CHAPTER 15

South Carolina Life Sciences Act

**SECTION 12‑15‑10.** Short title.

 This chapter may be cited as the South Carolina Life Sciences and Renewable Energy Manufacturing Act.

HISTORY: 2004 Act No. 187, Section 1.(A), eff March 17, 2004; 2010 Act No. 290, Section 24, eff January 1, 2011.

Editor’s Note

2004 Act No. 187, Section 4, provides as follows:

“Beginning January 1, 2005, the Department of Revenue annually shall report to the Joint Committee on Taxation the revenue impact of this act, and the Department of Commerce annually shall report the cost and benefit of this act, together with the job creation and capital investment made by qualifying businesses.”

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

Sections of legislation commonly referred to as the “Life Sciences Act” designed to foster economic development and encourage creation of high‑paying jobs in life sciences industry, setting forth depreciation allowance for machinery and equipment used directly in manufacturing processes of a life science facility, providing for economic development projects and bonds, increasing limits on general obligation debt to foster economic development and to encourage creation of high‑paying jobs in life sciences industry, and providing for annual reports of cost and benefit of Act were intrinsically related to underlying purpose of the Act so as to fall within its one subject. Sloan v. Wilkins (S.C. 2005) 362 S.C. 430, 608 S.E.2d 579. States 115; Statutes 1617(12); Statutes 1617(14); Taxation 2100

**SECTION 12‑15‑20.** Definitions.

 (A) For purposes of this chapter, a “life sciences facility” means a business engaged in pharmaceutical, medicine, and related laboratory instrument manufacturing, processing, or research and development. Included in this definition are the following North American Industrial Classification Systems, NAICS Codes published by the Office of Management and Budget of the federal government:

 (1) 3254 Pharmaceutical and Medical Manufacturing;

 (2) 334516 Analytical Laboratory Instrument Manufacturing.

 (B) A “renewable energy manufacturing facility” means a business which manufactures qualifying machinery and equipment for use by solar and wind turbine energy producers. It also includes a facility manufacturing qualifying advanced lithium ion, or other batteries for the alternative energy motor vehicles described in Section 12‑6‑3377 or other vehicles certified by the South Carolina Energy Office. The South Carolina Energy Office shall qualify a facility as a Renewable Energy Manufacturing Facility and the South Carolina Energy Office’s decision is determinative as to whether a facility qualifies under this subsection.

HISTORY: 2004 Act No. 187, Section 1.(B), eff March 17, 2004; 2010 Act No. 290, Section 25, eff June 23, 2010.

**SECTION 12‑15‑30.** Qualification under Enterprise Zone Act of 1995; period of qualification.

 (1) For all purposes of Chapter 10, Title 12 of the 1976 Code, the Enterprise Zone Act of 1995, including all definitions applicable to that chapter:

 (a) Employee relocation expenses that qualify for reimbursement pursuant to Section 12‑10‑80(C)(3)(f) include such expenses associated with a new or expanded facility qualifying under Section 12‑15‑20 investing a minimum of one hundred million dollars in the project, as defined in Section 12‑10‑30(8) of the 1976 Code, and creating at least two hundred new full‑time jobs at the project with an average annual cash compensation of at least one hundred fifty percent of annual per capita income in this State or the county in which the facility is located, whichever is less. Per capita income must be determined using the most recent per capita income data available as of the end of the taxable year in which the jobs are filled.

 (b) The waiver that may be approved by the Coordinating Council for Economic Development pursuant to Section 12‑10‑80(D)(2) on maximum job development credits that may be claimed also may be approved for a facility meeting the requirements of subitem (1)(a) of this section. In determining whether to approve a waiver for such a facility, the Coordinating Council for Economic Development shall consider the creditworthiness of the business and economic viability of the project, as defined in Section 12‑10‑30(8).

 (2) The provisions of item (1) of this section apply with respect to capital investment made and new jobs created after June 30, 2010, and before July 1, 2014.

HISTORY: 2004 Act No. 187, Section 1.(C), eff March 17, 2004; 2010 Act No. 290, Section 26, eff June 23, 2010.

**SECTION 12‑15‑40.** Income tax allocation and apportionment agreement authorization.

 In the case of a taxpayer establishing a facility meeting the requirements of Section 12‑15‑20, the South Carolina Department of Revenue, in its discretion, may enter into an agreement with the taxpayer pursuant to Section 12‑6‑2320 for a period not to exceed fifteen years if the facility otherwise meets the requirements of that section.

HISTORY: 2004 Act No. 187, Section 1.(D), eff March 17, 2004; 2010 Act No. 290, Section 27, eff June 23, 2010.