
State of South Carolina
Department of Revenue
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SC INFORMATION LETTER #12-16

SUBJECT: Per Capita Income Figures for State of South Carolina

DATE: October 22, 2012

SUPERSEDES: All previous documents and any oral directives in conflict herewith.

REFERENCE: S. C. Code Section 12-6-3360 (2000, Supp. 2011)
S. C. Code Section 12-6-3410 (2000, Supp. 2011)
S. C. Code Chapter 15, Title 12 (Supp. 2011)
S. C. Code Section 12-36-2120(65) (2000, Supp. 2011)
S. C. Code Section 12-37-930 (2000, Supp. 2011)
S. C. Code Section 12-6-2320 (2000, Supp. 2011)
S. C. Code Section 12-10-80 (2000, Supp. 2011)
Act No. 187, Sec. 7 (2011-2012 Session)

AUTHORITY: S. C. Code Ann. Section 12-4-320 (2000)
S.C. Code Ann. Section 1-23-10(4) (2005)
SC Revenue Procedure #09-3

SCOPE: An Information Letter is a written statement issued to the public to announce general information useful in complying with the laws administered by the Department. An Information Letter has no precedential value.

In recent years, a number of income, sales and use, and property tax incentives have been added that require jobs associated with the incentive to meet certain state or county per capita personal income (herein referred to as “per capita income”) requirements to determine qualification for, or the amount of, the particular incentive. In order to aid taxpayers in determining whether the per capita income requirements of an incentive are met, the Department publishes the county and state per capita income amounts each year.

Generally, the information concerning state per capita income is updated twice a year, usually in May and October. The information concerning per capita income for South Carolina’s counties is updated once a year, usually in May. The Department publishes both the county and state figures when it receives the figures from the South Carolina Board of Economic Advisors. The most recently available state per capita income figure is:

State of South Carolina \$33,388

Among the incentives that use state per capita income are the following:

Personal Property Corporate Headquarters Credit in Code Section 12-6-3410 - The personal property headquarters credit contained in Code Section 12-6-3410 is available to a taxpayer that: (1) meets all the requirements necessary to claim the real property headquarters credit, (2) meets other statutory requirements as to the personal property that is used at the headquarters; and (3) creates at least 75 new full-time headquarters or research and development type jobs at the headquarters and those jobs have an average cash compensation level of more than twice the per capita income of the State.

“Qualifying Service-Related Facility” Definition in Code Section 12-6-3360 - Code Section 12-6-3360 allows a job tax credit for taxpayers that create new full-time jobs at a qualifying new facility or an expansion of an existing qualifying facility. One of the qualifying facilities is a “qualifying service-related facility.” A “qualifying service-related facility” includes a business, other than a business engaged in legal, accounting, banking or investment services or retail sales, having a net increase at a single location of at least:

- (1) one hundred and seventy five jobs;
- (2) one hundred jobs that have an average cash compensation level of more than one and one-half times the state per capita income or the per capita income in the county where the jobs are located, whichever is lower;
- (3) fifty jobs that have an average cash compensation level of more than twice the state per capita income or the per capita income in the county where the jobs are located, whichever is lower; or
- (4) twenty- five jobs that have an average cash compensation level of more than two and one-half times the state per capita income or the per capita income in the county where the jobs are located, whichever is lower.

Small Business Job Tax Credit in Code Section 12-6-3360 - Code Section 12-6-3360(C)(2) provides that small businesses with 99 or fewer employees that increase employment by two or more new full-time jobs may be eligible for the job tax credit. The amount of the credit depends in part on whether the gross wages of the new full-time job amounts to a minimum of 120% of the county’s or state’s average per capita income, whichever is lower.

Job Development Credit Qualifying Expenditures under Code Section 12-10-80 - Employee relocation expenses for employees with gross wages equal to twice the per capita income of the state or county in which the project is located, whichever is lower, can qualify as eligible expenditures for reimbursement from job development credits.

Sales and Use Tax Exemption for Computer Equipment for Technology Intensive Facilities in Code Section 12-36-2120(65) – A sales and use tax exemption is available for computer equipment used in connection with a technology intensive facility if the taxpayer meets certain investment requirements and creates at least 100 jobs at the facility over a five year period and those jobs have an average cash compensation of at least 150% of the state per capita income.

Special Benefits for Life Sciences Facilities and Renewable Energy Manufacturing Facilities in Chapter 15, Title 12 and Code Section 12-37-930 – A business may qualify for special incentives if its facility qualifies as a life sciences facility or a renewable energy manufacturing facility. For certain incentives, the business must invest \$100 million in a project and create 200 new jobs at the project with an average cash compensation of at least 150% of the annual per capita income in the state or county in which the facility is located, whichever is less.

Special Allocation and Apportionment Incentives under Code Section 12-6-2320 – Several of the special allocation and apportionment provisions contained in Code Section 12-6-2320(B) (which allows a taxpayer meeting certain requirements to use a special method of allocating and apportioning its income) require that certain per capita income requirements be met.

New Sales and Use Tax Exemption for Datacenters – A sales and use tax exemption is available for computers, computer equipment, computer software and some of the electricity used by a qualifying datacenter. To qualify, a taxpayer must invest a minimum of \$50 million (or one or more taxpayers must invest a minimum of \$75 million) in real or personal property, or both within a five year period; create and maintain at least twenty-five jobs at the datacenter and those jobs must have an average cash compensation of at least 150% of the per capita income of the state or county where the datacenter is located, whichever is lower (per capita income to be determined at the time the datacenter is certified by the Department of Commerce); and the taxpayer must maintain the 25 jobs for three consecutive years after certification.

Each of these incentives has special rules on how to determine whether the per capita income requirements of each particular incentive have been met. Therefore, the appropriate statutes should be consulted to determine whether the per capita income requirements of the particular statute are met as well as to assure that all other requirements of the statute have been met.