAL SPORTS TEAM OR CLUB INCLUDED IN A PROFESSIONAL LEAGUE, SUCH AS THE NATIONAL FOOTBALL LEAGUE, NATIONAL ASSOCIATION FOR STOCK CAR RACING, OR THE NATIONAL BASKETBALL ASSOCIATION, PRIMARILY ENGAGED IN PARTICIPATING IN LIVE SPORTING EVENTS BEFORE A PAYING AUDIENCE WITH AN ANNUAL PAYROLL FOR FEDERAL TAX PURPOSES OF NOT LESS THAN ONE HUNDRED NINETY MILLION DOLLARS AND NOT LESS THAN ONE HUNDRED FIFTY EMPLOYEES.

(18)‘PROFESSIONAL SPORTS TEAM PARK’ MEANS A SPORTS FACILITY DESIGNED FOR USE PRIMARILY AS A PROFESSIONAL PARK OR STADIUM. SUCH A FACILITY MAY INCLUDE, WITHOUT LIMITATION, PRACTICE FIELDS AND FEATURES SUCH AS PARKING AREAS AND FACILITIES, OFFICE FACILITIES FOR TEAM USE OR OTHER USERS OF THE FACILITY AS AUTHORIZED BY THE PROFESSIONAL SPORTS TEAM, AND OTHER ANCILLARY FACILITIES NECESSARY FOR THE SPORTS FACILITY. SUCH A FACILITY ALSO INCLUDES THE LANDSCAPED GROUNDS SURROUNDING THE PARK, STADIUM, AND ANCILLARY FACILITIES.

(19)‘MEMBERS OF A PROFESSIONAL SPORTS TEAM’ MEANS ACTIVE PLAYERS, PLAYERS ON THE DISABLED LIST, AND ANY OTHER PERSONS REQUIRED TO TRAVEL AND WHO DO TRAVEL WITH AND

PERFORM SERVICES ON BEHALF OF THE PROFESSIONAL SPORTS TEAM ON A REGULAR BASIS. THIS INCLUDES COACHES, MANAGERS, AND TRAINERS.”

SECTION 2. SECTION 4-9-30(12) OF THE 1976 CODE IS AMENDED TO READ:

“(12) TO LEVY UNIFORM LICENSE TAXES UPON PERSONS AND BUSINESSES ENGAGED IN OR INTENDING TO ENGAGE IN A BUSINESS, OCCUPATION, OR PROFESSION, IN WHOLE OR IN PART, WITHIN THE COUNTY BUT OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY EXCEPT THOSE PERSONS WHO ARE ENGAGED IN THE PROFESSION OF TEACHING OR WHO ARE MINISTERS OF THE GOSPEL AND RABBIS, EXCEPT PERSONS AND BUSINESSES ACTING IN THE CAPACITY OF TELEPHONE, TELEGRAPH, GAS AND ELECTRIC UTILITIES, SUPPLIERS, OR OTHER UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION AND EXCEPT AN ENTITY WHICH IS EXEMPT FROM LICENSE TAX UNDER ANOTHER LAW OR A SUBSIDIARY OR AFFILIATE OF ANY SUCH EXEMPT ENTITY. NO COUNTY LICENSE FEE OR TAX MAY BE LEVIED ON INSURANCE COMPANIES. NO COUNTY LICENSE FEE OR TAX MAY BE LEVIED ON A PROFESSIONAL SPORTS TEAM AS DEFINED IN SECTION 12-6-3360(M)(17). THE LICENSE TAX MUST BE GRADUATED ACCORDING TO THE GROSS INCOME OF THE PERSON OR BUSINESS TAXED. A BUSINESS ENGAGED IN MAKING LOANS SECURED BY REAL ESTATE IS SUBJECT TO THE LICENSE TAX ONLY IF IT HAS PREMISES LOCATED IN THE COUNTY BUT OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY. IF THE PERSON OR BUSINESS TAXED PAYS A LICENSE TAX TO ANOTHER COUNTY OR TO A MUNICIPALITY, THE GROSS INCOME FOR THE PURPOSE OF COMPUTING THE TAX MUST BE REDUCED BY THE AMOUNT OF GROSS INCOME TAXED IN THE OTHER COUNTY OR MUNICIPALITY.”

SECTION 3. SECTION 5-7-30 OF THE 1976 CODE IS AMENDED TO READ:

“SECTION 5-7-30. EACH MUNICIPALITY OF THE STATE, IN ADDITION TO THE POWERS CONFERRED TO ITS SPECIFIC FORM OF GOVERNMENT, MAY ENACT REGULATIONS, RESOLUTIONS, AND ORDINANCES, NOT INCONSISTENT WITH THE CONSTITUTION AND GENERAL LAW OF THIS STATE, INCLUDING THE EXERCISE OF POWERS IN RELATION TO ROADS, STREETS, MARKETS, LAW ENFORCEMENT, HEALTH, AND ORDER IN THE MUNICIPALITY OR RESPECTING ANY SUBJECT WHICH APPEARS TO IT NECESSARY AND PROPER FOR THE SECURITY, GENERAL WELFARE, AND CONVENIENCE OF THE MUNICIPALITY OR FOR PRESERVING HEALTH, PEACE, ORDER, AND GOOD GOVERNMENT IN IT, INCLUDING THE AUTHORITY TO LEVY AND COLLECT TAXES ON REAL AND PERSONAL PROPERTY AND AS OTHERWISE AUTHORIZED IN THIS SECTION, MAKE ASSESSMENTS, AND ESTABLISH UNIFORM SERVICE CHARGES RELATING TO THEM; THE AUTHORITY TO ABATE NUISANCES; THE AUTHORITY TO PROVIDE POLICE PROTECTION IN CONTIGUOUS MUNICIPALITIES AND IN UNINCORPORATED AREAS LOCATED NOT MORE THAN THREE MILES FROM THE MUNICIPAL LIMITS UPON THE REQUEST AND AGREEMENT OF THE GOVERNING BODY OF SUCH CONTIGUOUS MUNICIPALITY OR THE COUNTY, INCLUDING AGREEMENT AS TO THE BOUNDARIES OF SUCH POLICE JURISDICTIONAL AREAS, IN WHICH CASE THE MUNICIPAL LAW ENFORCEMENT OFFICERS SHALL HAVE THE FULL JURISDICTION, AUTHORITY, RIGHTS, PRIVILEGES, AND IMMUNITIES, INCLUDING COVERAGE UNDER THE WORKERS’ COMPENSATION LAW, WHICH THEY HAVE IN THE MUNICIPALITY, INCLUDING THE AUTHORITY TO MAKE ARRESTS, AND TO EXECUTE CRIMINAL PROCESS WITHIN THE EXTENDED JURISDICTIONAL AREA; PROVIDED, HOWEVER, THAT THIS SHALL NOT EXTEND THE EFFECT OF THE LAWS OF THE MUNICIPALITY BEYOND ITS CORPORATE BOUNDARIES; GRANT FRANCHISES FOR THE USE OF PUBLIC STREETS AND MAKE

CHARGES FOR THEM; GRANT FRANCHISES AND MAKE CHARGES FOR THE USE OF PUBLIC BEACHES; ENGAGE IN THE RECREATION FUNCTION; LEVY A BUSINESS LICENSE TAX ON GROSS INCOME, BUT A WHOLESALER DELIVERING GOODS TO RETAILERS IN A MUNICIPALITY IS NOT SUBJECT TO THE BUSINESS LICENSE TAX UNLESS HE MAINTAINS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY A WAREHOUSE OR MERCANTILE ESTABLISHMENT FOR THE DISTRIBUTION OF WHOLESALE GOODS; AND A BUSINESS ENGAGED IN MAKING LOANS SECURED BY REAL ESTATE IS NOT SUBJECT TO THE BUSINESS LICENSE TAX UNLESS IT HAS PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY AND NO ENTITY WHICH IS EXEMPT FROM THE LICENSE TAX UNDER ANOTHER LAW NOR A SUBSIDIARY OR AFFILIATE OF AN EXEMPT ENTITY IS SUBJECT TO THE BUSINESS LICENSE TAX; AND A BUSINESS ENGAGED IN OPERATING A PROFESSIONAL SPORTS TEAM AS DEFINED IN SECTION 12-6-3360(M)(17) IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; BORROW IN ANTICIPATION OF TAXES; AND PLEDGE REVENUES TO BE COLLECTED AND THE FULL FAITH AND CREDIT OF THE MUNICIPALITY AGAINST ITS NOTE AND CONDUCT ADVISORY REFERENDA. THE MUNICIPAL GOVERNING BODY MAY FIX FINES AND PENALTIES FOR THE VIOLATION OF MUNICIPAL ORDINANCES AND REGULATIONS NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT NOT EXCEEDING THIRTY DAYS, OR BOTH. IF THE PERSON OR BUSINESS TAXED PAYS A BUSINESS LICENSE TAX TO A COUNTY OR TO ANOTHER MUNICIPALITY WHERE THE INCOME IS EARNED, THE GROSS INCOME FOR THE PURPOSE OF COMPUTING THE TAX MUST BE REDUCED BY THE AMOUNT OF GROSS INCOME TAXED IN THE OTHER COUNTY OR MUNICIPALITY.

FOR THE PURPOSE OF PROVIDING AND MAINTAINING PARKING FOR THE BENEFIT OF A DOWNTOWN COMMERCIAL AREA, A MUNICIPALITY MAY LEVY A SURTAX UPON THE BUSINESS LICENSE OF A PERSON DOING BUSINESS IN A DESIGNATED AREA IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE CURRENT YEARLY BUSINESS LICENSE TAX UPON TERMS

AND CONDITIONS FIXED BY ORDINANCE OF THE MUNICIPAL COUNCIL. THE AREA MUST BE DESIGNATED BY COUNCIL ONLY AFTER A PETITION IS SUBMITTED BY NOT LESS THAN TWO-THIRDS OF THE PERSONS PAYING A BUSINESS LICENSE TAX IN THE AREA AND WHO PAID NOT LESS THAN ONE-HALF OF THE TOTAL BUSINESS LICENSE TAX COLLECTED FOR THE PRECEDING CALENDAR YEAR REQUESTING THE DESIGNATION OF THE AREA. THE BUSINESS WITHIN THE DESIGNATED AREA WHICH IS PROVIDING TWENTY-FIVE OR MORE PARKING SPACES FOR CUSTOMER USE IS REQUIRED TO PAY NOT MORE THAN TWENTY-FIVE PERCENT OF A SURTAX LEVIED PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH.”

SECTION 4. CHAPTER 3, TITLE 5 OF THE 1976 CODE IS AMENDED BY ADDING:

“SECTION 5-3-20. NO MUNICIPALITY MAY ANNEX, UNDER THE PROVISIONS OF THIS CHAPTER, ANY REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM AS DEFINED IN SECTION 12-6-3360(M)(17) WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.”

SECTION 5. IF ANY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH HOLDING SHALL NOT AFFECT THE CONSTITUTIONALITY OR VALIDITY OF THE REMAINING PORTIONS OF THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.

SECTION 6. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /

AMEND THE BILL FURTHER, BY STRIKING ALL BEFORE THE ENACTING WORDS AND INSERTING:

/ A BILL

TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

/

**RENUMBER SECTIONS TO CONFORM.
AMEND TITLE TO CONFORM.**

REPORT OF THE ECONOMIC DEVELOPMENT, CAPITAL IMPROVEMENT & OTHER TAXES SUBCOMMITTEE

(Ballentine, Simrill, Clyburn & Crawford - Staff Contact: Alyssa Weeks)

SENATE BILL 309

S. 309 -- Senators Setzler, Campbell and Williams: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Received by Ways and Means: 02/14/19

Summary of Bill: Increases the Industry Partnership Fund program's maximum aggregate credit amount for each tax year beginning after tax year 2018 to a maximum credit of \$250,000 for a single taxpayer, not to exceed an aggregate credit of \$12 M for all taxpayers.

Estimated Revenue Impact: This bill would reduce corporate and individual income taxes, bank taxes, license fees, or insurance premium taxes by an estimated \$3,000,000 in FY2019-20, and each fiscal year thereafter, until the maximum aggregate tax credits claimed reaches the maximum cap of \$12,000,000 in the future. This bill would not affect Other Fund revenues or Federal Fund revenues.

Subcommittee Recommendation: Favorable with Amendment

Subcommittee amendment strikes all and inserts H. 4243, the Professional Sports Team Investment Act.

Full Committee Recommendation:

Other Notes/Comments: [CLICK HERE](#) to Enter Notes/Comments

2nd Reading:

Amendments:

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

2nd Reading Vote:

Referred to Senate Finance: [CLICK HERE to Enter Date](#)

Finance Subcomm. Hearing Date: [CLICK HERE to Enter Date](#)

Subcommittee Recommendations:

Full Committee Recommendations:

Other Notes/Comments: [CLICK HERE to Enter Notes/Comments](#)



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number:	S. 0309	Introduced on January 8, 2019
Author:	Setzler	
Subject:	Industry Partnership Fund Tax Credit	
Requestor:	Senate Finance	
RFA Analyst(s):	R. Martin	
Impact Date:	January 11, 2019	

Fiscal Impact Summary

This bill would reduce corporate and individual income taxes, bank taxes, license fees, or insurance premium taxes by an estimated \$1,000,000 in FY2019-20, and each fiscal year thereafter, until the maximum aggregate tax credits claimed reaches the maximum cap of \$12,000,000 in the future. This bill would not affect Other Fund revenues or Federal Fund revenues.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

The Department of Revenue indicates that there will be no expenditure impact to the General Fund, Federal Funds, or Other Funds from this bill. The Department can administer the legislative changes with existing resources.

State Revenue

Section 1. The Industry Partnership Fund was first available to taxpayers in tax year 2006. Pursuant to Section 12-6-3585, a taxpayer is allowed a nonrefundable credit against corporate and individual income taxes, bank taxes, license fees, or insurance premium taxes, or any combination of them equal to 100 percent of the taxpayer's qualified contributions to the Industry Partnership Fund at the South Carolina Research Authority, or a Research Authority designated affiliate, or both. Any unused credit may be carried forward for 10 years from the end of the tax year in which the qualifying contribution is made. The credit is subject to the following limitations:

- For tax year 2006, the maximum credit is \$650,000 for a single taxpayer, and \$2,000,000 for all taxpayers,
- For tax year 2007, the maximum credit is \$1,300,000 for a single taxpayer, and \$4,000,000 for all taxpayers, and
- For tax years beginning after December 31, 2007, the maximum credit is \$2,000,000 for a single taxpayer and \$6,000,000 for all taxpayers.

This bill would amend Section 12-6-3585(A) of the Industry Partnership Fund program limitations and maximum aggregate credit limitations for each tax year beginning after tax year 2018 up to a maximum credit of \$250,000 for a single taxpayer, not to exceed an aggregate credit of \$12,000,000 for all taxpayers for each tax year. The table below describes the Industry Partnership Fund program limitations and the aggregate tax credits claimed by all taxpayers in each tax year of the fund's history.

**South Carolina Industry Partnership Fund
Program Limitations and Tax Credits Claimed**

Tax Year	Maximum Credit Single Taxpayer	Maximum Credit All Taxpayers	Aggregate Credits Claimed By All Taxpayers
2006	\$650,000	\$2,000,000	\$843,997
2007	\$1,300,000	\$4,000,000	\$2,862,707
2008	\$2,000,000	\$6,000,000	\$3,717,351
2009	\$2,000,000	\$6,000,000	\$3,422,718
2010	\$2,000,000	\$6,000,000	\$4,602,476
2011	\$2,000,000	\$6,000,000	\$5,509,008
2012	\$2,000,000	\$6,000,000	\$5,981,826
2013	\$2,000,000	\$6,000,000	\$5,729,854
2014	\$2,000,000	\$6,000,000	\$5,551,151
2015	\$2,000,000	\$6,000,000	\$5,439,654
2016	\$2,000,000	\$6,000,000	N/A
2017	\$2,000,000	\$6,000,000	N/A
2018	\$2,000,000	\$6,000,000	N/A
2019	\$250,000	\$9,000,000	N/A
2020 & beyond	\$250,000	\$12,000,000	N/A
Historical Total			\$43,660,742

Notes: N/A - Not Available

Sources: Board of Economic Advisors; S.C. Department of Revenue, Columbia, SC

After the first tax year the tax credit was made available, the aggregate tax credit limitation for all taxpayers was increased the next two tax years to \$6,000,000 by tax year 2008. The aggregate tax credit limitation for all taxpayers has not changed since tax year 2008. Over the next seven tax years, the aggregate tax credits claimed by all taxpayers have approached the maximum tax credit limitation of \$6,000,000. By raising the maximum aggregate tax credit limitation to \$12,000,000 for all taxpayers, the Industry Partnership Fund will be able to attract additional investment for use at the South Carolina Research Authority or its affiliates. The maximum tax credit available for a single taxpayer, however, would be reduced from \$2,000,000 per taxpayer to \$250,000 per taxpayer beginning in tax year 2019. The lowering of the maximum tax credit available for a single taxpayer will limit the amount that each taxpayer may invest in the Industry

Partnership Fund before reaching the aggregate maximum tax credit limitation. This limitation, however, should not affect the total contributions to the fund.

The historical table above suggests that it takes some time for aggregate tax credits claimed to reach a new maximum tax credit cap; therefore, it is not unreasonable to expect that annual contributions may increase in the future with taxpayers claiming an additional \$1,000,000 in tax credits per tax year. This bill, therefore, would reduce corporate and individual income taxes, bank taxes, license fees, or insurance premium taxes by an estimated \$1,000,000 in FY2019-20, and each fiscal year thereafter, until the maximum aggregate tax credits claimed reaches the maximum cap of \$12,000,000 in the future.

This bill would amend Section 12-6-3585(E) to change the definition of “taxpayer” to disallow any member of the South Carolina Research Authority board of trustees or the SC Launch!, Inc. board of directors from claiming a tax credit against state taxes for qualified contributions to the Industry Partnership Fund.

This bill would amend Section 12-6-3585(F) to require a taxpayer who is certified by the South Carolina Research Authority as having priority entitlement to the tax credit for an applicable tax year must make a commitment to making a qualified contribution to the Industry Partnership Fund during the year no later than April 1st.

This bill would add sub-item (B) to indicate that the increased maximum tax credit amount shall be phased in in two equal and cumulative installment amounts beginning in tax years beginning after 2018. Notwithstanding the provisions of Section 12-6-3585, the maximum aggregate tax credit amount allowed by all taxpayers shall be \$9,000,000 in tax year 2019 and \$12,000,000 in tax year 2020, as shown in the table above.

Section 2. This section would add an appropriately numbered item to Section 12-6-3585 to require the South Carolina Research Authority to issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by March fifteenth of each year. The report shall detail the amount contributed to the Industry Partnership Fund in the previous tax year, the taxpayers that received the tax credits, and the manner in which the tax credits were expended, or expected to be expended. The report must be reported in a conspicuous place on the website maintained by the South Carolina Research Authority.

Section 3. This act takes effect upon approval by the Governor and applies to tax years beginning after 2018, except that the Section 1 amendment to Section 12-6-3585(F) and Section 2 shall not take effect until January 1, 2020.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 AMENDED

5 February 5, 2019

6

7

S. 309

8

9 Introduced by Senators Setzler, Campbell and Williams

10

11 S. Printed 2/5/19--S.

12 Read the first time January 8, 2019.

13

14

15

16

1
2
3
4
5
6
7
8
9
10

A BILL

11 TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, RELATING TO THE INDUSTRY
13 PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE
14 THE AGGREGATE ANNUAL CREDIT AMOUNT.

15 Amend Title To Conform
16

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

19
20 SECTION 1. A. Section 12-6-3585(A), (E), and (F) of the 1976
21 Code are amended to read:

22
23 “Section 12-6-3585. (A)(1) For each tax year beginning after
24 2018, a A taxpayer may claim as a credit against state income tax
25 imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11,
26 Title 12, license fees imposed by Chapter 20 of Title 12, or insurance
27 premiums imposed by Chapter 7, Title 38, or any combination of
28 them, one hundred percent of an amount contributed to the Industry
29 Partnership Fund at the South Carolina Research Authority (SCRA),
30 or an SCRA-designated affiliate, or both, pursuant to Section
31 13-17-88(E), up to a maximum credit of ~~six hundred fifty thousand~~
32 ~~dollars for a single taxpayer, not to exceed an aggregate credit of~~
33 ~~two million dollars for all taxpayers in tax year 2006; up to a~~
34 ~~maximum credit of one million three hundred thousand dollars for a~~
35 ~~single taxpayer, not to exceed an aggregate credit of four million~~
36 ~~dollars for all taxpayers in tax year 2007; and up to a maximum~~
37 ~~credit of two million dollars for a single taxpayer, not to exceed an~~
38 ~~aggregate credit of six million dollars for all taxpayers for each tax~~
39 ~~year beginning after December 31, 2007~~ two hundred fifty thousand
40 dollars for a single taxpayer, not to exceed an aggregate credit of
41 twelve million dollars for all taxpayers. For purposes of determining
42 a taxpayer’s entitlement to the credit for qualified contributions for

1 a given tax year in which more than the applicable aggregate annual
2 limit on the credit is contributed by taxpayers for that year,
3 taxpayers who have made contributions that are intended to be
4 qualified contributions earlier in the applicable tax year than other
5 taxpayers must be given priority entitlement to the credit. The
6 SCRA shall certify to taxpayers who express a bona fide intention
7 of making one or more qualified contributions as to whether the
8 taxpayer is entitled to that priority.

9 (2) Notwithstanding the annual aggregate credit amount set
10 forth in item (1), for each tax year beginning after 2024, the annual
11 aggregate credit for all taxpayers is reduced from twelve million
12 dollars to six million dollars.

13
14 (E) 'Taxpayer' means an individual, corporation, partnership,
15 trust, bank, insurance company, or other entity having a state income
16 or insurance premium tax or license fee liability who has made a
17 qualified contribution. However, for purposes of this section, any
18 member of the SCRA board of trustees or the SC Launch!, Inc.
19 board of directors is not considered a taxpayer, and may not claim
20 the credit allowed by this section.

21 (F) To qualify for the credit, the taxpayer shall retain a form
22 provided by SCRA identifying the taxpayer and the year and amount
23 of credit for which the taxpayer qualifies. The Department of
24 Revenue may require a copy of the form be attached to the
25 taxpayer's income tax return or be provided otherwise to the
26 department. Also, to qualify for the credit, a taxpayer who is
27 certified by SCRA under subsection (A) as having priority
28 entitlement to the credit for an applicable year must make a
29 commitment satisfactory to SCRA, at such time as SCRA may deem
30 appropriate, but not later than April first of such year, to make the
31 contribution during such year."

32
33 B. Notwithstanding the increase in the annual maximum credit
34 amount for all taxpayers from six million dollars to twelve million
35 dollars in Section 12-6-3585, as amended by this SECTION, the
36 increased maximum credit amount shall be phased in in two equal
37 and cumulative installment amounts beginning in tax years
38 beginning after 2018.

39
40 SECTION 2. Section 12-6-3585 of the 1976 Code is amended by
41 adding an appropriately lettered new subsection to read:

42

1 “(1) By March fifteenth of each year, the South Carolina
2 Research Authority shall issue a report to the Chairman of the
3 Senate Finance Committee, the Chairman of the House of
4 Representatives Ways and Means Committee, and the Governor
5 detailing the amount contributed to the Industry Partnership Fund in
6 the previous tax year that entitled the taxpayer to the credit allowed
7 by this section, the taxpayers that received the credit, and the manner
8 in which such contributions were expended or are expected to be
9 expended.

10 (2) The report shall also include, by county, the number of
11 taxpayers who express a bona fide intention to contribute to the
12 Industry Partnership Fund, the number of taxpayers whom the
13 SCRA certified as entitled to receive the Industry Partnership Fund
14 tax credit, and the amount of Industry Partnership Fund
15 contributions that received such certification from SCRA.

16 (3) The report also must be posted in a conspicuous place on
17 the website maintained by the South Carolina Research Authority.”

18
19 SECTION 3. This act takes effect upon approval by the Governor
20 and applies to tax years beginning after 2018, except that the Section
21 1 amendment to Section 12-6-3585(F) and Section 2 shall not take
22 effect until January 1, 2020.

23 -----XX-----

24