**A** **BILL**

TO AMEND SECTION 12‑6‑2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOCATION AND APPORTIONMENT OF INCOME, SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ENTER INTO AN AGREEMENT ESTABLISHING THE ALLOCATION AND APPORTIONMENT OF THE INCOME OF A TAXPAYER THAT BUILDS OR EXPANDS AN INDUSTRIAL FREIGHT RAILROAD INTO AN INDUSTRIAL PARK AND INVESTS AT LEAST TWO MILLION DOLLARS; AND TO AMEND SECTION 12‑36‑2120, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT BUILDING MATERIALS NECESSARY TO BUILD OR EXPAND INDUSTRIAL FREIGHT RAILROADS INTO AN INDUSTRIAL PARK IN THIS STATE.

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

SECTION 1. A. Section 12‑6‑2320(B)(3)(a) of the 1976 Code is amended to read:

“(a)(i) the taxpayer is planning a new facility in this State or an expansion of an existing facility and the new or expanded facility results in a total investment of at least ten million dollars and the creation of at least two hundred new full‑time jobs, with an average cash compensation level for the new jobs of more than three times the per capita income of this State at the time the jobs are filled which must be within five years of the Advisory Coordinating Council for Economic Development’s certification. Per capita income for the State shall be determined by using the most recent data available from the Revenue and Fiscal Affairs Office; ~~or~~

(ii) the taxpayer is planning a new facility in this State and invests at least seven hundred fifty million dollars in real or personal property or both in a single county in this State and creates at least three thousand eight hundred full‑time new jobs, as those terms are defined in Section 12‑6‑3360(M), within the county. The taxpayer has seven years from the date it makes the notification provided for in subitem (b) of this item to make the required investment and create the required number of jobs; or

(iii) the taxpayer is planning to build or expand industrial freight railroads into an industrial park and invest at least two million dollars;”

B. This SECTION applies to tax years beginning after 2014.

SECTION 2. A. Section 12‑36‑2120 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) building materials necessary to build or expand industrial freight railroads into an industrial park in this State. The department may promulgate regulations necessary to administer the provisions of this item, including the issuance of exemption certificates.”

B. This SECTION takes effect July 1, 2015.

SECTION 3. Except where otherwise provided, this act takes effect upon approval by the Governor.

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