

— DEPARTMENT OF —
REVENUE
—
STATE OF MISSISSIPPI



Mississippi
Tax Incentives, Exemptions and Credits

Revised and Effective October 1, 2011

Website: www.dor.ms.gov

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Mississippi Tax Incentives, Exemptions and Credits

Mississippi is committed to encouraging businesses to establish or expand businesses and increase the employment of individuals in the State. To help businesses, Mississippi has authorized several tax incentives, including tax exemptions and credits. These incentives will give an economic benefit to those businesses which are eligible. Some incentives have a greater financial benefit when locating in a lesser developed county. Other incentives give greater benefits when employing the more technical positions or the more highly compensated positions in Mississippi.

Most of the incentives require advanced approval either by the Mississippi Development Authority (referred to from this point forward as MDA), the Mississippi Business Finance Corporation (referred to from this point forward as MBFC) or by the Mississippi Department of Revenue (referred to from this point forward as MDOR) or by local governing authorities (referred to from this point forward as County or City) or a combination. In this book, the incentives, exemptions and credits are grouped by the tax type.

Each incentive, whether exemption or credit, will have a description, the types of businesses eligible for the incentive, and what is required to claim the incentive. Also included are the code sections that authorize the specific incentive. All references to the code sections will be attributed to the Mississippi Code Annotated, as amended (referred to from this point forward as Miss Code Ann). You can locate the code sections at the following web site <http://www.lexisnexis.com/hottopics/mscode/>.

IMPORTANT!!! Detailed records must be maintained on any information used to calculate any incentive benefit. These records may be requested to be presented to a representative of the MDOR upon audit or to be attached to a specific application or tax return. If adequate records are not available to verify exemptions, credits or other incentive benefits, the incentive may be revoked. Also, if, after approval has been given on any economic incentive, there is revealed any material omission or misstatement of fact or fraudulent representation, the incentive may be revoked. Any financial benefit as a result of either of the two situations mentioned above may be required to be paid back to the state.

References will be made to various state agencies throughout this book. The agency and the abbreviated reference, along with their associated web site, are listed below. These abbreviated references will be consistent while you read the different incentive opportunities available to businesses in Mississippi.

Mississippi Development Authority	(MDA)	www.mississippi.org
Mississippi Business Finance Corporation	(MBFC)	www.msbusinessfinance.com
Mississippi Department of Revenue	(MDOR)	www.dor.ms.gov
Mississippi Secretary of State	(MSOS)	www.sos.state.ms.us
Mississippi Department of Employment Security	(MDES)	http://mdes.ms.gov/Home/index.html

A. Income Tax Incentives

A. 1. Jobs Tax Credit

An income tax credit is available for a five (5) year period equal to a percentage of payroll for each newly created job of an eligible business. A minimum number of jobs must be created to receive the credit. The eligible businesses include:

- manufacturers
- processors
- distributors
- wholesalers
- research and development
- warehouses

The following types of businesses require a designation from MDA prior to taking the Jobs Tax Credit:

- air transportation and maintenance facilities
- movie industry studios
- telecommunication enterprises
- data or information processing
- computer software developers
- any technology intensive facility
- recreational facilities that impact tourism
- final destination or resort hotels with more than 150 guest rooms

EXCEPTION: No business for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this credit.

JOBS TAX CREDIT (Credit Code 05)

The Jobs Income Tax Credit is a credit that is available to businesses that increase employment by a specified minimum amount. The minimum amount depends on the location of the jobs created. It is not available to businesses that move from one location within the state to another location within the state without increasing employment.

The amount of the credit is based on the number of new jobs created and the county where the jobs are created. Jobs created in less developed counties are eligible for a greater percentage of payroll for each job created while fewer jobs are needed to establish the minimum. The credit is good for a period of five (5) years. This credit may be used in combination with any of the other credits. However, the total of the Jobs Tax Credit, the National or Regional Headquarters Tax Credit and the Research and Development Skills Tax Credit is limited to fifty percent (50%) of the income tax liability attributable to the income derived from operations in this state for that year. Any credit claimed but not used in a taxable year may be carried forward for five (5) years.

Each year the MDOR ranks the counties in Mississippi as Tier Three (less developed), Tier Two (moderately developed), and Tier One (developed). The counties are evaluated and ranked based on the unemployment rate and per capita income of each county. They are then divided into the three previously mentioned groups with one-third of the counties in each group. This ranking is used to determine the minimum number of jobs a business must create in a given year before it qualifies for the credit and the amount of credit per job allowed. The ranking for a specific county can change from year to year based on this evaluation. The amount of Jobs Tax Credit per employee and the job levels for each county ranking are as follows:

<u>County Ranking</u>	<u>Minimum Annual Increase in No. of Jobs</u>	<u>Credit Per Job</u>
Tier One (developed)	20	2.50% of payroll
Tier Two (moderately developed)	15	5.00% of payroll
Tier Three (less developed)	10	10.00% of payroll

The number of jobs must be created within one (1) year and is measured at the end of the fiscal year. To determine when the new full-time jobs are created, the business compares the average number of full-time positions in one fiscal year with the average for the prior year. When dealing with a short period, compare the short period to the same period of the prior year. Jobs cannot be accumulated over several years to qualify. The credit is available for each net new full-time job created as long as the minimum number has been achieved and maintained. The credit is for full-time positions only. Part-time jobs may not be combined to add up to a full-time job. The credit is based on filled positions and the employees must be employed in this state and subject to Mississippi Withholding Tax. A "full-time job" is a job of at least thirty-five (35) hours a week and includes leased employees from an entity that is in the business of leasing employees as long as all other requirements are met.

The credit may be taken each fiscal year for five (5) years beginning in years 2 through 6 after the creation of the jobs. The year the jobs are created is Year 1.

Example: A manufacturer expands and creates 50 new jobs in a developed county. The minimum number of jobs in a developed county is 20 and the amount of credit per job is 2.5% of the payroll of those 50 new jobs. The payroll for those new jobs equals \$2,500,000. The credit available for the 50 jobs would be \$62,500. The credit can be used in Years 2 through 6 on the taxpayer's income tax return. Credit is available each year (Years 2 - 6) for the 50 jobs created, plus any unused credit that has been carried forward.

The Jobs Tax Credit is earned at a given level of employment for one five (5) year period. If, after qualifying for one five (5) year period, the business increases the number of jobs substantially enough to qualify again for another five (5) year period, they may apply for a second five (5) year period. Each five (5) year period is accounted for separately.

Jobs created within an existing (5) five year period that do not meet the minimum number of jobs required to qualify for an additional (5) five year period are allowed to be included within the existing (5) five year period.

If the number of jobs falls below the minimum required within a year, the credit is lost for that year and cannot be recovered. If the minimum number of jobs is achieved again, the credit is available for the remainder of the original five (5) year period. The original period is not extended. There are no recapture rules for the credit taken prior to the period of time that the number of jobs fell below the minimum.

Same Ownership

If an employer constructs a new facility or expands an existing facility, without other decreases in employment, then the facility would qualify for the jobs tax credit as long as the other requirements are met.

If an employer retains ownership of a facility that has been shut down for five (5) years and then is reopened, even producing the same or similar product, any increases in employment will create the jobs tax credit as though it is a new facility. If the facility is closed for less than five (5) years, then the jobs tax credit is not available until the employment levels exceed the previous peak levels. Exceptions may be considered on a case by case basis.

If an employer retains ownership of a facility and replaces some, or all, of the existing equipment, but makes the same or a similar product, then the base employment level is not affected by the equipment replacement.

If an employer closes an old facility and opens a new facility making the same or a related product, then the employment level at the old facility would be used to determine whether employment increases at the new facility qualify for the jobs tax credit.

If an employer retains ownership of a facility, suspends operations and retools the production floor with ninety-five percent (95%) new equipment that makes a new product not similar to the old product, then the facility will be treated as a new facility.

Different Ownership

If an employer sells a plant to a related party, then the related party will be treated the same as the employer.

If an employer sells a facility to an unrelated third party, and the new owner continues the old operations, then the new owner must exceed the old owner's peak employment by a qualifying increase in order to receive any jobs tax credit.

If an employer sells a facility to an unrelated third party and the new owner suspends operations to retool the production floor, then the facility will be treated as a new facility for the new owner. However, the retooling must include replacing ninety-five (95%) of the equipment to make a new product that is not similar to the old product.

If an employer ceases operations at a facility for a year or more and sells the facility to an unrelated third party, then the

facility will be treated as a new facility for the new owner, even if the same or a similar product is being made. If the new owner has shut down a facility with similar operations at the same time, then the facility will not be treated as a new facility. If a completely different product is being made, the one-year shut down requirement may be shortened. This will be considered on a case by case basis.

If, in any of the above examples, the facility requesting the incentive produces a product that was manufactured at a facility that was closed, then the requesting facility will not earn the jobs tax credit unless the employment levels exceeds any previous high at the closed facility. If the requesting facility is located in this state, it will be able to earn the jobs tax credit, but only to the extent that its level of employment plus the level of the original location (up to any previous high level of employment at the old location before the closing or retooling level) combined is in excess of any previous high level of employment at the original location. The definition of original product will include upgrades and modifications of a normal product line.

Calculating the Minimum Number of Jobs to Qualify

To determine whether a business at an existing facility has created the minimum number of jobs to qualify for the credit, a comparison of the average annual employment level for the previous year with the average annual employment in the current year must be made. If the amount of the increase exceeds the minimum required, then the business would qualify for the credit. This allows the credit for businesses that have not constructed a new facility, but have substantially increased employment at an existing facility.

To determine whether a business with a construction for a new facility qualifies for the credit, the average employment for the portion of the year after production was started should be compared with the same period for the previous year. If the increase exceeds the minimum, then the business would qualify for the credit.

Example: A business whose fiscal year ends in December begins doing business in Mississippi and constructs a new facility that starts up on June 1, 2010. To determine whether the business qualifies for the credit, June through December of 2010 should be compared to June through December of 2009. If the increase meets the minimum requirement, then the business would qualify for the credit.

The construction of a new facility includes the actual "bricks and mortar" construction of a new building or the expansion (as defined above) of an existing facility that has been purchased by a business establishing a new presence in the area.

Only the business that actually created the jobs qualifying for the credit can receive the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to only offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within Mississippi of any business may not create new eligibility in the current or any succeeding business entity, but any unused credit may be transferred and continued by any transferee of the business. A letter detailing the facts surrounding such an occurrence and requesting a ruling on the eligibility of any credits must be presented to the MDOR to determine whether qualifying net increases have occurred or proper transfers of credit have been made. The MDOR may require additional information as needed for substantiation and qualification.

Transition between Old and New Credit

The law was changed effective for tax years ending after January 1, 2005. For taxpayers who earned the credit in tax years prior to the effective date of the change, the amount of the credit is based on a stated dollar amount per job. For Tier 1 counties, the amount was \$500 per new job; for Tier 2 counties, the amount was \$1,000 per new job; and for Tier 3 counties, the amount was \$2,000 per new job. If, after qualifying for one five (5) year period prior to the effective date of the change, the business increases the number of jobs substantially enough to qualify again for another five (5) year period for a tax year ending after January 1, 2005, the taxpayer may apply for a second (5) year period which would then be accrued under the new percentage rates instead of the stated dollar amount per job. However, if the initial

qualification for the credit occurred prior to the effective date of the law change, the amount of the credit will continue to be based on a stated dollar amount per job within the five (5) year period even for jobs created after the January 1, 2005 change. For example – in a Tier 1 county, 20 or more jobs must be created in a single year for tax years ending on or after January 1, 2005 before the percentage of payroll amounts can be used. For jobs qualified prior to the effective date of the change, the stated dollar amount per job should be used.

Extension of the Credit Period

If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of the Department of Revenue may extend this time period for not more two (2) years. The extension must be authorized in writing by the Commissioner.

JOBS TAX CREDIT FOR ECONOMICALLY DISTRESSED COMMUNITIES (Credit Code 05)

There is a jobs tax credit for businesses operating in an “economically distressed community” as certified by the MDOR in lieu of the basic Jobs Tax Credit previously defined. This credit is available to the same types of businesses which are eligible for the basic Jobs Tax Credit. These businesses must create at least 10 new full-time jobs and be located in an area within a city where thirty percent (30%) of the residents are below the national poverty level and where the unemployment rate is 1½ times the national average. The MDOR must certify both the area and the business before the Economically Distressed Community Jobs Tax Credit can be taken. The definition of “economically distressed community” is found in Miss. Code Ann. Section 27-7-22.27.

For the MDOR to certify an economically distressed community, the city officials must provide to the MDOR the following:

1. a map detailing the area to be certified;
2. copy of the documentation from the US Census Bureau proving that thirty percent (30%) of the residents are below poverty level;
3. the state unemployment rate for the area and the national unemployment rate for the same area for the same time period; and
4. the population of the city.

After receiving this information, the MDOR shall verify the information and, if all requirements are met, shall certify the area as an economically distressed community.

For the Economically Distressed Community Jobs Tax Credit, all other requirements, instructions or limitations (as previously defined for the basic Jobs Tax Credit) apply, except for the following:

- The amount of credit is equal to ten percent (10%) of the payroll of each new full-time job.
- The credit can offset fifty percent (50%) of the income tax liability attributable to the income generated by the operations in this state.
- The business may choose when to begin taking advantage of the credit, but it must be within five (5) years of the beginning of commercial production.
- The business must attach a map showing the location of the business inside the economically distressed area to the Application for Certification for Economic Incentives described in the How to Claim the Credit paragraph below.

Extension of the Credit Period

None.

JOBS TAX CREDIT FOR BROWNFIELDS (Credit Code 05)

There is a jobs tax credit for businesses which remediate contaminated property or brownfields. This credit is available to any commercial or industrial property owner which incurs costs in the remediation process of contaminated property in accordance with the Mississippi Brownfields Voluntary Cleanup and Redevelopment Act. There is no minimum number of new full-time jobs that must be created.

For the Brownfields Jobs Tax Credit, all other requirements, instructions or limitations (as previously defined for the basic Jobs Tax Credit) apply, except for the following:

- There is no minimum number of new full-time jobs that must be created, regardless of where the property is located.
- This Brownfields Jobs Tax Credit cannot be taken in conjunction with the National or Regional Headquarters Credit or the Research and Development Skills Credit.
- The owner of the brownfields property must attach a copy of the certification from the Commission on Environmental Quality of the completion of the remediation and the amount of cost incurred in the project to the the Application for Certification for Economic Incentives described in the How to Claim the Credit paragraph below.

Extension of the Credit Period

If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of the Department of Revenue may extend this time period for not more than two (2) years. The extension must be authorized in writing by the Commissioner.

JOBS TAX CREDIT FOR ALTERNATIVE ENERGY SUPPLIERS (Credit Code 24)

There is a jobs tax credit for a business engaged in the manufacture or production of alternative energy. 50% of the finished product of the alternative energy project must be derived from resources or products from this state.

For the Alternative Energy Jobs Tax Credit, all other requirements, instructions or limitations (as previously defined for the basic Jobs Tax Credit) apply, except for the following:

- A minimum of 25 new jobs must be created.
- The amount of credit is equal to \$1,000 per new full-time job regardless of where the business is located.
- The business may choose when to begin taking advantage of the credit, but it must be within five (5) years of the beginning of commercial production.
- The credit is good for a period of 20 years.
- The credit can offset 100% of the income tax liability attributable to the income generated by the alternative energy project in this state.
- The Alternative Energy Jobs Tax Credit cannot be taken in conjunction with the basic Jobs Tax Credit, the National or Regional Headquarters Credit or the Research and Development Skills Credit.
- An affidavit from the producer describing the resources and products from this state used in the production of the alternative energy and attesting to the truthfulness of the statement must be attached to the Application for Certification for Economic Incentives described in the How to Claim the Credit paragraph below.

Extension of the Credit Period

If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of the Department of Revenue may extend this time period for not more than two (2) years. The extension must be authorized in writing by the Commissioner.

JOBS TAX CREDIT FOR UPHOLSTERED HOUSEHOLD FURNITURE MANUFACTURER (Credit Code 05)

There is a jobs tax credit for any business owning or operating an upholstered household furniture manufacturing facility employing new, full-time, cut and sew jobs that did not exist before January 1, 2010.

For the Upholstered Furniture Manufacturer Jobs Tax Credit, all other requirements, instructions or limitations (as previously defined for the basic Jobs Tax Credit) apply, except for the following:

- There is no minimum number of jobs provision.
- The amount of credit is equal to \$2,000 per new full-time job regardless of where the business is located.
- The business may choose when to begin taking advantage of the credit, but it must be within five (5) years from the close of the tax year in which the credits were earned.

- The credit is good for a period of 5 years.
- The credit can offset up to 100% of the income tax liability of the business each year.
- The Upholstered Furniture Manufacturer Jobs Tax Credit cannot be taken in conjunction with the basic Jobs Tax Credit, the National or Regional Headquarters Credit or the Research and Development Skills Credit.
- A description of the items being manufactured and the jobs being performed must be attached to the Application for Certification for Economic Incentives described in the How to Claim the Credit paragraph below.

Extension of the Credit Period

None

HOW TO APPLY FOR THE INCENTIVE

For all incentives requested, to "lock in" a county's classification, a completed Application for Certification for Economic Incentives must be completed. Make sure a detailed explanation of the type of construction or expansion that is being planned is attached for the regular jobs tax credit. A letter acknowledging the county designation, imposing time deadlines and issuing approval for the incentive will be issued. This allows a business to retain the county designation and the amount of anticipated credit that was in effect at the time the initial construction or expansion was begun, but the construction or expansion must begin within one (1) year of the approval of the certification or it is no longer valid. This certification to "lock in" the county's classification will not be granted retroactively.

For the other types of jobs tax credit, any additional information required to be attached to the Application for Certification for Economic Incentives will be noted in the bulleted points within that specific paragraph.

When filing the state income / franchise tax return claiming the credit, attach:

- a Jobs Tax Credit Worksheet showing each separate five (5) year period of new job creation;
- an Income/Franchise Tax Credit Summary schedule showing all credits taken and any credit carryforward.

*The Jobs Tax Credit is authorized under Miss. Code Ann. Sections 57-73-21(2), (3) & (4);
the Economically Distressed Communities JTC under Miss. Code Ann. Section 27-7-22.27;
the Brownfields JTC under Miss. Code Ann. Section 57-73-21(7);
the Alternative Energy Suppliers JTC under Miss. Code Ann. Section 27-7-22.29; and
the Upholstered Household Furniture Manufacturer JTC under Miss. Code. Ann. Section 27-7-22.36.*

These are further defined in Title 35, Part X, Chapter 01 of the Mississippi Administrative Code promulgated by the MDOR.

Revised October 1, 2011

A.2. National Or Regional Headquarters Tax Credit

An income tax credit is available for a five (5) year period for each position assigned to the national or regional headquarters of a business created in or transferred to Mississippi. The credit is \$500 for each new full-time employee, \$1,000 for each new full-time employee whose salary is one hundred twenty-five percent (125%) of the average annual state wage, or \$2,000 for each new full-time employee whose salary is two hundred percent (200%) of the average annual state wage. A minimum number of twenty (20) new headquarters jobs must be created to receive the credit.

EXCEPTION: No enterprise in the business of transporting, handling, storing, processing or disposing of hazardous waste is eligible to receive this credit. No regional or national SALES office is eligible for this credit.

The National or Regional Headquarters Tax Credit is an incentive created to induce companies to establish or transfer their headquarters in Mississippi. The transfer or establishment of a national or regional headquarters must create a minimum of twenty (20) jobs at that location within one (1) year.

These jobs must include officers and other high level employees, along with the support staff normally associated with a headquarters. Support staff for the headquarters are also included in the computation of the credit. The support staff are those full-time employees required to assist management and other headquarters personnel to perform functions that are unique to or required by the operation of a headquarters. The classification of support personnel as headquarters employees is dependent on their duties being in direct relationship to the functions of the office or facility. Employees who are physically present at the location, but whose work is not related to the office functions of the headquarters, such as salesmen, truck drivers, janitors, etc., are not considered headquarters personnel and may not be counted toward the minimum twenty (20) jobs to be created.

A national headquarters is that office or location of a multistate business, where managerial, professional, technical and administrative personnel are domiciled and employed. It is the location where the centralized functions such as financial, legal, technical and personnel functions are performed. The function and purpose of the national headquarters is to plan, direct and control all aspects of the organization's operations, and it has final authority over all regional offices, operating facilities or any other offices of the business enterprise. The national headquarters is subordinate only to the ownership of the organization or its representatives.

A regional headquarters is one of several management offices or facilities of a multi-state business that is responsible for planning, directing and controlling all aspects of the business operations within a sub-divided area of the United States. A regional headquarters performs a function that is separate from the management of operational facilities within the region. A regional headquarters performs functions similar to the national headquarters, but within a more limited area. It has final authority over all matters within its region and is subordinate only to the national headquarters.

The amount of the credit is \$500 for each new full-time position for a five (5) year period. The amount of credit is greater if the salaries for those positions are higher than the average annual state wage. For each position whose salary is 125% of the average annual state wage, the credit is \$1,000 for each new full-time position. For each position whose salary is 200% of the average annual state wage, the credit is \$2,000 for each new full-time position. Salary is defined as the taxable wages paid to the employee or the salary excluding benefits not subject to Mississippi withholding tax. The average annual state wage is the most recently published figure established by the Mississippi Department of Employment Security.

The number of jobs must be created within one (1) year and is measured at the end of the fiscal year. They cannot be accumulated over several years. The credit is allowed for each full-time job assigned as long as the minimum number has been achieved and maintained. The credit is for full-time jobs only. You cannot combine part-time jobs to add up to a full-time job. The credit for employees transferred to the headquarters for less than twelve (12) months will be allowed based on a prorated portion in the first and last years. The amount of the credit is prorated based on the number of months the employee is employed in this state divided by twelve (12). The credit is based on filled positions and the employees must be employed in this state and subject to Mississippi withholding tax.

If the number of jobs falls below the twenty (20) required within a year, the credit is lost for that year and cannot be

recovered. If the minimum number of jobs is achieved again, the credit is available for the remainder of the original five (5) year period. The original period is not extended.

If the salaries that originally qualified for the additional amount of credit fall below the required average annual state wage, the amount of credit must be adjusted for that year and cannot be recovered. But, if the salaries once again meet the criteria, the additional credit is available for the remainder of the original five (5) year period.

This credit may be used in combination with any of the other credits. The total of the Jobs Tax Credit, the National or Regional Headquarters Tax Credit and the Research and Development Skills Tax Credit is limited to fifty percent (50%) of the income tax liability attributable to the income derived from operations in this state for that year. The credit is not refundable. It can only be used to offset the income tax liability. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the earliest year's unexpired credit first.

If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Commissioner of the Department of Revenue may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years. The extension must be authorized in writing by the Commissioner.

Only the business enterprise or corporation that actually created the jobs qualifying for the credit can receive the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within Mississippi of any business may not create new eligibility in the current or any succeeding business entity, but any unused credit may be transferred and continued by any transferee of the business. A letter detailing the facts surrounding such an occurrence and requesting a ruling on the eligibility of any credits must be presented to the MDOR to determine whether qualifying net increases have occurred or proper transfers of credit have been made. The MDOR may require additional information as needed for substantiation and qualification.

HOW TO APPLY FOR THE INCENTIVE

Before the credit can be claimed, you must submit the Application for Certification for Economic Incentives and a letter to request the credit. The letter should include sufficient information to allow a determination of whether the location qualifies as a national or regional headquarters. Sufficient information would include:

- a list of all facilities inside and outside of Mississippi operating under the company's name;
- a description of the activities that justify the headquarters status;
- a list of the twenty (20) jobs associated with the headquarters, including such information as:
 - title of each job;
 - purpose or description of each job;
 - education requirements for each job;
 - experience requirements for each job;
 - salary or compensation amount.

A letter certifying the designation of a headquarters will be issued if the credit is granted.

When filing the state income/franchise tax return claiming the credit, attach an Income/Franchise Tax Credit Summary showing all credits taken and any credit carryforward. National or Regional Headquarters Credit Code is 06.

The National or Regional Headquarters Tax Credit is authorized under Miss. Code Ann. Section 57-73-21(5) and further defined in Title 35 Mississippi Administrative Code Part X, Chapter 02 of the promulgated by the MDOR.

Revised October 1, 2011

A.3. Research and Development Skills Tax Credit

An income tax credit is available for a five (5) year period equal to \$1,000 per year for any position requiring research or development skills.

EXCEPTION: No business for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this credit.

In addition to the Jobs Tax Credit and the National or Regional Headquarters Tax Credit, there is the Research and Development Skills Income Tax Credit which is an incentive to locate full-time positions requiring research and development skills in the state. These positions have to be engaged in research and development activity. Qualification of jobs for this credit would require at a minimum, a Bachelors degree in a scientific or technical field of study from an accredited four (4) year college or university, employment in the employee's area of expertise and compensation at a professional level with two years of related job experience. Examples are chemist and engineers.

A credit of \$1,000 for each full-time position requiring research and/or development skills is available for a five (5) year period. There is no minimum number of positions that must be created to qualify for this credit. The credit is for full-time positions only. Part-time jobs cannot be combined to add up to a full-time job. The credit is based on filled positions and the employees must be employed in this state and subject to Mississippi Withholding Tax. The credit for employees employed for less than twelve (12) months will be allowed based on a pro-rated portion in the first and last years. The amount of the credit is pro-rated based on the number of months the employee is employed in this state divided by twelve (12).

This credit may be used in combination with any of the other credits. The total of the Jobs Tax Credit, the National or Regional Headquarters Tax Credit and the Research and Development Skills Tax Credit is limited to fifty (50%) of the income tax liability attributable to the income derived from operations in this state for that year. The credit is not refundable. It can only be used to offset the income tax liability. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the oldest year's unexpired credit first.

Only the business enterprise or corporation that actually created the jobs qualifying for the credit can receive the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within Mississippi of any business may not create new eligibility in the current or any succeeding business entity, but any unused credit may be transferred and continued by any transferee of the business. A letter detailing the facts surrounding such an occurrence and requesting a ruling on the eligibility of any credits must be presented to the MDOR to determine whether qualifying net increases have occurred or proper transfers of credit have been made. The MDOR may require additional information as needed for substantiation and qualification.

HOW TO APPLY FOR THE INCENTIVE

Before any credit is taken on a return, a written letter requesting the credit must be submitted to the MDOR along with the Application for Certification of Economic Development Incentives with sufficient information to allow a determination of whether the employee qualifies for the Research and Development Skills Tax Credit. The credit should not be taken until a letter of authorization is issued. At a minimum, the information should include the following information for each employee and position:

- Title of the job
- Purpose of the job
- Education requirements for the job

- Experience requirements for the job
- Hours worked per week
- Salary or compensation
- Expected hire date

When filing the state income/franchise tax return claiming the credit, attach the letter giving authority for the credit and the Income/Franchise Tax Credit Summary showing all credits taken and any credit carryforward. The Research and Development Skills Credit Code is 07.

The Research and Development Skills Tax Credit is authorized under Section 57-73-21(6) Miss. Code Ann. and is further defined in Title 35, Part X, Chapter 03 of the Mississippi Administrative Code promulgated by the MDOR.

Revised October 1, 2011

A.4. Skills Training Tax Credit

An income tax credit is available equal to the expense of providing skills training to Mississippi employees for the following businesses:

- manufacturers
- wholesalers
- processors
- research and development
- distributors
- warehouses

The following must receive a letter from MDA certifying them as qualified as one of these types of businesses before applying to the MDOR for a certification of their training credit:

- air transportation and maintenance facilities
- telecommunication enterprises
- computer software developers
- recreational facilities that impact tourism
- final destination or resort hotels with more than 150 guest rooms
- movie industry studios
- data or information processing
- any technology intensive facility

EXCEPTION: No business for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this credit.

The Skills Training Income Tax Credit is an incentive for a business to offer training to their Mississippi employees. For expenses to qualify for the Skills Training Credit, the training program must be offered by, or be approved by, the community or junior college in the district where the business is located, but the training does not have to be held on the community or junior college campus to qualify for the credit. The training offered must enhance skills related to the job that the employee is performing, improve job performance, or relate to a career path that is anticipated for the employee. Life enrichment type training will not qualify. Pre-employment training that involves skills training may be eligible for the credit, but it must be directly related to the employment of these individuals.

Training that is not specifically related to the employee's job, but is required by a governmental entity may be used in computing the credit to the extent it is required by the governmental entity. Training in excess of the requirements may not be included in the expenses used to calculate the credit. **Example** – if OSHA requires a certain number of employees to be certified for CPR, then the training for those employees may be included, but training for any employee in excess of the required number may not be included.

The expenses that qualify for this credit include expenses relating to instructors, instructional materials and equipment, and the construction and maintenance by an employer of facilities designated for training purposes. These expenses may include travel, accommodations, rental of facilities, cost of copies, etc. The eligible amounts are those that are deductible in the employer's Mississippi income tax return. For the purposes of this credit, maintenance means repairs to the physical facility, not janitorial, landscaping, electricity, water and other similar expenses.

Tuition reimbursement programs will qualify as long as they are related to the employee's job and there is an agreement between the employer and employee that the employee must work for the employer for a reasonable period of time after the tuition reimbursement program has been completed so that the training may be utilized. The expenses that qualify are net of any reimbursement or paybacks to the employer. If an employee begins a program and is terminated for cause by the employer, the employer does not have to recapture the amount previously taken as a credit, unless the employee has to repay the employer. If so, the employer has to recapture those amounts.

The Mississippi Community College Board may be contacted with questions about the community or junior college district where the business is located. A list of the community and junior colleges and the cities where those main campuses are located are as follows:

Coahoma Community College	Clarksdale
Copiah-Lincoln Community College	Wesson
East Central Community College	Decatur
East Miss. Community College	Mayhew
Hinds Community College	Raymond

Holmes Community College	Goodman
Itawamba Community College	Tupelo
Jones Junior College	Ellisville
Meridian Community College	Meridian
Miss. Delta Community College	Moorhead
Miss. Gulf Coast Community College	Perkinston
Northeast Miss. Community College	Booneville
Northwest Miss. Community College	Senatobia
Pearl River Community College	Poplarville
Southwest Miss. Community College	Summit

If the business has both Mississippi employees and employees whose post of duty is outside of Mississippi in an approved training program, the training expenses that qualify for the credit must be prorated.

The Skills Training Tax Credit can be used in combination with any other credit. The credit equals fifty percent (50%) of the amount of expenses the business incurs in that training. The credit is allowed up to fifty percent (50%) of the income tax liability attributable to the income derived from the operations in Mississippi for that year. The amount of training credit cannot exceed \$2,500 per Mississippi employee per year. The credit is not refundable. It can only be used against the income tax liability. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the earliest year's unexpired credit first.

The skills training expenses cannot be used both as a credit and a deduction. If the expense is used as a basis for a credit, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used to reduce the amount of expense used as a deduction. The credit may be claimed only in the tax year in which the expenses are actually paid.

Only the business or corporation that actually incurred the expenses qualifying for the credit can receive the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within Mississippi of any business may not create new eligibility in the current or any succeeding business entity, but any unused credit may be transferred and continued by any transferee of the business. A letter detailing the facts surrounding such an occurrence and requesting a ruling on the eligibility of any credits must be presented to the MDOR to determine whether qualifying net increases have occurred or proper transfers of credit have been made. The MDOR may require additional information as needed for substantiation and qualification.

HOW TO APPLY FOR THE INCENTIVE

Before the credit can be claimed, the training program of the business must be certified by the local community or junior college. If you wish to determine what type of expenses qualify for the Skills Training Credit, please submit the items detailed below and a review of the information will be made and a response will be returned explaining which expenses qualify.

As the training is completed during the year, please provide the following:

- a copy of the certification and evaluation of the training program from the local community or junior college;
- a schedule of the names and Social Security Numbers of the attendees;
- a financial summary of the expenses that creates the credit; and
- a schedule showing a year by year calculation, including the current year, of all the types of credits taken and any credit carryforward.

When filing the state income/franchise tax return claiming the credit, attach an Income/Franchise Tax Credit Summary

for all types of credits taken and any credit carryforward.

The Skills Training Tax Credit is authorized under Miss. Code Ann. Section 57-73-25 and further defined in Title 35, Part X, Chapter 04 of the Mississippi Administrative Code promulgated by the MDOR.

Revised October 1, 2011

A.5. MBFC Rural Economic Development (RED) Bond Tax Credit

An income tax credit is available equal to the debt service on industrial revenue bonds issued by the Mississippi Business Finance Corporation (MBFC) under the Mississippi Rural Economic Development Assistance Program for approved businesses receiving such bonds. This credit is limited to the lesser of the income tax liability attributable to the income generated by the economic development project or eighty percent (80%) of the income tax liability.

The debt service incurred by any eligible business under the Mississippi Rural Economic Development Assistance Program which utilizes Industrial Revenue Bonds issued by the MBFC can be taken as a credit on the MS income tax return. The MBFC was created to finance economic development projects to induce the location of manufacturing, telecommunications, data processing, distribution or warehouse facilities within this state. To accomplish this, the MBFC issues bonds under the authority of Miss. Code Ann. Sections 57-10-401 through 57-10-439. This credit is equal to the total amount paid to service the debt. This income tax credit is also known as the RED Credit or the Mississippi Business Finance Corporation Revenue Bond Service Credit. The credit is limited to the lesser of eighty percent (80%) of the total income tax liability or the income tax liability attributable to the income generated by the economic development project. The income generated by the project is determined by a formula adopted by the MBFC referred to as the economic tax valuation percentage or (ETVP).

The ETVP shall be determined by multiplying the percentage of total increased employment by two (2), adding the percentage of increase of capital investment, and then dividing by three (3). The resulting ETVP shall be the percentage of the Company's state income tax liability eligible for an income tax credit under the RED program. The ETVP shall be recalculated annually. For more information regarding the ETVP calculation, contact:

Mississippi Business Finance Corporation
735 Riverside Drive, Suite 300
Jackson, MS 39202

This credit is good for the life of the bond and may be used in combination with any other credit. It is not refundable. The credit can only be used to offset the lesser of eighty percent (80%) of the total income tax liability or the income tax liability attributable to the income generated by the economic development project as determined by the formula adopted by the MBFC. Any excess credit amount may be carried forward three (3) succeeding years following the year in which the credit was earned. The debt service expense cannot be used both as a credit and a deduction. If any part of the debt service expense is taken as both a credit and a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used.

Only the business enterprise that entered into a financing agreement with MBFC and has debt service expenses is eligible to take the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset only the income tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

If, within a group of related companies (parent and sub type), more than one company will benefit from the issuance of the RED bonds, one bond can be issued for the group and the debt service payments can be divided between the companies. Prior to the first payment being made, the group of related companies must obtain written approval from the MDOR for the method by which each separate company would pay their share of the debt service. Each company would then be able to use their share of the RED credit against the income generated from the project that utilized their share of the bond money.

If, within a group of companies that file a combined income tax return, one company incurs debt service on bonds that were issued, each company must calculate their individual tax liability to determine the eighty percent (80%) limit of the company receiving the credit. The income tax liability of the company incurring the debt service on the bonds attributable to the income generated by the economic development project must be determined by the formula adopted by the

MBFC. Then each company's income tax liability within the group is combined and the credit limited by the lesser of the tax liability attributable to the income generated by the economic development project or eighty percent (80%) of the total income tax liability attributed to the entity receiving the bonds is taken. This credit is not refundable.

HOW TO APPLY FOR THE INCENTIVE

For all incentives requested, a completed Application for Certification for Economic Incentives must be completed. If you wish to have the credit reviewed and approved prior to taking it on the return, please submit the items detailed below and a review of the information will be made and a response will be returned explaining which expenses qualify and which do not.

When filing the state income/franchise tax return claiming the credit, attach an Income/Franchise Tax Credit Summary showing all the types of credits taken and any credit carry forward. The RED Tax Credit Code is 13. A schedule of computation of the current year's credit and expenses that created the credit must also be attached when filing the state income/franchise tax return. This must include the calculation of the ETVP and a schedule of credits used in prior years with any carry forward amounts showing the amounts used and carried forward by year.

The Rural Economic Development (RED) Tax Credit is authorized under Miss. Code Ann. Sections 27-7-22.3, 57-10-401, 57-10-409 and in Title 35, Part X, Chapter 05 of the Mississippi Administrative Code as promulgated by the MDOR.

Revised October 1, 2011

A.6. Ad Valorem Tax Credit

An income tax credit is available equal to the ad valorem taxes on the inventory of the following businesses:

- manufacturers
- processors
- distributors
- wholesalers
- retailers

The Ad Valorem Tax Credit is an income tax credit equal to the amount of ad valorem tax paid on the commodities, goods, wares or merchandise held for resale by a business located in Mississippi. This includes any ad valorem tax paid to a county, city, school district, levee district or any other taxing authority of the state. The credit is limited to the lesser of the amount of ad valorem tax actually paid on the inventory at that location, \$5,000, or one hundred percent (100%) of the income tax liability attributable to the income derived from that location. Each location of the eligible business is considered separately. This means the limitation is applied to each specific location.

This credit may be used in combination with other credits. This credit is not refundable and can only be used to offset the income tax liability. Any excess credit cannot be carried forward. The ad valorem tax cannot be used both as a credit and a deduction. If the ad valorem tax is taken both as a credit and as a deduction, then the amount of the deduction taken must be added back to Mississippi taxable income in the year the credit is used. The credit may be claimed only in the tax year in which the ad valorem taxes are actually paid.

Credit can only be taken by the business enterprise that paid the ad valorem tax. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset only the tax due from the activity that created the credit. The credit is subject to the same limitations that the pass-through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

HOW TO APPLY FOR THE INCENTIVE

When filing the state income/franchise tax return claiming the credit, attach:

- a copy of the tax receipt from each county, city or school district that shows the inventory valuation and the tax paid on such inventory for each location;
- an Income/Franchise Tax Credit Summary showing all credits taken and any credit carry forward. The Ad Valorem Tax Credit Code is 14.

The Ad Valorem Tax Credit is authorized under Miss. Code Ann. Section 27-7-22.5 and in Title 35 Miss. Admin. Code, Part X, Chapter 06 promulgated by the MDOR.

Revised October 1, 2011

A.7. Employer Provided Dependent Care Tax Credit

An income tax credit equal to one-half (½) of the expenses of providing dependent day care for employees is available to all types of businesses providing day care which is certified by the Mississippi Department of Health.

The Child / Dependent Care Tax Credit is an incentive to any business providing dependent day care (both children and adult) for its employees during the employee's working hours or assisting community-provided day care. The expenses must be incurred in the operation of a program certified by the Mississippi Department of Health. The net cost of any contract executed by the employer for a third party to provide dependent care is a qualified expense. If the employer elects to provide dependent care directly, then the qualified expenses are expenses for staff, learning and recreational materials and equipment, and cost associated with the construction and maintenance of a facility. Additional eligible expenses include costs assumed by the employer which increases the quality, availability and affordability of dependent care in the community used by employees during the employee's work hours. For facilities and equipment, the eligible expense is the amount of depreciation expense allowable in computing taxable income. These expenses are net of any reimbursement.

In order to be considered qualified expenses, the programs incurring the costs must meet any one of the following criteria:

- A child care facility having an average daily enrollment for the taxable year of no less than six (6) children who are twelve (12) years of age or younger;
- A family child care/elder care facility serving five (5) or fewer children and/or elderly adults approved by the Department of Health for participation in the United States Department of Agriculture child and adult nutrition program;
- A facility serving children over twelve (12) years of age but less than eighteen (18) years of age in either a community-based facility or a facility at the employment site;
- A facility serving adult relatives of employees in either a community-based elder care facility or a facility at the employment site;
- A facility serving children or adult dependents having physical, emotional or mental disabilities in either a community-based facility or a facility at the employment site.

All of these facilities must be certified by the Mississippi State Department of Health for meeting guidelines for proper facilities for dependent care. For more information, contact:

Mississippi State Department of Health
Division of Child Care and Special Licensure
P. O. Box 1700
Jackson, MS 39215-1700.

The Child / Dependent Care Tax Credit may be used in combination with any other credit. The credit is equal to fifty percent (50%) of the qualified day care expenses. It is not refundable. It can be used to offset one hundred percent (100%) of the income tax liability. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the oldest year's unexpired credit first. The child / dependent care expenses cannot be used both as a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used. The credit may be claimed only in the tax year in which the expenses are actually paid.

Credit can only be taken by the business that incurred the expenses. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

HOW TO APPLY FOR THE INCENTIVE

For all incentives requested, a completed Application for Certification for Economic Incentives must be completed. To be eligible for the dependent care credit, the business should submit a letter explaining the dependent care program and specifically requesting approval for the dependent care tax credit. A copy of the certification from the Mississippi Department of Health must be attached to this letter and the completed application. In order to have the credit reviewed and approved prior to taking it on the return, please submit a written request along with the items detailed below. Once the information is reviewed, a response will be sent detailing the qualifying and nonqualifying expenses.

When filing the state income/franchise tax return claiming the credit, attach:

- the certification from the Mississippi Department of Health approving the facilities;
- a financial summary of the expenses that creates the credit;
- an Income/Franchise Tax Credit Summary showing all the types of credits taken and any credit carry forward. The Child/Dependent Care Tax Credit Code is 08.

The Child/Dependent Care Tax Credit is authorized under Miss. Code Ann. Section 57-73-23 and in Title 35, Part X, Chapter 07 of the Mississippi Administrative Code promulgated by the MDOR.

Revised October 1, 2011

A.8. Export Port Charges Tax Credit

An income tax credit is available equal to the charges a business pays for exporting cargo through certain Mississippi ports.

The Export Port Charges Tax Credit is an incentive available to businesses that utilize port facilities at Mississippi state, county and municipal ports or harbors as established pursuant to Miss. Code Ann. Sections 59-5-1 through 59-5-69, Sections 59-7-1 through 59-7-519, Sections 59-9-1 through 59-9-85 or Sections 59-11-1 through 59-11-7. The credit is equal to the charges on export cargo paid by the business for:

- receiving into the port;
- handling to a vessel; and
- wharfage

The credit is not refundable and can only be used to offset fifty percent (50%) of the income tax liability after all other credits have been used, except for estimated tax payments. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the earliest year's unexpired credit first. The export cargo charges cannot be used both as a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used. The credit may be claimed only in the tax year in which the charges are actually paid.

Credit can only be taken by the business that incurred the expenses. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

HOW TO APPLY FOR THE INCENTIVE

If you wish to have the credit reviewed and approved prior to taking it on the return, please submit the items detailed below and a review of the information will be made and a response will be returned.

When filing the state income/franchise tax return claiming the credit, attach:

- a statement from the governing authority of the port certifying the amount of charges paid by the business;
- an Income/Franchise Tax Credit Summary showing all the types of credits taken and any credit carry forward. The Export Port Charges Tax Credit Code is 15.

The Export Port Charges Tax Credit is authorized under Miss. Code Ann. Section 27-7-22.7 and in Title 35, Part X, Chapter 08 of the Mississippi Administrative Code promulgated by the MDOR.

Revised October 1, 2011

A.9. Import Port Charges Tax Credit

An income tax credit is available equal to the charges an eligible business pays for importing cargo (except for forest products) through certain Mississippi ports. An eligible business must locate its US headquarters in Mississippi on or after July 1, 2004, have at least 5 permanent full-time employees, and have a minimum capital investment of \$2,000,000 in Mississippi.

The Import Port Charges Tax Credit is an incentive available to businesses that utilize port facilities at Mississippi state, county and municipal ports or harbors as established pursuant to Miss. Code Ann. Sections 59-5-1 through 59-9-5-69, Sections 59-7-1 through 59-7-519, Sections 59-9-1 through 59-9-85 or Sections 59-11-1 through 59-11-11. The credit is equal to the charges on import cargo paid by the eligible business for:

- receiving into the port;
- handling to a vessel; and
- wharfage

The business must have established its US headquarters in Mississippi by July 1, 2004 and have at least five (5) permanent employees at the headquarters location. The business must have a minimum capital investment of \$2,000,000 in order to qualify for the credit.

The maximum cumulative credit that may be claimed by the business is:

- \$1,000,000 if the business has between five (5) and twenty-five (25) permanent full-time employees at its headquarters;
- \$2,000,000 if the business has between twenty-six (26) and one hundred (100) permanent full-time employees at its headquarters;
- \$3,000,000 if the business has between one hundred and one (101) and two hundred (200) permanent full-time employees at its headquarters;
- \$4,000,000 if the business has two hundred and one (201) or more permanent full-time employees at its headquarters.

This credit is not refundable and can only be used to offset fifty percent (50%) of the income tax liability after all other credits except for estimated tax payments have been taken. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the oldest year's unexpired credit first. The import cargo charges cannot be used both as a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used. The credit may be claimed only in the tax year in which the charges are actually paid.

Credit can only be taken by the business that incurred the expenses. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

HOW TO APPLY FOR THE INCENTIVE

If you wish to have the credit reviewed and approved prior to taking it on the return, please submit the items detailed below. A review of the information will be made and a response will be returned.

When filing the state income/franchise tax return claiming the credit, attach:

- a statement from the governing authority of the port certifying the amount of charges paid by the business;
- an Income/Franchise Tax Credit Summary showing all the types of credits taken and any credit carry forward. The Import Port Charges Tax Credit Code is 17.

The Import Port Charges Tax Credit is authorized under Miss. Code Ann. Section 27-7-22.23.

Revised October 1, 2011

A.10. Airport Cargo Charges Tax Credit

An income tax credit is available equal to the charges a business pays for utilizing certain Mississippi airport facilities for the import or export of cargo.

The Airport Cargo Charges Tax Credit is an incentive available to eligible businesses that utilize airport facilities in Mississippi established pursuant to Miss. Code Ann. Sections 61-3-1 *et seq.* and 61-5-1 *et seq.* In order to be eligible for the credit, the business must locate its United States headquarters in Mississippi on or after July 1, 2005, employ at least five (5) new permanent full-time employees who work at the headquarters, and, after July 1, 2005, invest a minimum of \$2,000,000 in real or personal property in Mississippi. For the purposes of this credit, a full-time employee is one who works at least thirty-five (35) hours per week.

The credit is equal to the charges on the import or export of cargo paid by the business for:

- receiving into the airport;
- aircraft marshalling or handling fees; and
- aircraft landing fees.

The maximum cumulative credit that may be claimed by the business is:

- \$1,000,000 for those businesses employing five (5) to twenty-five (25) individuals.
- \$2,000,000 for those businesses employing twenty-six (26) to one hundred (100) individuals.
- \$3,000,000 for those businesses employing one hundred one (101) to two hundred (200) individuals.
- \$4,000,000 for those businesses employing more than two hundred (200) individuals.

This credit is not refundable and can only be used to offset fifty percent (50%) of the income tax liability after all other credits except for estimated tax payments have been used. Any excess credit amount can be carried forward for up to five (5) years from the original year in which the excess credit could not be used. It is more advantageous to use the earliest year's unexpired credit first. These airport cargo charges cannot be used both as a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used. The credit may be claimed only in the tax year in which the charges are actually paid.

Credit can only be taken by the business that incurred the expenses. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

HOW TO APPLY FOR THE INCENTIVE

To obtain the credit, please submit a statement from the governing authority of the airport certifying the amount of charges paid by the taxpayer for which the credit is claimed.

When filing the state income/franchise tax return claiming the credit, attach an Income/Franchise Tax Credit Summary showing all credits taken and any credit carry forward. The Airport Cargo Charges Tax Credit Code is 22.

The Airport Cargo Charges Tax Credit is authorized under Miss. Code Ann. Section 27-7-22.25.

Revised October 1, 2011

A.11. Income Tax Exemption for Growth and Prosperity (GAP) Areas

An income tax exemption is available for a period of ten (10) years for certain businesses locating in a GAP area. The eligible businesses include ones that:

- manufacture • process • assemble • store • warehouse • service • distribute
- sell any products or goods, including products of agriculture • research and development
- others as determined by MDA which will create at least ten (10) jobs

EXCEPTIONS: These businesses cannot claim the exemption.

- retail establishments • gaming businesses or casinos • electrical generation facilities

The Growth and Prosperity (GAP) Areas Tax Exemption was created to encourage businesses to locate facilities and hire individuals in areas that have thirty percent (30%) or more of the population at or below the federal poverty level according to the most recent official data compiled by the United States Census Bureau or have an unemployment rate that is two hundred percent (200%) of the state's average unemployment rate. A county or supervisor's district applies to MDA to be designated as a GAP Area. After the application has been approved, the GAP Area is issued a certificate of public convenience and necessity. At this time, an eligible business that constructs a new facility or expands an existing facility located in one of these GAP Areas can apply to MDA to be exempted from state and local taxes for a period of ten (10) years or until December 31, 2022, whichever occurs first. A business that relocates from a county in Mississippi to a GAP Area is not eligible for the exemption.

State taxes are defined as 1) sales and use tax on component materials, equipment and machinery for the initial construction of a business or an additional expansion of an existing business; 2) income tax on income generated by the business in the GAP Area; 3) franchise tax on the value of the capital used, invested or employed by the business in that GAP Area and 4) sales and use tax imposed on the lease of machinery and equipment acquired in the initial construction of a business or an additional expansion of an existing business. Local taxes mean any county or municipal ad valorem taxes except for the school, fire and police portions of the tax. However, if the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business cannot utilize its exemption, the MDA may extend the exemption from state taxes for no more than two (2) years or until December 31, 2022, whichever occurs first. Any property or equipment purchased utilizing a sales tax exemption that is damaged or destroyed as a result of the disaster may be replaced exempt from tax.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. Such exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information, necessary to verify the correctness of any exemptions claimed. For more information on the GAP areas, please contact:

Mississippi Development Authority
Financial Resources Division - GAP Program
Post Office Box 849
Jackson, MS 39205

The exemption granted to a business is based on the Mississippi net income and/or loss attributable to its new or expanded operation within a GAP Area. A business may have, in addition to the business operation in the GAP Area, other business operations which are located outside of the GAP Area. These operations do not qualify as a MDA approved business operation and, therefore, are not allowed the exemption. Because of this, the income attributable to the GAP Area must be identified separately from its total Mississippi income. Any losses assigned to the GAP Area business operation from the use of a formula or direct accounting shall not be carried backward or forward in computing Mississippi taxable income during the exemption period. A business cannot qualify for certain income tax credits from its operation within a GAP Area when the credit is determined by an expense incurred, such as the Ad Valorem Tax Credit,

the RED Tax Credit, the Child/Dependent Care Tax Credit and the Export Charges Tax Credit.

Generally, an apportionment formula would be used to determine the amount of Mississippi net income and/or loss attributable to a GAP Area. In very limited circumstances, direct accounting would be used in making the determination. When a business or individual is a partner or shareholder in a flow-through entity and has income and/or loss being reported to them generated in a GAP Area, then such GAP Area income and/or loss will not be used in any calculation of income tax due by such partner or shareholder of the flow-through entity. The exemption is not transferable and cannot be applied, used or assigned to any other person or business or tax account, other than the one approved by MDA.

To calculate the amount of exemption for the business, an apportionment formula comprised of a property and a payroll ratio is used in A), B) and C). The numerator of both the property and the payroll ratio in A), B), and C) is based on the respective property and payroll of the MDA approved business operation in the GAP Area. The denominator of the property and payroll ratios in A) and B) includes the respective total business property and payroll. The denominator of the property and payroll ratios in C) includes the respective property and payroll within Mississippi. The ratios in A), B), and C) are computed on the same type of property, including annualized rentals, and payroll as would be employed in the calculation of the property and payroll ratios of a manufacturer in Mississippi as required by regulation, except no reductions shall be made for general and administrative property or payroll. The numerators of both the property and payroll ratios include only that property purchased or rented and payroll in the GAP Area that is necessary to the operation of the approved business operation in the GAP Area.

- A) Those businesses whose total business income is assigned to Mississippi by reason of not being taxable in another state should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the total business income or loss. The result is the income and/or loss attributed to the GAP Area. The GAP Area income will reduce the total business income. A GAP Area loss will reduce the total business loss.

Example: Corporation ABC is a domestic corporation not taxable in another state and, therefore, assigns both its business and non-business income to this state. ABC is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one ABC received approval from the MDA for an expansion project inside a GAP Area. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one ABC had GAP Area property and total company property of \$3 million and \$10 million respectively. ABC's total company business receipts were \$50 million, and payroll in the GAP Area was zero since the plant was still under construction. ABC's business income was \$2 million and its non-business income was \$100,000 (one hundred thousand).

For tax year one, ABC computed the following GAP Area exclusion ratio.

$$\text{Property Factor} = \frac{\text{GAP Area Property}}{\text{Total Company Property}} = \frac{\$0 \text{ million}}{\$10 \text{ million}} = 0\%$$

$$\text{Payroll Factor} = \frac{\text{GAP Area Payroll}}{\text{Total Co. Payroll}} = \frac{\$0.00}{\text{Total Co. Payroll}} = 0\%$$

In year one, the property in the GAP Area was under construction, therefore, none of the property qualified for inclusion in the factor. Payroll expended for construction was capitalized as part of work-in-progress. ABC does not receive a GAP Area income exclusion for year one.

- B) Those businesses that employ a single ratio formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three as well. This ratio should then be applied to the total business income and/or loss subject to Mississippi apportionment. The result is the income and/or loss attributed to the GAP Area. GAP Area income will reduce the Mississippi apportioned income as calculated by regulation, however, in no case should it reduce the Mississippi apportioned income below zero nor should a loss attributed to GAP Area reduce a Mississippi apportioned loss to an amount above zero.

Example: Corporation ABC is a domestic corporation, which is taxable in several other states and apportions its business income to this state using a single factor formula. In year one ABC received approval from the MDA for an expansion project inside a GAP Area. Construction of the new facility was completed in year two. For year two ABC's Mississippi and total company receipts are \$50 million and \$70 million respectively. ABC has GAP Area, Mississippi, and total company property of \$4 million, \$10 million and \$12 million respectively. ABC's GAP Area, Mississippi and total company, payroll are \$2 million, \$4 million and \$8 million respectively. ABC's business income is \$2 million and its non-business income is \$100,000 (one hundred thousand).

For tax year two, ABC computed the following GAP Area exclusion ratio.

$$\text{Property Factor} = \frac{\text{GAP Area Property}}{\text{Total company property}} = \frac{\$4 \text{ million}}{\$12 \text{ million}} = 33.33\%$$

$$\text{Payroll Factor} = \frac{\text{GAP Area Payroll}}{\text{Total Co. Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\%$$

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = (33.33\% + 25\% + 25\%)/3 = 27.78\%$$

$$\text{Income Apportionment Ratio} = \frac{\$50 \text{ million}}{\$70 \text{ million}} = 71.43\%$$

The exclusion from business income is equal to \$555,554 (\$2,000,000 * 27.78%). MS business taxable income prior to the exclusion is \$1,428,572. MS taxable income is \$973,018 (\$1,428,572 - \$555,554 + \$100,000)

- C) Those businesses that employ a three-factor formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the Mississippi apportioned income and/or loss as determined by regulation. The result should be that income and/or loss attributed to the GAP Area. The GAP Area income will reduce the Mississippi apportioned income as calculated by regulation. A GAP Area loss will reduce any Mississippi apportioned loss as calculated by regulation.

Example: Assume the same facts as example three except that ABC is a wholesale manufacturer who employs a three-factor formula for apportioning income to this state.

For tax year three, ABC computed the following GAP Area exclusion ratio.

$$\text{Exclusion Property Factor} = \frac{\text{GAP Area Property}}{\text{Total MS Property}} = \frac{\$4 \text{ million}}{\$10 \text{ million}} = 40\%$$

$$\text{Exclusion payroll Factor} = \frac{\text{GAP Area Payroll}}{\text{Total MS Payroll}} = \frac{\$2 \text{ million}}{\$4 \text{ million}} = 50\%$$

$$\text{Income Apport. Receipts Factor} = \frac{\text{MS Business Receipts}}{\text{Total Bs Receipts}} = \frac{\$50 \text{ million}}{\$70 \text{ million}} = 71.43\%$$

$$\text{Income Apport. Payroll Factor} = \frac{\text{MS Payroll}}{\text{Total Company Payroll}} = \frac{\$4 \text{ million}}{\$8 \text{ million}} = 50\%$$

$$\text{Income Apport. Property Factor} = \frac{\text{Total MS Business Property}}{\text{Total Bs Prop. Everywhere}} = \frac{\$10 \text{ million}}{\$12 \text{ million}} = 83.33\%$$

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = (40\% + 50\% + 50\%)/3 = 46.67\%$$

$$\text{Income Apportionment Ratio} = (71.43\% + 50\% + 83.33\%) = 68.25\%$$

MS business income prior to the GAP Area exclusion = \$1,365,080. The GAP Area exclusion is equal to \$637,038 (\$1,365,080 * 46.67%). Mississippi taxable income is equal to \$828,042 (\$1,365,080 - \$637,038 + \$100,000)

- D) Those multi-state businesses employing direct accounting for income tax reporting should calculate a ratio in the same manner as described in C). This ratio should be applied to the direct accounting income and/or loss to determine the amount of income and/or loss attributable to the GAP Area. The GAP Area income will reduce the total business income. A GAP Area loss will reduce the total business loss.
- E) The Commissioner may require another method if it is determined that the apportionment of the income and/or loss as required under A), B), C) or D) inaccurately reflects the income and/or loss generated by an approved business operation within a GAP Area.

HOW TO APPLY FOR THE INCENTIVE

Before the exemption can be calculated and taken on the return, application must be made to MDA for designation as a GAP Area business. For all incentives requested, a completed Application for Certification for Economic Incentives must be completed. To be eligible for the GAP exemption, the business should submit a copy of the certification from the MDA and the completed application.

When filing the state income/franchise tax return claiming the exemption, attach:

- a schedule showing the calculation of how the exemption was calculated;
- an Income/Franchise Tax Credit Summary showing all the types of credits taken and any credit carry forward.

The GAP Area Exemption is authorized under Miss. Code Ann. Sections 27-7-21, 57-80-1 through 57-80-11.

Revised October 1, 2011

A.12. Broadband Technology Tax Credit

An income tax credit is available for telecommunications businesses based on a percentage of the cost of equipment used in the deployment of broadband technology.

EXCEPTIONS: Radio stations, television stations and news organizations are not considered telecommunications businesses and are not eligible to receive this credit.

This incentive was created to encourage telecommunications businesses to invest in the infrastructure needed to develop high speed access to the Internet for all counties in the State. Telecommunications businesses that deploy such equipment are eligible for an income tax credit based on a percentage of the cost paid to a vendor for any equipment used for the transmission of information at a high speed. To be eligible for the credit, the item(s) must be **SOLD DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the credit.

Telecommunications businesses are defined as companies engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means. They also include companies engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above mentioned activities.

Qualifying equipment used in the deployment of broadband technologies includes, but is not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

The amount of the annual credit depends on where the equipment is being deployed or placed in service. In Mississippi, counties are ranked as Tier Three (less developed), Tier Two (moderately developed), and Tier One (developed). The counties are evaluated and ranked each year by the MDOR and are based on the unemployment rate and per capita income of each county for the most recent thirty-six (36) month period. They are then divided into the three (3) previously mentioned groups with one-third (1/3) of the counties in each group. This ranking determines the percentage used to calculate the credit. The ranking for a specific county can change from year to year based on this evaluation. The credit percentage amount for each county ranking is as follows:

<u>County Ranking</u>	<u>Credit Percentage Amount</u>
Tier One (developed)	5%
Tier Two (moderately developed)	10%
Tier Three (less developed)	15%

This credit is available from July 1, 2003, through June 30, 2020. The annual credit is available beginning in the year the equipment is placed in service and may be taken for that equipment each year for the following nine (9) years. The total amount of credit taken in any one (1) year is only allowed against fifty percent (50%) of the aggregate income and franchise tax liability for that year. Any excess credit amount can be carried forward for up to ten (10) consecutive years from the close of the original year in which the excess credit could not be used. The total amount of credits taken over the ten (10) consecutive year period cannot exceed one hundred percent (100%) of the original investment in the equipment. This credit is not refundable. The expense may not be used as both a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used.

HOW TO APPLY FOR THE INCENTIVE

Before the credit can be claimed, the company must complete the Application for Certification for Economic Incentives and attach a letter explaining the reason the business is eligible to claim the credit and the types of purchases that qualify for the credit. These should then be forwarded to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach:

- a schedule showing the cost and description of the equipment being deployed and the county or counties in which

the equipment was deployed that gave rise to the credit for the current period; and

- a schedule showing a year by year calculation, including the current year, of all credits taken and any credits carry forward.

The Broadband Technology Tax Credit is authorized under Miss. Code Ann. Sections 57-87-5 & 57-73-21.

Revised October 1, 2011

A.13. Manufacturing Investment Tax Credit

An income tax credit is available equal to five percent (5%) of the eligible investment made by manufacturers that have been in business in Mississippi for more than two (2) years. An eligible investment means an investment greater than \$1,000,000 in buildings and/or equipment used in the manufacturing operation.

EXCEPTION: No manufacturing enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this tax credit.

A manufacturer that has operated in Mississippi for two (2) or more years is allowed a manufacturing investment tax credit against its income tax liability equal to five percent (5%) of the eligible investments made by the manufacturer.

An eligible investment means an investment greater than \$1,000,000 in buildings and/or equipment used in the manufacturing operation. Although the \$1,000,000 may be spent over more than one (1) year's time, the investment must be for one project. The maximum credit that may be claimed by a taxpayer on any project shall be limited to \$1,000,000 or a \$20,000,000 eligible investment per project. A project is a set of activities undertaken to reach a specifically intended outcome that is a new or one-time effort outside the normal business operations of the company. A project may include, but is not limited to, the construction of a new manufacturing facility or modernizing existing manufacturing facilities. The project must have a defined begin date and end date. A project must be able to be completed without being dependent upon any other set of activities or it would be considered part of a larger project. Other factors may be reviewed as well in determining what is included in the project, such as: physical location, the bid process, the workflow, etc. Activities at multiple locations will usually not be grouped as a project; however the MDOR may allow it after reviewing the specific circumstances. When applying for approval of the investment tax credit, detailed information concerning the project must be presented in order for an appropriate decision to be made.

Only the cost of equipment and buildings used in the manufacturing operation, which were or will be capitalized and paid for after July 1, 2005, the date the credit went into effect, may be included in the eligible investment and calculating the resulting credit. Any items expensed or capitalized under another category would not be included in the credit calculations. Leased equipment and buildings are eligible for the credit unless the lease is considered an operating lease under FASB ASC Section 840-10-25. Tagged vehicles are not eligible for the credit. Land on which a qualified building is constructed does not qualify. If the taxpayer has other activity, such as a distribution center, the cost of the building and equipment for the distribution operations would not be included in the eligible investment.

The credit is not refundable and can only be used to offset fifty percent (50%) of the income tax liability after all other credits, except for estimated tax payments, have been used. If the credit cannot be used in the year it is initially generated, the credit can be carried forward for five (5) years.

To include an item in the credit calculation for any taxable year, that item must have actually been paid for in that same taxable year. However, the credit may not be claimed on a tax return prior to the \$1,000,000 actually being spent on the project by the time the return is filed. The taxpayer may amend its return to claim a credit for eligible investments spent during a previous tax year that did not qualify because the \$1,000,000 threshold had not been met by the time the return was filed.

If a manufacturer closes an out of state location and moves the manufacturing equipment to Mississippi, the use tax value of the equipment may be included in the eligible investment and calculation of the manufacturing investment tax credit. The use tax value is cost less straight line depreciation with a minimum of twenty percent (20%) of the cost. A manufacturer cannot buy new equipment for an out of state location, move the older equipment to Mississippi and include the value of the older equipment in the eligible investment and calculation of the credit.

If the property for which the credit was received is disposed of or is converted to some other use than the manufacturing process in Mississippi, the tax credit must be recaptured. The amount of the credit to be recaptured is one hundred percent (100%) if the disposition or conversion is made in the first (1) year and fifty percent (50%) if the disposition or conversion is made in the second year. If the entire facility is sold, the recapture rules do not apply.

Only the business that actually made the investment qualifying for the credit can receive the credit. Credit received by a partnership, LLC or an S-Corporation may be passed through to offset only tax due from the activity that created the credit. The credit is subject to the same limitations that the pass through entity would have had. The tax due on salaries or wages paid by an S-Corporation and guaranteed payments to partners by a partnership cannot be offset by the credit.

The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within Mississippi of any business may not create new eligibility in the current or any succeeding business entity, but any unused credit may be transferred and continued by any transferee of the business. A letter detailing the facts surrounding such an occurrence and requesting a ruling on the eligibility of any credits must be presented to the MDOR to determine whether the proper transfers of credit have been made.

HOW TO APPLY FOR THE CREDIT

To make application for the credit, the business must submit the following information on company letterhead:

- the date the company began manufacturing operations in Mississippi, including the location of all operations in this state;
- the description of the project giving rise to the eligible investment, including the total cost of the project, the begin and end dates and the objective of the project;
- the description of the equipment and the capitalized cost of the eligible investment.

To claim the Investment Tax Credit, the business must attach an Income/Franchise Tax Credit Summary showing all credits taken and any credit carry forward to their MS Income/Franchise Tax Return. The Manufacturing Investment Tax Credit Code is 23.

The Manufacturing Investment Tax Credit is authorized under Miss. Code Ann. Section 27-7-22.30.

Revised October 1, 2011

A.14. Mississippi Equity Investment (New Markets) Tax Credit

An income tax, insurance premium tax, and/or a premium retaliatory tax credit is available for taxpayers paying a Qualified Community Development Entity for Qualified Equity Investments equal to a percentage of the adjusted purchase price paid to the Qualified Community Development Entity for the Qualified Equity Investment.

The New Markets Credit allows a credit for income, insurance premium, or premium retaliatory taxes to investors in eligible equity securities issued by a Qualified Community Development Entity that has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department (CDFI) with respect to federal income tax credits authorized by the Federal NMTC Law, which includes the State of Mississippi in the service area outlined in such agreement. This Qualified Community Development Entity is commonly referred to as a "CDE".

The CDE must use eighty-five percent (85%) or more of the proceeds of the issuance of the equity security to make investments that are Mississippi Qualified Low-Income Community Investments (MQLICs), and those investments must be maintained for a minimum of seven (7) years. A MQLIC is an investment in Mississippi in a business that meets the requirements of a Qualified Active Low-Income Community Business (QALICB) or an investment in Mississippi approved as a Qualified Low Income Community Investment under the Federal New Markets Tax Credit law. A security meeting these requirements is commonly referred to as a "QEI".

MDA will review the QEI to determine if it qualifies for the Mississippi New Markets Credit. If the QEI does qualify, MDA will issue a certification of credits allowed.

CALCULATING THE CREDIT

The amount of the credit shall be equal to the applicable percentage of the investment in the CDE for the QEI. The amount of the credit that may be utilized in any one tax year is limited to the total tax liability of the taxpayer for the applicable (income, insurance premium or premium retaliatory) tax. The New Markets Credit is not transferable or refundable. Any unused portion of the credit may be carried forward for seven (7) years beyond the last Credit Allowance Date. The Credit Allowance Date is the date that the QEI is made, and each of the next two anniversary dates of this investment, assuming that the investment requirements are maintained as required by statute.

If the CDE requests credits toward Mississippi income, insurance premium or premium retaliatory tax, the credit amount will be calculated at eight percent (8%) of the cash paid at issuance for the QEI per year for three (3) years. The total credit is awarded at the date of the issuance of the QEI, but only the annual allotment may be taken during the tax year in which the Credit Allowance Dates occurs.

The MDOR may recapture all or a portion of the credit claimed if:

- 1) Any amount of federal tax credits available with respect to a QEI that is eligible for the Mississippi New Markets credit is recaptured under Section 45D of the IRC,
- 2) The CDE redeems or makes any principal repayment with respect to a QEI prior to the seventh anniversary of the issuance of the QEI, or
- 3) The CDE fails to maintain at least eighty-five percent (85%) of the proceeds of the QEI in MQLICs throughout the seven (7) year period from the date of issuance of the QEI.

Upon final documentation of the qualified low-income community investments, if the actual dollar amount of the investments is lower than the amount estimated, the Mississippi Development Authority shall adjust the tax credit allowed under this section. Any credits that are subject to recapture shall be recaptured from the taxpayer who actually claimed the credit.

The total Mississippi New Markets Credit for all Mississippi taxpayers is capped at \$15,000,000 per year.

HOW TO APPLY FOR THE INCENTIVE

A CDE must apply to MDA certifying the dollar amount of QEIs that it anticipates it will make in Mississippi from the credit allowance date through the following twelve months. The application must be accompanied by payment of a \$1,000 fee. Upon approval, MDA will issue to the CDE a Tax Credit Incentive Certificate allocating credits based on the anticipated investment amount certified in its application, and the CDE will have thirty (30) days from the allocation date to issue the QEIs. Failure to timely issue the QEIs will result in cancellation of the allocation, which must be returned to MDA.

The taxpayer claiming the credit against its income, insurance premium or premium retaliatory tax must submit to the MDOR a request for certification that includes verification that QEIs were timely issued with thirty (30) days from the date of the Tax Credit Incentive Certificate issued by MDA, and that the MQLICs have been made and maintained. A copy of the Tax Credit Incentive Certificate must be included in the request for certification.

If the credit is acquired by a flow-through entity or partnership, the taxpayer filing the income, insurance premium or premium retaliatory tax return must submit with the return a signed statement from the flow-through entity or partnership setting forth the taxpayer's interest in the community development entity, as well as the amount of credit allocated to the taxpayer.

The New Markets Tax Credit is authorized under Miss. Code Ann. Section 57-105-1.

Issued October 1, 2011

A.15. Income Tax Exemption for Clean Energy Business Enterprises

An income tax exemption is available for a ten (10) year period to certain clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and the creation of two hundred fifty (250) new, full-time jobs. The clean energy business enterprise must own or operate a facility that manufactures or assembles systems or components used in the generation of clean energy.

The Clean Energy Business Enterprises Exemption is an incentive created to induce companies developing the field of clean energy to locate or expand their facilities in Mississippi. Clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and also create two hundred fifty (250) new, full-time jobs may be eligible for the exemption. Clean energy includes energy generated from either a renewable energy source such as wind, water, biomass or solar or an alternative energy source such as nuclear. Biomass includes the following:

- Forest-related mill residues, pulping by-product and other by-products of wood processing, thinnings, slash, limbs, bark, brush and other cellulosic plant material or non-merchantable forest-related products;
- Solid wood waste materials, including dunnage, manufacturing and construction wood wastes, demolition and storm debris and landscape or right-of-way trimmings;
- Agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar and other crop by-products or residues and livestock waste nutrients;
- All plant and grass material that is grown exclusively as a fuel for the production of electricity;
- Refuse derived fuels consisting of organic components and fibers of waste water treatment solids; or
- Whole trees.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

The incentive is not available to businesses that move from one location within this state to another location within this state. The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with the MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information necessary to verify the correctness of the exemptions claimed. For more information on the application process for the Income Tax Exemption for Clean Energy Business Enterprises, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a

direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the period of time by which the minimum requirements must be met and duration of the exemption from state taxes for not more than two (2) years.

The exemption granted to a business is based on the Mississippi net income and/or loss attributable to its new or expanded clean energy business enterprise. A business may have, in addition to the clean energy business enterprise, other business operations which are not clean energy business enterprises. These operations do not qualify as an MDA approved business operation and, therefore, are not allowed the exemption. Because of this, the income attributable to the clean energy business enterprise must be identified separately from its total Mississippi income. Any losses assigned to the clean energy business enterprise from the use of a formula or direct accounting shall not be carried backward or forward in computing Mississippi taxable income during the exemption period. The clean energy business enterprise cannot qualify for certain income tax credits when the credit is determined by an expense incurred, such as the Ad Valorem Tax Credit, the RED Tax Credit, the Child/Dependent Care Tax Credit and the Export Charges Tax Credit.

Generally, an apportionment formula would be used to determine the amount of Mississippi net income and/or loss attributable to a clean energy business. In very limited circumstances, direct accounting would be used in making the determination. When a business or individual is a partner or shareholder in a flow-through entity and has income and/or loss being reported to them generated by a clean energy business, then the business income and/or loss will not be used in any calculation of income tax due by such partner or shareholder of the flow-through entity. The exemption is not transferable and cannot be applied, used or assigned to any other person or business or tax account, other than the one approved by MDA.

To calculate the amount of exemption for the business, an apportionment formula comprised of a property and a payroll ratio is used in A), B) and C). The numerator of both the property and the payroll ratio in A), B), and C) is based on the respective property and payroll of the MDA approved clean energy business. The denominator of the property and payroll ratios in A) and B) includes the respective total business property and payroll. The denominator of the property and payroll ratios in C) includes the respective property and payroll within Mississippi. The ratios in A), B), and C) are computed on the same type of property, including annualized rentals, and payroll as would be employed in the calculation of the property and payroll ratios of a manufacturer in Mississippi as required by regulation, except no reductions shall be made for general and administrative property or payroll. The numerators of both the property and payroll ratios include only that property purchased or rented and payroll in the clean energy business.

- A) Those businesses whose total business income is assigned to Mississippi by reason of not being taxable in another state should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the total business income or loss. The result is the income and/or loss attributed to the clean energy business. The clean energy business income will reduce the total business income. A clean energy business loss will reduce the total business loss.

Example: Corporation ABC is a domestic corporation not taxable in another state and, therefore, assigns both its business and non-business income to this state. ABC is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one ABC received approval from the MDA for an expansion project as a clean energy business enterprise. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one ABC was a clean energy business (CEB) and had property and total company property of \$3 million and \$10 million respectively. ABC's total company business receipts were \$50 million, and payroll in the CEB was zero since the plant was still under construction. ABC's business income was \$2 million and its non-business income was \$100,000 (one hundred thousand).

For tax year one, ABC computed the following CEB exclusion ratio.

$$\text{Property Factor} = \frac{\text{CEB Property}}{\text{Total Company Property}} = \frac{\$0 \text{ million}}{\$10 \text{ million}} = 0\%$$

$$\text{Payroll Factor} = \frac{\text{CEB Payroll}}{\text{Total Co. Payroll}} = \frac{\$0.00}{\text{Total Co. Payroll}} = 0\%$$

In year one, ABC's property was under construction, therefore, none of the property qualified for inclusion in the factor. Payroll expended for construction was capitalized as part of work-in-progress. ABC does not receive a CEB exclusion for year one.

- B) Those businesses that employ a single ratio formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three as well. This ratio should then be applied to the total business income and/or loss subject to Mississippi apportionment. The result is the income and/or loss attributed to the CEB. CEB income will reduce the Mississippi apportioned income as calculated by regulation, however, in no case should it reduce the Mississippi apportioned income below zero nor should a loss attributed to a CEB reduce a Mississippi apportioned loss to an amount above zero.

Example: Corporation ABC is a domestic corporation, which is taxable in several other states and apportions its business income to this state using a single factor formula. In year one ABC received approval from the MDA for an expansion project as a clean energy business enterprise. Construction of the new facility was completed in year two. For year two ABC's Mississippi and total company receipts are \$50 million and \$70 million respectively. ABC has CEB, Mississippi, and total company property of \$4 million, \$10 million and \$12 million respectively. ABC's CEB, Mississippi and total company, payroll are \$2 million, \$4 million and \$8 million respectively. ABC's business income is \$2 million and its non-business income is \$100,000 (one hundred thousand).

For tax year two, ABC computed the following CEB exclusion ratio.

$$\begin{aligned} \text{Property Factor} &= \frac{\text{CEB Property}}{\text{Total company property}} = \frac{\$4 \text{ million}}{\$12 \text{ million}} = 33.33\% \\ \text{Payroll Factor} &= \frac{\text{CEB Payroll}}{\text{Total Co. Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\% \end{aligned}$$

$$\text{CEB Exclusion Ratio} = (\text{CEB Property Factor} + \text{CEB Payroll Factor} + \text{CEB Payroll Factor})/3 = (33.33\% + 25\% + 25\%)/3 = 27.78\%$$

$$\text{Income Apportionment Ratio} = \frac{\$50 \text{ million}}{\$70 \text{ million}} = 71.43\%$$

The exclusion from business income is equal to \$555,554 (\$2,000,000 * 27.78%). MS business taxable income prior to the exclusion is \$1,428,572. MS taxable income is \$973,018 (\$1,428,572 - \$555,554 + \$100,000)

- C) Those businesses that employ a three-factor formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the Mississippi apportioned income and/or loss as determined by regulation. The result should be that income and/or loss attributed to the CEB. The CEB income will reduce the Mississippi apportioned income as calculated by regulation. A CEB loss will reduce any Mississippi apportioned loss as calculated by regulation.

Example: Assume the same facts as example three except that ABC is a wholesale manufacturer who employs a three-factor formula for apportioning income to this state.

For tax year three, ABC computed the following CEB exclusion ratio.

$$\text{Exclusion Property Factor} = \frac{\text{CEB Property}}{\text{Total MS Property}} = \frac{\$4 \text{ million}}{\$10 \text{ million}} = 40\%$$

Exclusion Payroll Factor	= $\frac{\text{CEB Payroll}}{\text{Total MS Payroll}}$	= $\frac{\$2 \text{ million}}{\$4 \text{ million}}$	= 50%
Income Apport. Receipts Factor	= $\frac{\text{MS Business Receipts}}{\text{Total Business Receipts}}$	= $\frac{\$50 \text{ million}}{\$70 \text{ million}}$	= 71.43%
Income Apport. Payroll Factor	= $\frac{\text{MS Payroll}}{\text{Total Company Payroll}}$	= $\frac{\$4 \text{ million}}{\$8 \text{ million}}$	= 50%
Income Apport. Property Factor	= $\frac{\text{Total MS Business Property}}{\text{Total Bus. Prop. Everywhere}}$	= $\frac{\$10 \text{ million}}{\$12 \text{ million}}$	= 83.33%

CEB Exclusion Ratio = (CEB Property Factor + CEB Payroll Factor + CEB Payroll Factor)/3 = (40% + 50% + 50%)/3 = 46.67%

Income Apportionment Ratio = (71.43% + 50% + 83.33%) = 68.25%

MS business income prior to the CEB exclusion = \$1,365,080. The CEB exclusion is equal to \$637,038 (\$1,365,080 * 46.67%). Mississippi taxable income is equal to \$828,042 (\$1,365,080 - \$637,038 + \$100,000)

- D) Those multi-state businesses employing direct accounting for income tax reporting should calculate a ratio in the same manner as described in C). This ratio should be applied to the direct accounting income and/or loss to determine the amount of income and/or loss attributable to the CEB. The CEB income will reduce the total business income. A CEB loss will reduce the total business loss.
- E) The Commissioner may require another method if it is determined that the apportionment of the income and/or loss as required under A), B), C) or D) inaccurately reflects the income and/or loss generated by the clean energy business enterprise.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Clean Energy Business Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach a copy of the MDA certification letter and copy of the MDOR exemption acceptance letter.

The Income Tax Exemption for Clean Energy Business Enterprises is authorized under Miss. Code Ann. Section 57-113-1 et seq.

Revised October 1, 2011

A.16. Income Tax Exemption for Aerospace Industry Enterprises

An income tax exemption is available for a period of ten (10) years for businesses that manufacture or assemble products for use in the aerospace industry, or that provide research and development or training services to the aerospace industry, that locate or expand in Mississippi. The business must invest a minimum of thirty million dollars (\$30,000,000) and create at least one hundred (100) new, full-time jobs in Mississippi.

The Aerospace Industry Enterprises (AIE) Exemption is an incentive created to induce companies to locate or expand their manufacturing facilities in Mississippi. The incentive is also available to businesses that offer research and development or training services in the aerospace industry that locate or expand in the state. The business must make a minimum capital investment in Mississippi of thirty million dollars (\$30,000,000), and must also create a minimum of one hundred (100) new, full-time jobs in Mississippi. The aerospace industry is the industry that researches, designs, manufactures, repairs, operates and/or maintains vehicles that move through the air and space.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied to, used by or assigned to any other entity or tax account without prior approval from the MDA. The approved business must also enter into an agreement with the MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information necessary to verify the correctness of the exemptions claimed. For more information on the application process for the Income Tax Exemption for Aerospace Industry Enterprises, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business is unable to use the exemption from state taxes, the MDA may extend the period of time during which the minimum requirements must be met and the exemption may be taken for a period of time not to exceed two (2) years.

The exemption granted to a business is based on the Mississippi net income and/or loss attributable to its new or expanded AIE in this state. A business may have, in addition to the MDA-approved AIE, other business operations that are not MDA-approved AIEs. These operations do not qualify as MDA-approved business operations, and, therefore, are not allowed the exemption. Therefore, the income attributable to the AIE must be identified separately from its total Mississippi income. Any losses assigned to the AIE from the use of a formula or direct accounting shall not be carried backward or forward in computing Mississippi taxable income during the exemption period. An AIE business cannot qualify for income tax credits that are determined by an expense incurred, such as the Ad Valorem Tax Credit, the RED Tax Credit, the Child/Dependent Care Tax Credit and the Export Charges Tax Credit.

Generally, an apportionment formula would be used to determine the amount of Mississippi net income and/or loss attributable to an AIE. In very limited circumstances, direct accounting would be used in making the determination. When a business or individual is a partner or shareholder in a flow-through entity and has income and/or loss being reported to them generated from an AIE, then such AIE income and/or loss will not be used in any calculation of income tax due by such partner or shareholder of the flow-through entity. The exemption is not transferable and cannot be applied, used or assigned to any other person or business or tax account, other than the one approved by MDA.

To calculate the amount of exemption for the business, an apportionment formula comprised of a property and a payroll ratio is used in A), B) and C). The numerator of both the property and the payroll ratio in A), B), and C) is based on the respective property and payroll of the MDA-approved AIE. The denominator of the property and payroll ratios in A) and B) includes the respective total business property and payroll. The denominator of the property and payroll ratios in C) includes the respective property and payroll within Mississippi. The ratios in A), B), and C) are computed on the same type of property, including annualized rentals, and payroll as would be employed in the calculation of the property and payroll ratios of a manufacturer in Mississippi as required by regulation, except no reductions shall be made for general and administrative property or payroll. The numerators of both the property and payroll ratios include only that property purchased or rented and payroll that are necessary to the operation of the AIE.

- A) Those businesses whose total business income is assigned to Mississippi for Mississippi income tax purposes by reason of not being taxable in another state should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the total business income or loss. The result is the income and/or loss attributable to the AIE. The AIE income will reduce the total business income. An AIE loss will reduce the total business loss.

Example: Corporation ABC is a domestic corporation not taxable in another state and, therefore, assigns both its business and non-business income to this state. ABC is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one ABC received approval from the MDA for an AIE expansion project. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one ABC had AIE property and total company property of \$3 million and \$10 million, respectively. ABC's total business receipts were \$50 million, and payroll for the AIE was zero since the plant was still under construction. ABC's business income was \$2 million and its non-business income was \$100,000 (one hundred thousand dollars).

For tax year one, ABC computed the following AIE exclusion ratio:

$$\text{Property Factor} = \frac{\text{AIE Property}}{\text{Total Company Property}} = \frac{\$0 \text{ million}}{\$10 \text{ million}} = 0\%$$

$$\text{Payroll Factor} = \frac{\text{AIE Payroll}}{\text{Total Company Payroll}} = \frac{\$0.00}{\text{Total Company Payroll}} = 0\%$$

In year one, the AIE property was under construction, therefore, none of the property qualified for inclusion in the factor. Payroll expended for construction was capitalized as part of work in progress. ABC does not receive an AIE income exclusion for year one.

- B) Those businesses that employ a single ratio formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three as well. This ratio should then be applied to the total business income and/or loss subject to Mississippi apportionment. The result is the income and/or loss attributed to the AIE. The AIE income will reduce the Mississippi apportioned income as calculated by regulation, however, in no case should it reduce the Mississippi apportioned income below zero nor should a loss attributed to an AIE reduce a Mississippi apportioned loss to an amount above zero.

Example: Corporation ABC is a domestic corporation, which is taxable in several other states and apportions its business income to this state using a single factor formula. In year one ABC received approval from the MDA for

an AIE expansion project. Construction of the new facility was completed in year two. For year two ABC's Mississippi and total company receipts are \$50 million and \$70 million, respectively. ABC has AIE, Mississippi, and total company property of \$4 million, \$10 million and \$12 million, respectively. ABC's AIE, Mississippi and total company payroll are \$2 million, \$4 million and \$8 million respectively. ABC's business income is \$2 million and its non-business income is \$100,000 (one hundred thousand dollars).

For tax year two, ABC computed the following AIE exclusion ratio:

$$\text{Property Factor} = \frac{\text{AIE Property}}{\text{Total Company Property}} = \frac{\$4 \text{ million}}{\$12 \text{ million}} = 33.33\%$$

$$\text{Payroll Factor} = \frac{\text{AIE Payroll}}{\text{Total Company Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\%$$

$$\text{AIE exclusion ratio} = (\text{AIE Property Factor} + \text{AIE Payroll Factor} + \text{AIE Payroll Factor})/3 = (33.33\% + 25\% + 25\%)/3 = 27.78\%$$

$$\text{Income Apportionment Ratio} = \$50 \text{ million} = 71.43\%$$

The exclusion from business income is equal to \$555,554 (\$2,000,000 × 27.78%). Mississippi business taxable income prior to the exclusion is \$1,428,572. Mississippi taxable income is \$973,018 (\$1,428,572 - \$555,554 + \$100,000).

- C) Those businesses that employ a three-factor formula to apportion their business income to Mississippi should calculate a property factor and double-weighted payroll factor and then divide by three. This ratio should then be applied to the Mississippi apportioned income and/or loss as determined by regulation. The result should be that income and/or loss attributed to the AIE. The AIE income will reduce the Mississippi apportioned income as calculated by regulation. An AIE loss will reduce any Mississippi apportioned loss as calculated by regulation.

Example: Assume the same facts as example B except that ABC is a wholesale manufacturer that employs a three-factor formula for apportioning income to this state.

For tax year three, ABC computed the following AIE exclusion ratio:

$$\text{Exclusion Property Factor} = \frac{\text{AIE Property}}{\text{Total MS Property}} = \frac{\$4 \text{ million}}{\$10 \text{ million}} = 40\%$$

$$\text{Exclusion Payroll Factor} = \frac{\text{AIE Area Payroll}}{\text{Total MS Payroll}} = \frac{\$2 \text{ million}}{\$4 \text{ million}} = 50\%$$

$$\text{Income Apport. Receipts Factor} = \frac{\text{MS Business Receipts}}{\text{Total Business Receipts}} = \frac{\$50 \text{ million}}{\$70 \text{ million}} = 71.43\%$$

$$\text{Income Apport. Payroll Factor} = \frac{\text{MS Payroll}}{\text{Total Company Payroll}} = \frac{\$4 \text{ million}}{\$8 \text{ million}} = 50\%$$

$$\text{Income Apport. Property Factor} = \frac{\text{Total MS Business Property}}{\text{Total Bs. Prop. Everywhere}} = \frac{\$10 \text{ million}}{\$12 \text{ million}} = 83.33\%$$

$$\text{AIE exclusion ratio} = (\text{AIE Property Factor} + \text{AIE Area Payroll Factor} + \text{AIE Payroll Factor})/3 = (40\% + 50\% + 50\%)/3 = 46.67\%$$

$$\text{Income Apportionment Ratio} = (71.43\% + 50\% + 83.33\%) = 68.25\%$$

Mississippi business income prior to the AIE exclusion = \$1,365,080. The AIE exclusion is equal to \$637,038 ($1,365,080 \times 46.67\%$). Mississippi taxable income is equal to \$828,042 ($\$1,365,080 - \$637,038 + \$100,000$).

- D) Those multi-state businesses employing direct accounting for income tax reporting should calculate a ratio in the same manner as described in C). This ratio should be applied to the direct accounting income and/or loss to determine the amount of income and/or loss attributable to the AIE. The AIE income will reduce the total business income. An AIE loss will reduce the total business loss.
- E) The Commissioner may require another method if it is determined that the apportionment of the income and/or loss as required under A), B), C) or D) inaccurately reflects the income and/or loss generated by an approved AIE.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Aerospace Industry Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach a copy of the MDA certification letter and copy of the MDOR exemption acceptance letter.

The Aerospace Industry Enterprise exemption is authorized under Miss. Code Ann. Sections 57-113-1, et seq.

Revised October 1, 2011

A.17. Entertainment District Incentive

An income tax incentive in the form of a five (5) year accelerated depreciation period is provided for construction and renovation projects of an entertainment facility in a Mississippi entertainment district. A Mississippi Entertainment District is an area designated by a local government in which entertainment services are centered. "Entertainment facility" means any structure that provides entertainment services and shall include a:

- theater
- amphitheater
- golf course
- automobile racetrack
- museum
- zoo
- arena
- stadium
- or similar venue

For receiving the benefit of a five (5) year accelerated depreciation period on construction or renovation projects, the qualifying business must collect two dollars (\$2.00) per ticket, pass or admission. This is in addition to the regular sales tax on amusement services provided for in Miss. Code Ann. Section 27-65-22.

EXCEPTION: Gaming establishments licensed under the gaming control act are not eligible for this incentive..

Establishment of an Entertainment District

The governing authorities of a local government may establish an entertainment district within its boundaries and shall designate the geographical areas in which it is established. Once established the local government shall submit to the Mississippi Department of Revenue (MDOR) an application for approval of the entertainment district.

An application to designate an area as a Mississippi Entertainment District should contain all of the following:

- A copy of the resolution issued by the governing authorities of the local government including the name of the district and the date it is established;
- A map or survey of the entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the residents;
- A general statement of the nature and types of businesses that are or will be located within the entertainment district; and
- Identification of existing entertainment facilities within the entertainment district as well as any proposed establishments along with a time frame for their completion. At least one entertainment facility must be located in the proposed entertainment district or plans for a specific entertainment facility must be included for an application to be approved.

If a local government determines that an Entertainment District which it established no longer qualifies, it may submit a request to the MDOR to have the designation terminated. Upon termination of the entertainment district designation, businesses may no longer apply for the accelerated depreciation benefit. However, previously qualified businesses will continue to receive the accelerated depreciation benefit and continue to collect the \$2.00 ticket fee for the remainder of the five (5) years.

Qualifying Business

Once a local government receives approval from the MDOR for an entertainment district, businesses may apply to participate in the MS entertainment district program and receive the accelerated depreciation benefit. In order to qualify the entertainment facility must be 1) located in a Mississippi entertainment district as confirmed by the local government, 2) have construction or renovation of the entertainment facility starting on or after the entertainment district was established, 3) submit an Application for Certification of Economic Incentives to the MDOR, and 4) be approved by the MDOR.

How a Business Applies for the Entertainment District Incentive Certification

The entertainment facility must submit to the Department of Revenue an Application for Certification of Economic Development Incentives, a statement of election to participate in the program, a detailed description of the construction or renovation project including the project's name, a listing of the entertainment services to be provided, and the date they start. Listing of entertainment services should include a description of the types of events, methods by which tickets are sold, and how admission information is tracked. Description of the project should be sufficient to provide for identification of the qualifying assets. A separate application is required for each construction or renovation project with approval of a new project restarting the five (5) year period for collection of the \$2.00 ticket fee.

Once a facility is approved, the qualifying assets are fully depreciated over a period of five (5) years. Sale of the entity owning the assets will not affect the depreciation expense deduction, but sale of a qualifying asset is subject to tax on any gain recognized in the same manner as other assets. Even though a business sells a qualifying asset(s), collection of the \$2.00 ticket fee continues for the full five (5) years.

Collection of the Ticket Fee

When a qualifying business elects to utilize the accelerated depreciation it must impose a two dollar (\$2.00) fee per each ticket, pass, or admission to entertainment events (i.e. service) held at its facility. This fee is in addition to the sales tax on the admission. The fee applies on a per person per admission basis to events and other amusements subject to sales tax under Miss. Code Ann. Section 27-65-22. This includes free events and admissions if sales tax would have applied had a price for admission been charged. However, if it is customary not to charge admission to children under a certain age, then the admission fee will not be applied either.

Collection of the fee is applied on a per admission basis regardless of whether a ticket provides for one time admission or multiple admissions over a period of time, such as a season pass. Similarly, the fee is applied per person regardless of whether admission is sold on an individual or group basis. When a one day event allows for participants once admitted to leave and return without charge, only the initial admission is subject to a fee.

Collection of the fee begins at the later of acceptance by MDOR into the program or the date in which business (i.e. admissions) begins. The accelerated depreciation expense deduction may begin when the taxpayer starts collecting the ticket fee or when the construction/renovation property is placed into service, whichever is later.

Depreciation

A qualifying business may use a five year depreciation system for construction or renovation property. It is the taxpayer's responsibility to determine whether it is most advantageous to utilize the normal depreciation method (i.e. the method normally elected for both federal and state tax purposes) including any immediate expensing under IRC Section 179 or to elect the five year depreciation method described below.

Income tax filings where accelerated depreciation is claimed must include separate schedules for the qualifying assets. Asset schedules need to provide a description of all construction or renovation property placed into service, the cost, date placed into service, a schedule of state and federal depreciation deductions taken, along with a reconciliation of such, and any other information used in making such calculations.

The following depreciation schedule should be used for any property in which the five (5) year accelerated depreciation deduction is made:

Depreciation Method: Straight Line

Recovery Period: 5 Year

Assumption: Property placed in service in middle of the month

Month the Property is Placed in Service:												
Recovery Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Annual Depreciation Rate:												
1	19%	18%	16%	14%	13%	11%	9%	8%	6%	4%	3%	1%
2	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
3	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
4	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
5	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
6	1%	2%	4%	6%	7%	9%	11%	12%	14%	16%	17%	19%

The depreciation for a short tax year is the annual rate of 20% prorated for the number of months the property is deemed in service for the tax year.

The Entertainment District Incentive is authorized under Miss Code Ann. Section 17-29-1 et seq.

Revised October 1, 2011

B. Franchise Tax Incentives

B.1. Franchise Tax Exemption for Growth and Prosperity (GAP Areas)

A franchise tax exemption is available for a period of ten (10) years for certain businesses locating in a GAP area. The eligible businesses include:

- manufacturers
- processors
- distributors
- wholesalers
- services
- warehouses
- research and development
- others as determined by MDA which will create at least ten (10) jobs

EXCEPTIONS: These businesses cannot claim the exemption.

- retail establishments
- gaming businesses or casinos
- electrical generation facilities

The Growth and Prosperity (GAP) Areas Tax Exemption was created to encourage businesses to locate facilities and hire individuals in areas that have thirty percent (30%) or more of the population at or below the federal poverty level according to the most recent official data compiled by the United States Census Bureau or have an unemployment rate that is two hundred percent (200%) of the state's average unemployment rate. A county or supervisor's district applies to MDA to be designated as a GAP Area. After the application has been approved, the GAP Area is issued a certificate of public convenience and necessity. At this time, an eligible business that constructs a new facility or expands an existing facility located in one of these GAP Areas can apply to MDA to be exempted from state and local taxes for a period of ten (10) years or until December 31, 2022, whichever occurs first.

If the business is located in an area that the Governor has declared a disaster area and as a result of that disaster the business is unable to utilize the exemption from state taxes, MDA may extend the exemption for up to two (2) years or until December 31, 2022, whichever occurs first.

State taxes are defined as any sales and use tax on the purchase of component materials, equipment and machinery for the initial construction of a business or an additional expansion of an existing business in the GAP Area, any sales and use tax on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion in a GAP Area, income tax on income generated by the business in the GAP Area and the franchise tax on the value of the capital used, invested or employed by the business in that GAP Area. Local taxes mean any county or municipal ad valorem taxes except for the school, fire and police portions of the tax.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. Such exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with MDA which sets out performance requirements for the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information, necessary to verify the correctness of any exemptions claimed. For more information on the GAP areas, please contact:

Mississippi Development Authority
Financial Resources Division - GAP Program
Post Office Box 849
Jackson, MS 39205

The exemption granted to an entity is based on the value of capital used, invested or employed in its new operation within a GAP Area after it has been designated as an approved business enterprise within the GAP Area by MDA. An entity may have, in addition to an MDA approved business enterprise operating in the GAP Area, other business operations which are located within and/or outside the GAP Area that do not qualify as MDA approved business enterprises. If so, the capital attributable to the GAP Area must be determined separately from its total capital employed in Mississippi.

An apportionment formula comprised of a property and a payroll factor is used to determine the amount of capital attributable to a GAP Area. The numerator of both the property and the payroll factor in A), B), and C) shall be based on the respective property and payroll of the MDA approved business enterprise(s) operating in the GAP Area. The

denominator of the property and payroll factors in A) and B) shall include the respective total company property and payroll. The denominator of the property and payroll factors in C) shall include the respective property and payroll within Mississippi. The factors in A), B), and C) shall be computed on the same type of property, as would be employed for the property included in the factor under the Franchise Tax Laws in Miss. Code Ann. Section 27-13-1 et seq., and payroll as would be employed in the calculation of the payroll factor of a manufacturer in Mississippi as required by Income Tax Regulation, except that no reductions shall be made for general and administrative payroll. The numerators of both the property and payroll factors shall only include that property purchased and payroll in the GAP Area that is necessary to the operation of the approved business enterprise in the GAP Area.

- A) Those businesses whose total business income is assigned to Mississippi by reason of not being taxable in another state shall calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the total company capital base. The result shall be that capital attributed to the GAP Area and will be applied as a reduction to the total company base to determine the taxable capital base.

Example: Corporation XYZ is a domestic corporation not taxable in another state and, therefore, allocates all of its taxable capital to this state. XYZ is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one XYZ received approval from the MDA for an expansion project inside a GAP Area. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one XYZ had GAP Area real and tangible personal property, reported on its books as construction-in-progress, of \$4 million and total company real and tangible personal property of \$20 million. XYZ's total company receipts were \$50 million, and payroll in the GAP Area was zero since the plant was still under construction. XYZ's capital base was \$5 million.

For tax year one, XYZ computed the following GAP Area exclusion ratio.

Property Factor	= $\frac{\text{GAP Area Property}}{\text{Total Company Property}}$	= $\frac{\$4 \text{ million}}{\$20 \text{ million}}$	= 20%
Payroll Factor	= $\frac{\text{GAP Area Payroll}}{\text{Total Co. Payroll}}$	= $\frac{\$0.00}{\text{Total Co. Payroll}}$	= 0.00%

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = 6.67\%$$

Therefore, the exclusion from the capital base was \$5,000,000 * 6.67% = \$333,333.

XYZ's taxable capital base was \$4,667,000 (rounded up) resulting in a tax liability of \$11,667.50.

Example: For tax year three, XYZ has real and tangible personal property in the GAP Area of \$9 million and total company real and tangible personal property of \$25 million. XYZ's total company receipts are \$70 million. Payroll in the GAP Area is \$2 million and total company payroll is \$8 million. XYZ's capital base is \$5.5 million.

For tax year three, XYZ computed the following GAP Area exclusion ratio.

Property Factor	= $\frac{\text{GAP Area Property}}{\text{Total Company Property}}$	= $\frac{\$9 \text{ million}}{\$25 \text{ million}}$	= 36%
Payroll Factor	= $\frac{\text{GAP Area Payroll}}{\text{Total Co. Payroll}}$	= $\frac{\$2 \text{ million}}{\$8 \text{ million}}$	= 25%

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = (36\% + 25\% + 25\%)/3 = 28.66\%$$

Therefore, the exclusion from the capital base is \$5,500,000 * 28.67% = \$1,576,668.50

XYZ's taxable capital base is \$ 3,924,000 (rounded up) resulting in a tax liability of \$9,810.

- B) Those businesses that employ a single factor formula to apportion their business income to this State shall calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the total company capital base. The result shall be that capital attributed to the GAP Area. The GAP Area capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this State to determine the taxable capital base.

Example: Corporation XYZ is a domestic retail sales corporation which is taxable in other states and apportions its taxable capital to this state. In year one XYZ received approval from the MDA for an expansion project, a wholesale distribution center, inside a GAP Area. The GAP Area property was completed in year two. For year three the real and tangible personal property in the GAP Area, Mississippi, and total everywhere is \$9 million, \$21 million and \$25 million respectively. Gross receipts assigned to Mississippi and everywhere are \$50 million and \$70 million respectively. GAP Area, Mississippi, and total company payroll is \$2 million \$6 million, and \$8 million respectively. XYZ's capital base is \$5.5 million.

For tax year three, XYZ computed the following GAP Area exclusion ratio.

$$\text{Property Factor} = \frac{\text{GAP Area Property}}{\text{Total Company Property}} = \frac{\$9 \text{ million}}{\$25 \text{ million}} = 36\%$$

$$\text{Payroll Factor} = \frac{\text{GAP Area Payroll}}{\text{Total Co. Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\%$$

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = (36\% + 25\% + 25\%)/3 = 28.6667\%$$

Therefore, the exclusion from the capital base is \$ 5,500,000 * 28.67% = \$1,576,668.50

XYZ's taxable capital base is computed as follows:

$$\text{Franchise Apportionment Ratio} = \frac{\text{MS receipts} + \text{MS real and tangible personal property}}{\text{rec. everywhere} + \text{real and tangible personal prop. everywhere}} =$$

$$\frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})} = 74.74\%$$

$$(\text{Capital Base} * \text{Franchise Tax Appt. Ratio}) - \text{GAP Area Exclusion} = \text{MS Taxable Capital}$$

$$= (\$5,500,000 * 74.74\%) - \$1,576,668.50 = \$2,534,000 \text{ (rounded up to nearest thousand)} \\ \text{resulting in a tax liability of } \$ 6,335.00$$

- C) Those businesses that employ a three-factor formula to apportion their business income to this state shall calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the Mississippi apportioned capital as regularly calculated. The GAP Area capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this state to determine the taxable capital base.

Example: Assume the same facts as example three except that XYZ corporation is a manufacturer which apportions its income using a three factor formula.

For tax year three, XYZ computed the following GAP Area exclusion ratio.

$$\text{Property Factor} = \frac{\text{GAP Area Property}}{\text{Total MS Property}} = \frac{\$9 \text{ million}}{\$21 \text{ million}} = 42.86\%$$

$$\text{Payroll Factor} = \frac{\text{GAP Area Payroll}}{\text{Total MS Payroll}} = \frac{\$2 \text{ million}}{\$6 \text{ million}} = 33.33\%$$

$$\text{GAP Area Exclusion Ratio} = (\text{GAP Area Property Factor} + \text{GAP Area Payroll Factor} + \text{GAP Area Payroll Factor})/3 = (42.86\% + 33.33\% + 33.33\%)/3 = 36.52\%$$

XYZ's taxable capital base is computed as follows:

$$\text{Franchise Apportion Ratio} = \frac{\text{MS Rec} + \text{MS Real \& Tangible Pers Prop}}{\text{Total Rec.} + \text{Total Real \& Tangible Pers Prop}} = \frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})} = 74.74\%$$

$$(\text{Capital Base} * \text{Franchise Tax Appt. Ratio}) * (1 - \text{GAP Area Exclusion Ratio}) = \text{MS Taxable Capital} = (\$5,500,000 * 74.74\%) * (1 - .37) = \$2,610,000 \text{ (rounded up to nearest thousand) resulting in a tax liability of } \$6,525.00.$$

- D) Those multi-state businesses employing direct accounting for income tax reporting shall employ the method described in paragraph C).
- E) The Commissioner may require another method if he believes that the apportionment of the capital as required under A), B), C) or D) inaccurately reflects the capital employed by an approved business enterprise within a GAP Area.

Each taxpayer will compute its franchise tax liability based on the greater of a) the assessed value of Mississippi real and tangible personal property not located in a GAP area, or b) the taxable capital base as determined above.

The taxpayer shall make available at the Commissioner's request all books, records, or other information, necessary to verify the correctness of any exemptions claimed.

In addition to the property and payroll of the entity, the property and payroll of flow-through entities are included when their assets and receipts are included in the regular Mississippi franchise tax apportionment factors. If an entity that is subject to franchise tax has an interest in a flow-through entity that is entitled to a GAP Area exemption, such GAP Area exemption does extend to a portion of the franchise tax due from its partners or shareholders. It will be necessary to include the property and payroll from flow-through entities in the formulas used in this regulation.

An entity that has an investment in another entity which has qualified, in whole or in part, as an approved business enterprise shall not receive the additional benefit of a holding company exclusion as authorized in Miss. Code Ann. Section 27-13-9(2) as amended.

HOW TO APPLY FOR THE INCENTIVE

Before the exemption can be calculated and taken on the return, application must be made to MDA for designation as a GAP Area business. For all incentives requested, a completed Application for Certification for Economic Incentives must be completed. To be eligible for the GAP exemption, the business should submit a copy of the certification from the MDA and the completed application.

When filing the state income/franchise tax return claiming the exemption, attach

- a schedule showing the calculation of how the exemption was calculated;
- a schedule showing a year by year calculation, including the current year, of all credits taken and any credit carry forward.

The GAP Area Exemption is authorized under Miss. Code Ann. Sections 27-13-5 & 7, 57-80-1 through 57-80-11.

Revised October 1, 2011

B.2. Broadband Technology Tax Credit

A franchise tax credit is available for telecommunications businesses based on a percentage of the cost of equipment used in the deployment of broadband technology.

EXCEPTION: Radio stations, television stations and news organizations are not considered telecommunications businesses and are not eligible to receive this credit.

This incentive was created to encourage telecommunications businesses to invest in the infrastructure needed to develop high speed access to the Internet for all counties in the state. Telecommunications businesses that deploy such equipment are eligible for a franchise tax credit based on a percentage of the cost paid to a vendor for any equipment used for the transmission of information at a high speed. To be eligible for the credit, the item(s) must be **SOLD DIRECTLY TO, BILLED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the credit.

Telecommunications businesses are defined as companies engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means. They also include companies engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above mentioned activities.

Qualifying equipment used in the deployment of broadband technologies includes, but is not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

The amount of the credit depends on where the equipment is being deployed or placed in service. In Mississippi, counties are ranked as Tier Three (less developed), Tier Two (moderately developed), and Tier One (developed). The counties are evaluated and ranked each year by the MDOR and are based on the unemployment rate and per capita income of each county for the most recent thirty-six (36) month period. They are then divided into the three (3) previously mentioned groups with one-third (1/3) of the counties in each group. This ranking determines the percentage used to calculate the credit. The ranking for a specific county can change from year to year based on this evaluation. The credit percentage amount for each county ranking is as follows:

<u>County Ranking</u>	<u>Credit Percentage Amount</u>
Tier One (developed)	5%
Tier Two (moderately developed)	10%
Tier Three (less developed)	15%

This credit is available from July 1, 2003, through June 30, 2020. The annual credit is available beginning in the year the equipment is placed in service and may be taken for that equipment each year for the following nine (9) years. The total amount of credit taken in any one (1) year is only allowed against fifty percent (50%) of the aggregate income and franchise tax liability for that year. Any excess credit amount can be carried forward for up to ten (10) consecutive years from the close of the original year in which the excess credit could not be used. The total amount of credits taken over the ten (10) consecutive year period cannot exceed one hundred percent (100%) of the original investment in the equipment. This credit is not refundable. The expense may not be used as both a credit and a deduction. If the expense is taken both as a credit and as a deduction, then the amount of the credit taken must be added back to Mississippi taxable income in the year the credit is used.

HOW TO APPLY FOR THE INCENTIVE

Before the credit can be claimed, the company must complete the Application for Certification for Economic Incentives and attach a letter explaining the reason the business is eligible to claim the credit and the types of purchases that qualify for the credit. These should then be forwarded to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach:

- a schedule showing the cost and description of the equipment being deployed and the county or counties in which

the equipment was deployed that gave rise to the credit for the current period; and

- a schedule showing a year by year calculation, including the current year, of all credits taken and any credits carry forward.

The Broadband Technology Tax Credit is authorized under Miss. Code Ann. Sections 57-87-5 & 57-73-21.

Revised October 1, 2011

B.3. Franchise Tax Exemption for Clean Energy Business Enterprises

A franchise tax exemption is available for a ten (10) year period to certain clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and the creation of two hundred fifty (250) new, full-time jobs. The clean energy business enterprise must own or operate a facility that manufactures or assembles systems or components used in the generation of clean energy.

The Clean Energy Business Enterprises Exemption is an incentive created to induce companies developing the field of clean energy to locate or expand their facilities in Mississippi. Clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and also create two hundred fifty (250) new, full-time jobs may be eligible for the exemption. Clean energy includes energy generated from either a renewable energy source such as wind, water, biomass or solar or an alternative energy source such as nuclear. Biomass includes the following:

- Forest-related mill residues, pulping by-product and other by-products of wood processing, thinnings, slash, limbs, bark, brush and other cellulosic plant material or non-merchantable forest-related products;
- Solid wood waste materials, including dunnage, manufacturing and construction wood wastes, demolition and storm debris and landscape or right-of-way trimmings; and
- Agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar and other crop by-products or residues and livestock waste nutrients
- All plant and grass material that is grown exclusively as a fuel for the production of electricity
- Refuse derived fuels consisting of organic components and fibers of waste water treatment solids; or
- Whole trees.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

The incentive is not available to businesses that move from one location within this state to another location within this state. The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with the MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information necessary to verify the correctness of the exemptions claimed. For more information on the application process for the Franchise Tax Exemption for Clean Energy Business Enterprises, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a

direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the period of time by which the minimum requirements must be met and duration of the exemption from state taxes for not more than two (2) years.

The exemption granted to an entity is based on the value of capital used, invested or employed in its new operation as a clean energy business (CEB) after it has been designated and approved by MDA. An entity may have, in addition to an MDA approved CEB, other business operations that do not qualify as MDA approved business enterprises. If so, the capital attributable to the CEB must be determined separately from its total capital employed in Mississippi.

An apportionment formula comprised of a property and a payroll factor is used to determine the amount of capital attributable to the CEB. The numerator of both the property and the payroll factor in A), B), and C) shall be based on the respective property and payroll of the MDA approved CEB. The denominator of the property and payroll factors in A) and B) shall include the respective total company property and payroll. The denominator of the property and payroll factors in C) shall include the respective property and payroll within Mississippi. The factors in A), B), and C) shall be computed on the same type of property, as would be employed for the property included in the factor under the Franchise Tax Laws in Miss. Code Ann. Section 27-13-1 et seq., and payroll as would be employed in the calculation of the payroll factor of a manufacturer in Mississippi as required by Income Tax Regulation, except that no reductions shall be made for general and administrative payroll. The numerators of both the property and payroll factors shall only include that property purchased and payroll that is necessary to the operation of the approved CEB.

F) Those businesses whose total business income is assigned to Mississippi by reason of not being taxable for income tax in another state shall calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the total company capital base. The result shall be that capital attributed to the CEB will be applied as a reduction to the total company base to determine the taxable capital base.

Example: Corporation XYZ is a domestic corporation not taxable in another state and, therefore, allocates all of its taxable capital to this state. XYZ is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one XYZ received approval from the MDA for an expansion project as a CEB. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one XYZ had CEB real and tangible personal property, reported on its books as construction-in-progress, of \$4 million and total company real and tangible personal property of \$20 million. XYZ's total company receipts were \$50 million, and payroll in the CEB was zero since the plant was still under construction. XYZ's capital base was \$ 5 million.

For tax year one, XYZ computed the following CEB exclusion ratio.

Property Factor	= $\frac{\text{CEB Property}}{\text{Total Company Property}}$	= $\frac{\$4 \text{ million}}{\$20 \text{ million}}$	= 20%
Payroll Factor	= $\frac{\text{CEB Payroll}}{\text{Total Co. Payroll}}$	= $\frac{\$0.00}{\text{Total Co. Payroll}}$	= 0.00%

$$\text{CEB Exclusion Ratio} = (\text{CEB Property Factor} + \text{CEB Payroll Factor} + \text{CEB Payroll Factor})/3 = 6.67\%$$

Therefore, the exclusion from the capital base was \$ 5,000,000 * 6.67% = \$333,333.

XYZ's taxable capital base was \$ 4, 667,000 (rounded up) resulting in a tax liability of \$11,667.50.

Example: For tax year three, XYZ has real and tangible personal property in the CEB of \$9 million and total company real and tangible personal property of \$25 million. XYZ's total company receipts are \$70 million. Payroll in the CEB is \$2 million and total company payroll is \$ 8 million. XYZ's capital base is \$ 5.5 million.

For tax year three, XYZ computed the following CEB exclusion ratio.

Property Factor	= $\frac{\text{CEB Property}}{\text{Total Company Property}}$	= $\frac{\$9 \text{ million}}{\$25 \text{ million}}$	= 36%
Payroll Factor	= $\frac{\text{CEB Payroll}}{\text{Total Co. Payroll}}$	= $\frac{\$2 \text{ million}}{\$8 \text{ million}}$	= 25%

CEB Exclusion Ratio = (CEB Property Factor + CEB Payroll Factor + CEB Payroll Factor)/3 = (36% + 25% + 25%)/3 = 28.66%

Therefore, the exclusion from the capital base is \$ 5,500,000 * 28.67% = \$1,576,668.50

XYZ's taxable capital base is \$ 3,924,000 (rounded up) resulting in a tax liability of \$9,810.

- G) Those businesses that employ a single factor formula to apportion their business income to this State shall calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the total company capital base. The result shall be that capital attributed to the CEB. The CEB capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this State to determine the taxable capital base.

Example: Corporation XYZ is a domestic retail sales corporation which is taxable in other states and apportions its taxable capital to this state. In year one XYZ received approval from the MDA for an expansion project as a CEB. The CEB property was completed in year two. For year three the real and tangible personal property of the CEB, Mississippi, and total everywhere is \$9 million, \$21 million and \$25 million respectively. Gross receipts assigned to Mississippi and everywhere are \$50 million and \$70 million respectively. CEB, Mississippi, and total company payroll is \$2 million \$6 million, and \$8 million respectively. XYZ's capital base is \$5.5 million.

For tax year three, XYZ computed the following CEB exclusion ratio.

Property Factor	= $\frac{\text{CEB Property}}{\text{Total Company Property}}$	= $\frac{\$9 \text{ million}}{\$25 \text{ million}}$	= 36%
Payroll Factor	= $\frac{\text{CEB Payroll}}{\text{Total Co. Payroll}}$	= $\frac{\$2 \text{ million}}{\$8 \text{ million}}$	= 25%

CEB Exclusion Ratio = (CEB Property Factor + CEB Payroll Factor + CEB Payroll Factor)/3 = (36% + 25% + 25%)/3 = 28.6667%

Therefore, the exclusion from the capital base is \$ 5,500,000 * 28.67% = \$1,576,668.50

XYZ's taxable capital base is computed as follows:

Franchise Apportionment Ratio = $\frac{\text{MS receipts} + \text{MS real and tangible personal property}}{\text{Rec. everywhere} + \text{real and tangible personal prop. everywhere}}$ =

$$\frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})} = 74.74\%$$

(Capital Base * Franchise Tax Appt. Ratio) – CEB Exclusion = MS Taxable Capital

= (\$5,500,000 * 74.74%) - \$1,576,668.50 = \$2,534,000 (rounded up to nearest thousand)
resulting in a tax liability of \$ 6,335.00

- H) Those businesses that employ a three-factor formula to apportion their business income to this state shall calculate

a property factor and a double-weighted payroll factor and then divide by three. This ratio shall then be applied to the Mississippi apportioned capital as regularly calculated. The CEB capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this state to determine the taxable capital base.

Example: Assume the same facts as example three except that XYZ corporation is a manufacturer which apportions its income using a three factor formula.

For tax year three, XYZ computed the following CEB exclusion ratio.

Property Factor	= $\frac{\text{CEB Property}}{\text{Total MS Property}}$	= $\frac{\$9 \text{ million}}{\$21 \text{ million}}$	= 42.86%
Payroll Factor	= $\frac{\text{CEB Payroll}}{\text{Total MS Payroll}}$	= $\frac{\$2 \text{ million}}{\$6 \text{ million}}$	= 33.33%

CEB Exclusion Ratio = (CEB Property Factor + CEB Payroll Factor + CEB Payroll Factor)/3 = (42.86% + 33.33% + 33.33%)/3 = 36.52%

XYZ's taxable capital base is computed as follows:

Franchise Apportion Ratio = $\frac{\text{MS Rec} + \text{MS Real \& Tangible Pers Prop}}{\text{Total Rec.} + \text{Total Real \& Tangible Pers Prop}}$ = $\frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})}$ = 74.74%

(Capital Base * Franchise Tax Appt. Ratio) * (1 - CEB Exclusion Ratio) = MS Taxable Capital = (\$5,500,000 * 74.74%) * (1 - .37) = \$2,610,000 (rounded up to nearest thousand) resulting in a tax liability of \$ 6,525.00.

- I) Those multi-state businesses employing direct accounting for income tax reporting shall employ the method described in paragraph C).
- J) The Commissioner may require another method if he believes that the apportionment of the capital as required under A), B), C) or D) inaccurately reflects the capital employed by an approved CEB.

Each taxpayer will compute its franchise tax liability based on the greater of a) the assessed value of Mississippi real and tangible personal property not owned by the CEB, or b) the taxable capital base as determined above.

The taxpayer shall make available at the Commissioner's request all books, records, or other information, necessary to verify the correctness of any exemptions claimed.

In addition to the property and payroll of the entity, the property and payroll of flow-through entities are included when their assets and receipts are included in the regular Mississippi franchise tax apportionment factors. If an entity that is subject to franchise tax has an interest in a flow-through entity that is entitled to the CEB exemption, such CEB exemption does extend to a portion of the franchise tax due from its partners or shareholders. It will be necessary to include the property and payroll from flow-through entities in the formulas used in this regulation.

An entity that has an investment in another entity which has qualified, in whole or in part, as an approved business enterprise shall not receive the additional benefit of a holding company exclusion as authorized in Miss. Code Ann. Section 27-13-9(2) as amended.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:

- the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Clean Energy Business Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach a copy of the MDA certification letter and copy of the MDOR exemption acceptance letter.

The Franchise Tax Exemption for Clean Energy Business Enterprises is authorized under Miss. Code Ann. Section 57-113-1 et seq.

Revised October 1, 2011

B.4. Franchise Tax Exemption for Aerospace Industry Enterprises

A franchise tax exemption is available for a period of ten (10) years for businesses that manufacture or assemble products for use in the aerospace industry, or that provide research and development or training services to the aerospace industry, that locate or expand in Mississippi. The business must invest a minimum of thirty million dollars (\$30,000,000) and create at least one hundred (100) new, full-time jobs in Mississippi.

The Aerospace Industry Enterprises (AIE) Exemption is an incentive created to induce companies to locate or expand their manufacturing facilities in Mississippi. The incentive is also available to businesses that offer research and development or training services in the aerospace industry that locate or expand in the state. The business must make a minimum capital investment in Mississippi of thirty million dollars (\$30,000,000), and must also create a minimum of one hundred (100) new, full-time jobs in Mississippi. The aerospace industry is the industry that researches, designs, manufactures, repairs, operates and/or maintains vehicles that move through the air and space.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with the MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information necessary to verify the correctness of the exemptions claimed. For more information on the application process for the Franchise Tax Exemption for Aerospace Industry Enterprises, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business is unable to use the exemption from state taxes, the MDA may extend the period of time during which the minimum requirements must be met and the exemption may be taken for a period of time not to exceed two (2) years.

The exemption granted to a business is based on the value of capital used, invested or employed in its new AIE after it has been designated as an approved AIE by the MDA. A business may have, in addition to the MDA-approved AIE, other business operations that are not MDA-approved AIEs. These operations do not qualify as MDA-approved business operations, and, therefore, are not allowed the exemption. Therefore, the capital attributable to the AIE must be identified separately from its total capital employed in Mississippi.

An apportionment formula comprised of a property and a payroll ratio is used to determine the amount of capital attributable to the AIE. The numerator of both the property and the payroll ratio in A), B), and C) is based on the respective property and payroll of the MDA-approved AIE. The denominator of the property and payroll ratios in A) and B) includes the respective total business property and payroll. The denominator of the property and payroll ratios in C)

includes the respective property and payroll within Mississippi. The ratios in A), B), and C) are computed on the same type of property as would be employed for the property included in the ratio under the Franchise Tax Laws, Miss. Code Ann. Sections 27-13-1, *et seq.*, and payroll as would be employed in the calculation of the payroll ratio of a manufacturer in Mississippi as required by Income Tax regulation, except that no reductions shall be made for general and administrative payroll. The numerators of both the property and payroll ratios include only that property purchased and payroll that are necessary to the operation of the AIE.

- F) Those businesses whose total business income is assigned to Mississippi for Mississippi income tax purposes by reason of not being taxable in another state should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the total business capital base. The result is the capital attributable to the AIE and will be applied as a reduction to the total company base to determine the taxable capital base.

Example: Corporation XYZ is a domestic corporation not taxable in another state and, therefore, allocates all of its taxable capital to this state. XYZ is subject to both state income and franchise taxes and files its returns on a calendar year basis. In year one ABC received approval from the MDA for an AIE expansion project. Construction of the new facility began in November of that year, and was completed in July of year three.

For tax year one ABC had real and tangible personal AIE property, reported on its books as construction-in-progress, of \$4 million, and total company real and tangible personal property of \$20 million. XYZ's total business receipts were \$50 million, and payroll for the AIE was zero since the plant was still under construction. XYZ's capital base was \$5 million.

For tax year one, XYZ computed the following AIE exclusion ratio:

$$\begin{aligned} \text{Property Factor} &= \frac{\text{AIE Property}}{\text{Total Company Property}} = \frac{\$4 \text{ million}}{\$20 \text{ million}} = 20\% \\ \text{Payroll Factor} &= \frac{\text{AIE Payroll}}{\text{Total Company Payroll}} = \frac{\$0.00}{\text{Total Company Payroll}} = 0\% \end{aligned}$$

$$\text{AIE ratio} = (\text{AIE Property Factor} + \text{AIE Payroll Factor} + \text{AIE Payroll Factor})/3 = 6.67\%.$$

Therefore, the exclusion from the capital base was $\$5,000,000 \times 6.67\% = \$333,333$.

XYZ's taxable capital base was \$4,667,000 (rounded up) resulting in a tax liability of \$11,667.50.

Example: For tax year three, XYZ has real and tangible personal AIE property of \$9 million and total company real and tangible personal property of \$25 million. XYZ's total company receipts are \$70 million. AIE payroll is \$2 million and total company payroll is \$8 million. XYZ's capital base is \$5.5 million.

For tax year three, XYZ computed the following AIE exclusion ratio:

$$\begin{aligned} \text{Property Factor} &= \frac{\text{AIE Property}}{\text{Total Company Property}} = \frac{\$9 \text{ million}}{\$25 \text{ million}} = 36\% \\ \text{Payroll Factor} &= \frac{\text{AIE Payroll}}{\text{Total Company Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\% \end{aligned}$$

$$\text{AIE exclusion ratio} = (\text{AIE Property Factor} + \text{AIE Payroll Factor} + \text{AIE Payroll Factor})/3 = (36\% + 25\% + 25\%)/3 = 28.66\%.$$

Therefore, the exclusion from the capital base is $\$5,000,000 \times 28.67\% = \$1,576,668.50$

XYZ's taxable capital base is \$3,924,000 (rounded up) resulting in a tax liability of \$9,810.

- G) Those businesses that employ a single ratio formula to apportion their business income to Mississippi should calculate a property factor and a double-weighted payroll factor and then divide by three. This ratio should then be applied to the total company capital base. The result is the capital attributable to the AIE. The AIE capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this state to determine the taxable capital base.

Example: Corporation XYZ is a domestic retail sales corporation which is taxable in other states and apportions its taxable capital to this state. In year one XYZ received approval from the MDA for an AIE expansion project, a wholesale distribution center. The AIE property was completed in year two. For year three the AIE real and tangible personal property, Mississippi real and tangible personal property, and total real and tangible personal property everywhere are \$9 million, \$21 million and \$25 million, respectively. Gross receipts assigned to Mississippi and everywhere are \$50 million and \$70 million, respectively. AIE, Mississippi, and total company payroll are \$2 million, \$6 million and \$8 million, respectively. XYZ's capital base is \$5.5 million.

For tax year three, XYZ computed the following AIE exclusion ratio:

$$\text{Property Factor} = \frac{\text{AIE Property}}{\text{Total Company Property}} = \frac{\$9 \text{ million}}{\$25 \text{ million}} = 36\%$$

$$\text{Payroll Factor} = \frac{\text{AIE Payroll}}{\text{Total Company Payroll}} = \frac{\$2 \text{ million}}{\$8 \text{ million}} = 25\%$$

$$\text{AIE exclusion ratio} = (\text{AIE Property Factor} + \text{AIE Payroll Factor} + \text{AIE Payroll Factor})/3 = (36\% + 25\% + 25\%)/3 = 28.6667\%$$

Therefore, the exclusion from the capital base is $\$5,500,000 \times 28.67\% = \$1,576,668.50$.

XYZ's taxable capital base is computed as follows:

$$\begin{aligned} \text{Franchise Apportionment Ratio} &= \frac{\text{MS receipts} + \text{MS real and tangible personal property}}{\text{Rec. everywhere} + \text{real and tangible personal prop. everywhere}} = \\ &= \frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})} = 74.74\% \end{aligned}$$

$$(\text{Capital Base} \times \text{Franchise Tax Appt. Ratio}) - \text{AIE exclusion} = \text{MS Taxable Capital} = (\$5,500,000 \times 74.74\%) - \$1,576,668.50 = \$2,534,000 \text{ (rounded up to nearest thousand) resulting in a tax liability of } \$6,335.$$

- H) Those businesses that employ a three-factor formula to apportion their business income to Mississippi should calculate a property factor and double-weighted payroll factor and then divide by three. This ratio should then be applied to the Mississippi apportioned capital as regularly calculated. The AIE capital will be applied as a reduction to the Mississippi capital as otherwise apportioned to this state to determine the taxable capital base.

Example: Assume the same facts as example B except that XYZ is a manufacturer that apportions its income using a three-factor formula.

For tax year three, XYZ computed the following AIE exclusion ratio:

$$\text{Property Factor} = \frac{\text{AIE Property}}{\text{Total MS Property}} = \frac{\$9 \text{ million}}{\$21 \text{ million}} = 42.86\%$$

$$\text{Payroll Factor} = \frac{\text{AIE Area Payroll}}{\text{Total MS Payroll}} = \frac{\$2 \text{ million}}{\$6 \text{ million}} = 33.33\%$$

$$\text{AIE exclusion ratio} = (\text{AIE Property Factor} + \text{AIE Area Payroll Factor} + \text{AIE Payroll Factor})/3 = (42.86\% + 33.33\% + 33.33\%)/3 = 36.52\%$$

XYZ's taxable capital base is computed as follows:

$$\begin{aligned} \text{Franchise Apportionment Ratio} &= \frac{\text{MS receipts} + \text{MS real and tangible personal property}}{\text{Rec. everywhere} + \text{real and tangible personal prop. everywhere}} = \\ &= \frac{(\$50 \text{ million} + \$21 \text{ million})}{(\$70 \text{ million} + \$25 \text{ million})} = 74.74\% \end{aligned}$$

$$(\text{Capital Base} \times \text{Franchise Tax Appt. Ratio}) \times (1 - \text{AIE exclusion ratio}) = \text{MS Taxable Capital} = (\$5,500,000 \times 74.74\%) \times (1 - .37) = \$2,610,000 \text{ (rounded up to nearest thousand) resulting in a tax liability of } \$6,525.$$

- I) Those multi-state businesses employing direct accounting for income tax reporting should employ the method described in paragraph c).
- J) The Commissioner may require another method if it is determined that the apportionment of the capital as required under A), B), C) or D) inaccurately reflects the capital employed by an approved AIE.

Each taxpayer will compute its franchise tax liability based on the greater of: a) the assessed value of Mississippi real and tangible personal property that is not AIE property, or b) the taxable capital base as determined above.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Aerospace Industry Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR.

When filing the state income/franchise tax return claiming the credit, attach a copy of the MDA certification letter and copy of the MDOR exemption acceptance letter.

The Aerospace Industry Enterprise exemption is authorized under Miss. Code Ann. Sections 57-113-1, et seq.

Revised October 1, 2011

C.Sales / Use Tax Incentives

C.1. Sales / Use Tax Exemption for Construction or Expansion

A sales and/or use tax exemption is available for the construction or expansion of certain businesses. Eligible business includes:

- manufacturers • customer processors • data/information enterprises • technology intensive enterprises

A sales and use tax exemption is available for the construction of a new facility or the expansion of an existing facility for manufacturers or processors within this state and for data/information enterprises and technology intensive enterprises that construct a new facility or expand an existing facility in this state. Businesses that construct or expand a facility are eligible for an exemption of sales and use taxes only on component materials used in the construction, addition or improvement to a building and the machinery and equipment to be used therein. Data/information and technology intensive enterprises must be designated as such by the Mississippi Development Authority (MDA) and a copy of the certification notice must be attached to any application for exemption.

The incentive is to encourage certain businesses to construct new facilities or expand existing facilities. It is not available to businesses that modernize a facility or keep open (or re-open) an existing facility. It is also not available to businesses that move from one location within this state to another location within this state. The construction of a new facility includes the actual "bricks and mortar" construction of a new building or the expansion of an existing facility that has been purchased by a business establishing a new presence in the area.

The expansion of an existing facility may include such projects as the addition of another line of manufacturing, actual "bricks and mortar" construction of additional space or additional equipment and space to greatly increase current business operations. The exemption is not available to a manufacturer or custom processor that only adds or increases office space. An expansion does not include the normal hiring of additional personnel, replacing old equipment or upgrading current equipment for a more efficient operation.

The amount of the exemption, one-half (50%) or full (100%), depends on where the facility is located. In Mississippi, counties are ranked as Tier Three (less developed), Tier Two (moderately developed), and Tier One (developed). The counties are evaluated and ranked each year by the MDOR and are based on the unemployment rate and per capita income of each county for the most recent thirty six (36) month period. They are then divided into the three (3) previously mentioned groups with one-third ($\frac{1}{3}$) of the counties in each group. This ranking is used to determine whether the exemption will be a full exemption or a one-half ($\frac{1}{2}$) exemption. The ranking for a specific county can change from year to year based on this evaluation. The exemption amount for each county ranking is as follows:

<u>County Ranking</u>	<u>Exemption Amount</u>
Tier One (developed)	one-half (50%)
Tier Two (moderately developed)	one-half (50%)
Tier Three (less developed)	full (100%)

Normally, planned construction or addition to the building structure is required before the exemption is granted. If an existing facility is not physically expanded, but production lines are added that will increase employment, then the exemption may be granted. These will be considered on a case by case basis. The taxpayer should write a letter explaining the circumstance and a justification to request the exemption. The more detail in understanding the planned expansion, the easier the approval process will be.

When a construction contractor builds a facility, the construction contractor may also sell and install manufacturing machinery as it relates to the construction or expansion of the facility. In this specific situation, the contractor may be treated as both a construction contractor and a retailer of the manufacturing machinery. The exemption, whether full or half, may apply only for the sale and installation of the manufacturing machinery.

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities and is not passed on to the customer except as a part of overhead costs. This tax amount may be built into the contract

amount computed by the contractor and cannot be broken out as a separate line item. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract except for manufacturing machinery and its related installation as described above. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD DIRECTLY TO, BILLED or INVOICED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the exemption.

The exemption is for the period beginning with the date purchases are made for the expansion or construction through three (3) months after the initial startup date. Only component materials used in the construction, addition or improvement to a building and the machinery and equipment to be used therein are exempt from sales or use tax. The exemption is for the retail rate of machinery and equipment, either seven percent (7%) or one and one-half percent (1½%). The exemption does not cover tagged vehicles, ongoing expenses or supply items. The exemption does not cover contractor's tax at three and one-half percent (3½%).

Any business that was eligible for either a full or partial sales tax exemption on initial construction or expansion that is destroyed or extensively damaged as the result of a disaster declared by the Governor may be eligible for the same exemption on replacement, reconstruction or repair of a building and replacement of machinery or equipment damaged or destroyed in the disaster.

HOW TO APPLY FOR THE INCENTIVE

Before construction is begun, the business must be certified as eligible for the exemption by the MDOR. To be certified as eligible for the exemption, the business must submit the following:

- for companies requiring MDA approval, a copy of the approval letter from MDA;
- a completed Application for Certification for Economic Incentives;
- a detailed letter with a description of the type of business and the type of construction or expansion, any addition to the facility to justify the request for the exemption;
- a completed Registration Application for a use tax account (only if one has not already been assigned);
- a completed Application for Direct Pay Permit.

After all the required information has been submitted and the exemption approved, the business will receive a letter acknowledging the county designation, the amount of the exemption and the time period for the exemption. The construction or expansion must begin within one (1) year of the approval of certification. A letter of denial will be sent if the exemption is not approved.

The Direct Pay Permit number should be furnished to ALL vendors so that the retail sales or use tax will not be charged on ANY purchases. The correct tax, if any is due, would then be remitted directly to the MDOR. For qualified purchases during the construction or expansion period, the correct tax would be either exempt or zero percent (0%) or the one-half (50%) exemption. If the one-half (50%) exemption is granted, then report the value of the qualified purchases at 50% of the true value and use the regular tax code and the normal tax rate on the use tax return. For businesses which receive a Direct Pay Permit for the incentive only, the permit will no longer be effective and will stand rescinded when the project is complete. After this date, tax will be remitted to all vendors in the normal course of business.

As stated before, the Direct Pay Permit cannot be used with nor does the exemption apply to the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The Sales / Use Tax Exemption for Construction or Expansion is authorized under Miss. Code Ann. Sections 27-65-101 (1) (g), (ff), (gg), (hh); 27-65-101 (2), (3), (4), (6) & 57-73-21.

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C.2. Sales / Use Tax Exemption for Transfer of National or Regional Headquarters

A sales and/or use tax exemption is available to an eligible business that creates or transfers its national or regional headquarters for component materials used in the construction, addition or improvement of a building and machinery and equipment for use in the facility. A minimum number of twenty (20) new headquarters jobs must be assigned to receive the exemption. The exemption is available to all types of businesses.

EXCEPT FOR:

- a business that transports, handles, stores, processes or disposes of hazardous waste, or
- any national or regional SALES office.

The exemption related to the Transfer of National or Regional Headquarters is an incentive created to induce companies to establish or transfer their headquarters in Mississippi. The transfer or establishment of a national or regional headquarters must create a minimum of twenty (20) jobs within one (1) year. These jobs must include officers and other high level employees, along with the support staff normally associated with a headquarters. The support staff are those full-time employees required to assist management and other headquarters personnel to perform functions that are unique to, or required by, the operation of the headquarters. The classification of support personnel as headquarters employees is dependent on their duties being in direct relationship to the functions of the office or facility. Employees who are physically present at the location, but whose work is not related to the office functions of the headquarters, such as salesmen, truck drivers, janitors, etc., are not considered headquarters personnel and may not be counted toward the minimum twenty (20) jobs to be created.

A national headquarters is that office or location of a multi-state business where managerial, professional, technical and administrative personnel are domiciled and employed. It is the location where the centralized functions such as financial, legal, technical and personnel functions are performed. The function and purpose of the national headquarters is to plan, direct and control all aspects of the organization's operations and it has final authority over all regional offices, operating facilities or any other offices of the business enterprise. The national headquarters is subordinate only to the ownership of the organization or its representatives.

A regional headquarters is one of several management offices or facilities of a multi-state business that is responsible for planning, directing and controlling all aspects of the business operations within a sub-divided area of the United States. A regional headquarters performs a function that is separate from the management of operational facilities within the region. A regional headquarters performs functions similar to the national headquarters, but within a more limited area. It has final authority over all matters within its region and is subordinate only to the national headquarters.

The full exemption is on component materials used in the construction, addition or improvement to a building and the machinery and equipment to be used therein. To be eligible for the exemption, the item(s) must be purchased by the business receiving the exemption. Component materials cannot be purchased through the construction contractor.

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities and is not passed on to the customer except as a part of overhead costs. This tax amount must be built into the contract amount computed by the contractor and cannot be broken out as a separate line item. If component materials or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor and included in the construction contract amount, and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, the exempt items must be **SOLD DIRECTLY TO, BILLED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the exemption.

The exemption is for the period beginning with the initial date purchases are made for the expansion or construction through three (3) months after the completion of the building, addition or improvement. Only component materials used in the construction, addition or improvement to a building and the machinery and equipment to be used therein are exempt from sales or use tax. The exemption is for the retail rate of machinery and equipment, either seven percent (7%) or one and one-half percent (1½%) for manufacturing machinery. The exemption does not cover tagged vehicles,

ongoing expenses or supply items. The exemption does not cover contractor's tax at three and one-half percent (3½%).

Any business that was eligible for the exemption on initial construction, addition or improvement that is destroyed or extensively damaged as the result of a disaster declared by the Governor may be eligible for the same exemption on replacement, reconstruction or repair of a building and replacement of machinery or equipment damaged or destroyed in the disaster.

HOW TO APPLY FOR THE INCENTIVE

Before construction is begun, the business must be certified as eligible for the exemption by the MDOR. To be certified as eligible for the exemption, the business must submit the following:

- a completed Application for Certification for Economic Incentives;
- a completed Registration Application for a use tax account (if one has not already been assigned);
- a completed Application for Direct Pay Permit;
- a list of all facilities (in MS and outside MS) operating under the company's name;
- a description of the activity that would justify the headquarters status; and
- a list of the twenty (20) jobs associated with the headquarters, including such information as:
 - title of each job;
 - purpose or description of each job;
 - education requirements for each job;
 - experience requirements for each job; and
 - salary or compensation amount.

After all the required information has been submitted and the exemption approved, the business will receive a letter certifying the designation of a headquarters and the time period for the exemption. A letter of denial will be sent if the application is not approved.

The Direct Pay Permit number should be furnished to ALL vendors so that the retail sales or use tax will not be charged on ANY purchases. The correct tax, if any is due, should then be remitted directly to the DOR by the business. For qualified purchases during the construction or expansion period, the correct tax would be exempt or 0%. For businesses which receive a Direct Pay Permit for the incentive only, the permit will no longer be effective and will stand rescinded when the project is complete. After the completion date, tax will be remitted to all vendors in the normal course of business.

The Direct Pay Permit cannot be used with nor does the exemption apply to the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The Sales / Use Tax Exemption for Transfer of National / Regional Headquarters is authorized under Miss. Code Ann. Sections 27-65-101(1)(r) and (hh).

Revised October 1, 2011

C.3. Sales / Use Tax Exemption for Bond Financing

A sales and/or use tax exemption is available for an eligible business that has obtained bond financing through the MBFC. The type of eligible businesses depends upon what type of bond is being issued.

The Mississippi Development Authority (MDA) and the Mississippi Business Finance Corporation (MBFC), administer a variety of finance programs that are intended to promote economic growth and increase employment in Mississippi. Through these finance programs, certain qualified businesses may obtain bond financing for construction or expansion in Mississippi. Purchases using bond proceeds for items such as machinery and equipment, and component building materials may be exempt from sales and use tax. To be eligible for the exemption, the item(s) must be **SOLD DIRECTLY TO, BILLED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the exemption. Component materials cannot be purchased through the construction contractor.

MDA or MBFC determines whether a business qualifies for financing under these programs and the MDOR determines how the exemption is applied. The bonds must be issued within eighteen (18) months of the ground breaking or an extension must be requested by the business addressed to the MDOR.

The exemption covers all purchases of component building materials and other items of tangible personal property and services paid for with bond proceeds when such purchases are made to establish the project. The purchases must be made directly by the entity that has been induced by MBFC. The exemption does not cover tagged vehicles or ongoing expenses and supply items that are not purchases required to establish the facility.

The exemption does not cover contractor's tax at three and one-half percent (3½%). Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of who the owner of the project is. If component materials, or machinery and equipment (but not manufacturing machinery) are purchased through a construction contractor, then the exemption is lost on any items included in the contract, except for manufacturing machinery that is normally taxed at the one and one-half percent (1½%) rate. Only in this circumstance may the contractor serve a dual function and be treated as both a construction contractor and a dealer of manufacturing machinery.

The bonds that qualify for the exemptions are authorized by:

1. Sections 57-10-1 et seq., Miss. Code Ann., and is known by the short title of "Small Business Assistance".
2. Sections 57-61-1 et seq., Miss. Code Ann., and is known by the short title of the "Mississippi Business Investment Act".
3. Sections 57-71-1 et seq., Miss. Code Ann., and is known by the short title of the "Mississippi Small Enterprise Development Finance Act".

SMALL BUSINESS ASSISTANCE

Bonds issued under this program are administered by the Mississippi Business Finance Corporation. Industrial Revenue Development Bonds are authorized under Miss. Code Ann. Sections 57-10-201 through 57-10-261, and the Rural Economic Development Bonds (RED Bonds) are authorized under Miss Code Ann. Sections 57-10-401 through 57-10-445.

For Industrial Revenue Bonds, the recipient must be a "for profit" company. Only in very limited circumstance will a non-profit company qualify. Both income tax-exempt and taxable bonds are issued. Only businesses engaged in manufacturing or processing may qualify for the tax-exempt bonds. For taxable bonds, the following businesses may qualify: companies which manufacture, process, store, warehouse assemble or distribute agricultural, mining or industrial products; research and development enterprises; offices used to manage, supervise or service a manufacturing operation; any commercial enterprise.

For RED Bonds, the recipients must be manufacturing or processing companies, certain warehouse and distribution centers, certain telecommunication and data processing companies, multi-state national or regional headquarters,

certain research and development and technology intensive enterprises. The proceeds used to finance fixed assets at below market interest rates for terms of up to twenty-five (25) years.

The sales and use tax exemption is for all purchases, including leases, necessary to establish the enterprise that are made with bond funds.

MISSISSIPPI BUSINESS INVESTMENT ACT

This program is administered by the MDA. It is a program designed for making low interest loans to counties and incorporated cities or towns ("Local Sponsors") to finance improvements necessary to complement investments by private companies which create and maintain new full-time jobs. The bonds issued are general obligations bonds of the State of Mississippi.

There is also a provision to make temporary borrowings that are in anticipation of the issuance of the bonds authorized by this chapter. It appears that this exemption for the temporary borrowings was intended to mirror the exemption for the bonds and will be treated the same way.

Agricultural, industrial, manufacturing, aquacultural or maricultural, tourism, service, regional shopping malls and research and development projects may be eligible for the assistance. To be eligible, the project must be located in Mississippi, a private match of at least \$3.00 for every \$1.00 of state assistance is required, the project must create and maintain new jobs as required by statute and MDA, and the project must be necessary for the operation of the company at a specific job generating site.

Loans are evidenced by a promissory note from the Local Sponsor to the State, and a general obligation bond of the Local Sponsor issued to the State in accordance with state laws and the Mississippi Business Investment Act. A project agreement will also require the private company to operate the facility for a minimum period of time, grant a lien on the financed facility, and create and maintain a minimum number of jobs. If the agreement is not fulfilled, the State may require the Local Sponsor and/or the private company to repay the unpaid loan principal with interest and penalties. If necessary, a portion of the Local Sponsor's sales tax and/or homestead exemption reimbursement may be withheld in an amount that is sufficient to repay the obligation.

The sales and use tax exemption is for all purchases of tangible personal property and services to establish the facility that are made with bond funds.

MISSISSIPPI SMALL ENTERPRISE DEVELOPMENT FINANCE ACT

The MBFC makes loans to qualified private companies that will increase employment and investment in the state. If the project is located in the GO Zone area, most commercial businesses are eligible. Only manufacturers and processors are eligible if the project is located outside of the GO Zone.

Loan proceeds may be used for fixed asset financing, including land, buildings, and machinery and equipment with a long life span. Used equipment may not be financed with loan proceeds. Additionally, the loan may not be in excess of ninety percent (90%) of the market value of the financed assets and the loan may not be used to refinance existing debt. The aggregate amount loaned to one borrower may not exceed \$4,000,000 and the term shall not exceed twenty (20) years. The project must create a minimum of ten (10) new jobs. Loans made under this program are eligible for incentives available under the Mississippi Rural Economic Development Assistance Program.

The sales and use tax exemption is for all purchases of tangible personal property and services to establish the facility that are made with bond funds.

HOW TO APPLY FOR THE INCENTIVE

To be certified as eligible for the exemption, the business must submit the following to the MDOR:

- a copy of the bond certificate issued by MBFC;
- a completed Application for Certification for Economic Incentives;
- a completed Registration Application for a use tax account (if one has not been assigned); and

- a completed Application for Direct Pay Permit (if one has not been assigned).

The Direct Pay Permit number should be furnished to vendors so that the retail sales or use tax will not be charged only on the qualified purchases during the construction or expansion period. The correct tax, if any is due, would then be remitted directly to the Mississippi Department of Revenue.

For businesses which receive a Direct Pay Permit for the incentive only, the permit will no longer be effective and will stand rescinded when the project is complete. After this date, tax will be remitted to all vendors in the normal course of business.

The Direct Pay Permit cannot be used with nor does the exemption apply to the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The exemption does not apply to the tax levied under Miss. Code Ann. Section 27-65-24(1)(b).

The Sales / Use Tax Exemption for Bond Financing is authorized by Miss. Code Ann. Sections 57-10-1 et seq., 57-61-1 et seq., and 57-71-1 et seq.

Revised October 1, 2011

C.4. Sales / Use Tax Exemption for Businesses in Growth and Prosperity (GAP) Areas

A sales and/or use tax exemption is available for a qualified business within a Growth and Prosperity (GAP) Area for a ten (10) year period ONLY on component materials, machinery and equipment used in the initial construction or expansion of the business in the GAP Area.

The Growth and Prosperity (GAP) Areas Tax Exemption was created to encourage businesses to locate facilities and hire individuals in areas that have a certain percentage of the population below the federal poverty level or have an unemployment rate that is two hundred percent (200%) of the state's average unemployment rate. A county or supervisor's district applies to MDA to be designated as a GAP Area. After the application has been approved, the GAP Area is issued a certificate of public convenience and necessity. An eligible business that constructs a new facility or expands an existing facility located in one of these GAP Areas can apply to MDA to be exempted from state and local taxes for a period of ten (10) years or until December 31, 2020, whichever occurs first.

If the business is located in an area that the Governor has declared a disaster area and as a result of that disaster the business is unable to utilize the exemption from state taxes, MDA may extend the exemption for up to two (2) years or until December 31, 2020, whichever occurs first. Any business that has property or equipment originally purchased utilizing this sales tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

State taxes from which the business may be exempt are any sales and use tax on the purchase of component materials, equipment and machinery for the initial construction of a business or an expansion of an existing business in the GAP Area, any sales and use tax on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion in a GAP Area, income tax on income generated by the business in the GAP Area and the franchise tax on the value of the capital used, invested or employed by the business in that GAP Area. Local taxes from which the business may be exempt include any county or municipal ad valorem taxes except for those benefitting schools, fire and police.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. Such exemption is not transferable and cannot be applied to, used by or assigned to any other entity. The approved business must also enter into an agreement with MDA that sets out mandatory performance requirements of the business and provisions to recapture any or all of the taxes exempted if these requirements are not met. The business must make available, at the Commissioner's request, all books, records or other information necessary to verify the correctness of any exemptions claimed. For more information on the GAP areas, please contact:

Mississippi Development Authority
Financial Resources Division - GAP Program
Post Office Box 849
Jackson, MS 39205

The sales tax exemption is ONLY on component materials used in the initial construction, addition or improvement to a building and the machinery and equipment used therein. The exemption is for the retail rate on machinery and equipment, either seven percent (7%) or one-and-one-half percent (1½%). To be eligible for the exemption, the item(s) must be **SOLD OR LEASED DIRECTLY TO, OR BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption. The exemption does not cover contractor's tax at three and one-half (3½) percent.

When a construction contractor builds a facility, the construction contractor may also sell and install manufacturing machinery as it relates to the construction or expansion of the facility. In this specific situation, the contractor may be treated as both a construction contractor and a retailer of the manufacturing machinery. The exemption may apply only for the sale and installation of the manufacturing machinery. The manufacturing machinery is taxable at the regular manufacturer's rate of one and one-half percent (1½%).

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of who is the owner of the project. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD OR LEASED DIRECTLY TO, BILLED OR INVOICED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption.

HOW TO APPLY FOR THE INCENTIVE

Before applying to the MDOR for the exemption, application must be made to the MDA to be designated as a GAP Area business. A copy of the certification should be forwarded to the MDOR.

To be certified as eligible for the exemption, the business must submit the following:

- a completed Application for Certification for Economic Incentives;
- a completed Registration Application for a use tax account (if one has not been assigned); and
- a completed Application for Direct Pay Permit (if one has not been assigned).

The Direct Pay Permit number should be furnished to vendors so that the retail sales or use tax will not be charged only on the qualified purchases during the construction or expansion period. The correct tax, if any is due, would then be remitted directly to the MDOR. If the exemption is granted, then report the qualified purchases at the regular value and the 0% tax rate on the use tax return.

For businesses other than manufacturers or other industries which normally do not receive a Direct Pay Permit, an expiration date may be required for the Direct Pay Permit issued for the exemption. After this date, the Direct Pay Permit would no longer be effective and the tax would be remitted to the vendor in the normal course of business.

The Direct Pay Permit cannot be used with, nor does the exemption apply to, the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The exemption does not apply to the tax levied under Miss. Code Ann. Section 27-65-24(1)(b).

The Sales / Use Tax Exemption for Businesses in GAP Areas is authorized under Miss. Code Ann. Sections 27-65-101(1)(v) and 57-80-1 et seq.

Revised October 1, 2011

C.5. Sales / Use Tax Exemptions for Broadband Technology

A sales and/or use tax exemption is available for telecommunication businesses on the purchase of equipment used in the deployment of broadband technology.

EXCEPTION: Radio stations, television stations and news organizations are not considered telecommunication businesses and are not eligible for this exemption.

This incentive was created to encourage telecommunication businesses to invest in the infrastructure needed to develop the high speed access to the Internet for all counties in the state. Telecommunication businesses that deploy such equipment are eligible for an exemption of sales and use taxes on any equipment used for the transmission of information at a high speed. To be eligible for the exemption, the item(s) must be **SOLD DIRECTLY TO, BILLED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the exemption.

Telecommunication businesses are defined as companies engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means. It also includes companies engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above mentioned activities.

Qualifying equipment used in the deployment of broadband technologies includes, but is not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

For the purposes of this exemption, the amount of the exemption, one-half (50%) or full (100%) depends on where the facility is located. In Mississippi, counties are ranked as Tier Three (less developed), Tier Two (moderately developed), and Tier One (developed). The counties are evaluated and ranked each year by the MSTC and are based on the unemployment rate and per capita income of each county for the most recent thirty six (36) month period. They are then divided into the three (3) previously mentioned groups with one-third ($\frac{1}{3}$) of the counties in each group. This ranking is used to determine whether the exemption will be a full exemption or a one-half ($\frac{1}{2}$) exemption. The ranking for a specific county can change from year to year based on this evaluation. The exemption amount for each county ranking is as follows:

<u>County Ranking</u>	<u>Exemption Amount</u>
Tier One (developed)	one-half (50%)
Tier Two (moderately developed)	full (100%)
Tier Three (less developed)	full (100%)

In order to retain the county designation for the county where the equipment shall be deployed, the business must complete the Application for Certification of Economic Incentives. The taxpayer should write a letter explaining the circumstance and a justification to request the exemption. The more detail in understanding the planned expansion, the easier the approval process will be. This should be done prior to the purchasing of any equipment. Normally, planned deployment of the equipment is required before the exemption will be granted.

The exemption is effective beginning July 1, 2003 through June 30, 2013. The exemption is for the retail sales or use tax ONLY on the purchase of equipment used in the deployment of broadband technology. The exemption does not cover contractor's tax at three and one-half percent (3½%).

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of the owner of the project. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD DIRECTLY TO, BILLED or INVOICED DIRECTLY TO and PAID FOR DIRECTLY BY** the business receiving the exemption.

HOW TO CLAIM THE EXEMPTION

To be certified as eligible for the exemption, the business must submit the following:

- a completed Application for Certification for Economic Incentives;
- a detailed letter with a description of the type of deployment being considered and the equipment planning to be purchased, as well as the county or counties in which the equipment will be sent to justify the request for the exemption;
- a completed Registration Application for a use tax account (if one has not been assigned); and
- a completed Application for Direct Pay Permit.

If the exemption is granted, then the Direct Pay Permit number should be furnished to all vendors so that the retail sales or use tax will not be charged. The correct tax on all purchases, except those exempted, would then be remitted directly to the MDOR. If the one-half (50%) exemption is granted, then report the value of the qualified purchases at fifty percent (50%) of the true value and use the regular tax code and the normal tax rate on the use tax return. If the full one hundred percent (100%) exemption is granted, then report the qualified purchases at the full value and use the zero percent (0%) tax rate on the use tax return.

The Direct Pay Permit cannot be used with nor does the exemption apply to the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

For businesses other than manufacturers or other industries which normally do not receive a Direct Pay Permit, an expiration date may be required for the Direct Pay Permit issued for the exemption. After this date, the Direct Pay Permit would no longer be effective and the tax would be remitted to the vendor in the normal course of business.

The Sales / Use Tax Exemption for Broadband Technology is authorized under Miss. Code Ann. Sections 27-65-101 (3), 57-73-21, & 57-87-5.

Revised October 1, 2011

C.6. Sales / Use Tax Exemption for Clean Energy Business Enterprises

A sales or use tax exemption is available for certain clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and the creation of two hundred fifty (250) new, full-time jobs. The clean energy business enterprise must own or operate a facility that manufactures or assembles systems or components used in the generation of clean energy.

The Clean Energy Business Enterprises Exemption is an incentive created to induce companies developing the field of clean energy to locate or expand their facilities in Mississippi. Clean energy business enterprises that locate or expand in this state with a minimum capital investment of fifty million dollars (\$50,000,000) and also create two hundred fifty (250) new, full-time jobs may be eligible for the exemption. Clean energy includes energy generated from either a renewable energy source such as wind, water, biomass or solar or an alternative energy source such as nuclear. Biomass includes the following:

- Forest-related mill residues, pulping by-product and other by-products of wood processing, thinnings, slash, limbs, bark, brush and other cellulosic plant material or non-merchantable forest-related products;
- Solid wood waste materials, including dunnage, manufacturing and construction wood wastes, demolition and storm debris and landscape or right-of-way trimmings; and
- Agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar and other crop by-products or residues and livestock waste nutrients
- All plant and grass material that is grown exclusively as a fuel for the production of electricity
- Refuse derived fuels consisting of organic components and fibers of waste water treatment solids; or
- Whole trees.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

The incentive is not available to businesses that move from one location within this state to another location within this state. The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied, used or assigned to any other entity. The approved business must also enter into an agreement with the MDA which sets out performance requirements of the business that must be met and provisions to recapture any or all of the taxes exempted if the requirements are not met. The business must make available, at the Commissioner's request, all books, records, or other information necessary to verify the correctness of the exemptions claimed. For more information on the application process for the Sales Tax Exemption for Clean Energy Business Enterprises, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

The sales tax exemption is ONLY on component materials used in the initial construction, addition or improvement to a

building and the machinery and equipment used therein. The exemption is for the retail rate on machinery and equipment, either seven percent (7%) or one-and-one-half percent (1½%). To be eligible for the exemption, the item(s) must be **SOLD OR LEASED DIRECTLY TO, OR BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption. The exemption does not cover contractor's tax at three and one-half (3½) percent.

When a construction contractor builds a facility, the construction contractor may also sell and install manufacturing machinery as it relates to the construction or expansion of the facility. In this specific situation, the contractor may be treated as both a construction contractor and a retailer of the manufacturing machinery. The exemption may apply only for the sale and installation of the manufacturing machinery.

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of who is the owner of the project. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD OR LEASED DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption.

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the period of time by which the minimum requirements must be met and duration of the exemption from state taxes for not more than two (2) years. Any business enterprise that has property or equipment purchased utilizing the state tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Clean Energy Business Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR.

To be certified as eligible for the exemption, the business must submit the following:

- a completed Application for Certification for Economic Incentives;
- a completed Registration Application for a use tax account (if one has not been assigned); and
- a completed Application for Direct Pay Permit (if one has not been assigned).

The Direct Pay Permit number should be furnished to vendors so that the retail sales or use tax will not be charged on the qualified purchases during the construction or expansion period. The correct tax, if any is due, should then be remitted directly to the MDOR. .

For businesses other than manufacturers or other industries which normally do not receive a Direct Pay Permit, an expiration date may be required for the Direct Pay Permit issued for the exemption. After this date, the Direct Pay Permit

would no longer be effective and the tax would be remitted to the vendor in the normal course of business.

The Direct Pay Permit cannot be used with, nor does the exemption apply to, the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The exemption does not apply to the tax levied under Miss. Code Ann. Section 27-65-24(1)(b).

The Sales / Use Tax Exemption for Clean Energy Business Enterprises is authorized under Miss. Code Ann. Sections 57-113-1 et seq.

Revised October 1, 2011

C.7. Sales / Use Tax Exemption for Aerospace Industry Enterprises

A sales and/or use tax exemption is available for a business enterprise certified by the MDA as aerospace industry enterprises **ONLY** on the purchase of component building materials and equipment, or the lease of machinery and equipment, used in the initial construction or expansion of the enterprise.

The Aerospace Industry Enterprises Exemption is an incentive created to induce companies to locate or expand their manufacturing facilities in Mississippi. The incentive is also available to businesses that offer research and development or training services in the aerospace industry that locate or expand in the state. The business must make a minimum capital investment in Mississippi of thirty million dollars (\$30,000,000), and must also create a minimum of one hundred (100) new, full-time jobs in Mississippi. The aerospace industry is the industry that researches, designs, manufactures, repairs, operates and/or maintains vehicles that move through the air and space.

A qualifying business enterprise will be exempt from state taxes for a period of ten (10) years from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); 2) all income tax imposed pursuant to law on income earned by the business enterprise certified by the MDA; 3) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the MDA; and 4) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the MDA.

If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business is unable to use the exemption from state taxes, the MDA may extend the period of time during which the minimum requirements must be met and the exemption may be taken for a period of time not to exceed two (2) years. Any business that has property or equipment purchased utilizing this sales tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied to, used by or assigned to any other entity or tax account without prior approval from the MDA. The approved business must also enter into an agreement with MDA that sets out minimum performance requirements of the business and provisions to recapture any or all of the taxes exempted if these requirements are not met. The business must make available, at the Commissioner's request, all books, records or other information necessary to verify the correctness of any exemptions claimed. For more information on obtaining approval from the MDA and the minimum performance requirements for the Aerospace Industry Enterprise Exemption, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

The sales tax exemption is **ONLY** on component materials used in the initial construction, addition or improvement to a building and the machinery and equipment used therein. The exemption is for the retail rate on machinery and equipment, either seven percent (7%) or one-and-one-half percent (1½%). To be eligible for the exemption, the item(s) must be **SOLD OR LEASED DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption. The exemption does not cover contractor's tax at three and one-half (3½) percent.

When a construction contractor builds a facility, the construction contractor may also sell and install manufacturing

machinery as it relates to the construction or expansion of the facility. In this specific situation, the contractor may be treated as both a construction contractor and a retailer of the manufacturing machinery. The exemption may apply only for the sale and installation of the manufacturing machinery.

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of who is the owner of the project. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD OR LEASED DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Aerospace Industry Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR. If you do not already have a Use Tax Account and Direct Pay Permit, you must also submit a completed Registration Application for a Use Tax Account and a completed Registration Application for a Direct Pay Permit in order to be certified as eligible by the MDOR.

The Direct Pay Permit number should be furnished to vendors so that the retail sales or use tax will not be charged on qualified purchases during the construction or expansion period. The correct tax, if any is due, should then be remitted directly to the MDOR.

For businesses other than manufacturers or other industries that normally do not receive a Direct Pay Permit, an expiration date may be required for the Direct Pay Permit issued for the exemption. After this date, the Direct Pay Permit will no longer be effective and the tax should be remitted to the vendor in the normal course of business.

The Direct Pay Permit cannot be used with, nor does the exemption apply to, the contractor's tax (Miss. Code Ann. Section 27-65-21) or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The Aerospace Industry Enterprise exemption is authorized under Miss. Code Ann. Sections 57-113-1, et seq.

Revised October 1, 2011

C.8. Sales / Use Tax Exemption for Data Center Enterprises

A sales and/or use tax exemption is available for any business enterprise owning or operating a data center with a minimum capital investment in Mississippi of fifty million dollars (\$50,000,000) and creates at least fifty (50) new, full-time jobs with an annual salary of at least one hundred fifty percent (150%) of the average annual wage in this state.

The Data Center Enterprises Exemption is an incentive created to induce companies to locate or expand data centers in Mississippi. The business must make a minimum capital investment in Mississippi of fifty million dollars (\$50,000,000), and must also create a minimum of fifty (50) new, full-time jobs with salaries not less than one hundred fifty percent (150%) of the average annual wage in Mississippi. A data center is a business enterprise that utilizes hardware, software, technology, infrastructure and/or workforce to store, manage or manipulate digital data.

A qualifying business enterprise will be exempt from state taxes from the date of certification. State taxes are: 1) any sales or use tax imposed on the business enterprise pursuant to law related to the purchase or lease of component building materials and equipment for initial construction of facilities or expansion of facilities certified by the Mississippi Development Authority (MDA); and 2) any sales and/or use tax imposed on the business enterprise pursuant to law related to the purchase of replacement hardware, software or other necessary technology to operate a data center.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. The exemption is not transferable and cannot be applied to, used by or assigned to any other entity or tax account without prior approval from the MDA. The approved business must also enter into an agreement with MDA that sets out minimum performance requirements of the business and provisions to recapture any or all of the taxes exempted if these requirements are not met. The business must make available, at the Commissioner's request, all books, records or other information necessary to verify the correctness of any exemptions claimed. For more information on obtaining approval from the MDA and the minimum performance requirements for the Data Center Enterprise Exemption, please contact:

Mississippi Development Authority
Financial Resources Division
Post Office Box 849
Jackson, Mississippi 39205
financial@mississippi.org
601-359-3552

The sales tax exemption is **ONLY** on component materials used in the initial construction, addition or improvement to a building and the machinery and equipment used therein; or on replacement hardware, software or other necessary technology for the operation of the data center. The exemption is for the retail rate on machinery and equipment, either seven percent (7%) or one-and-one-half percent (1½%). To be eligible for the exemption, the item(s) must be **SOLD OR LEASED DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption. The exemption does not cover contractor's tax at three and one-half (3½) percent.

When a construction contractor builds a facility, the construction contractor may also sell and install manufacturing machinery as it relates to the construction or expansion of the facility. In this specific situation, the contractor may be treated as both a construction contractor and a retailer of the manufacturing machinery. The exemption may apply only for the sale and installation of the manufacturing machinery.

Contractor's tax is imposed directly on the contractor for the gross proceeds of commercial construction activities regardless of who is the owner of the project. If component materials, or machinery and equipment (purchases covered under the exemption) are purchased through a construction contractor within the construction contract amount and not directly by the business receiving the exemption, then the exemption is lost on any items included in the contract. Again, in order to receive the exemption the business receiving the exemption must purchase the items direct. The exempt items must be **SOLD OR LEASED DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the

business receiving the exemption.

HOW TO APPLY FOR THE INCENTIVE

Before construction or acquisition of the buildings for the location or expansion of the business enterprise begins, you must apply to the MDA for certification of eligibility for the incentive. The application to MDA must contain the following information:

- An overview of the project, including:
 - the selected site,
 - the number of jobs proposed, and
 - the length of time necessary for the company to meet its investment and employment requirements;
- A two (2) year business plan, which shall include pro forma financial statements for the project;
- Data supporting the expertise of the project's principals;
- An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and
- Such other information as may be requested by the MDA.

Upon approval, MDA will issue certification designating the business enterprise as eligible for the Data Center Enterprise Exemption. Once you have received certification of eligibility from the MDA, you submit a completed Application for Certification of Economic Incentives to the MDOR. If you do not already have a Use Tax Account and Direct Pay Permit, you must also submit a completed Registration Application for a Use Tax Account and a completed Registration Application for a Direct Pay Permit in order to be certified as eligible by the MDOR.

The Direct Pay Permit number should be furnished to vendors so that the retail sales or use tax will not be charged on qualified purchases during the construction or expansion period. The correct tax, if any is due, should then be remitted directly to the MDOR.

For businesses other than manufacturers or other industries that normally do not receive a Direct Pay Permit, an expiration date may be required for the Direct Pay Permit issued for the exemption. After this date, the Direct Pay Permit will no longer be effective and the tax should be remitted to the vendor in the normal course of business.

The Direct Pay Permit cannot be used with, nor does the exemption apply to, the contractor's tax (Miss. Code Ann. Section 27-65-21), or the tax on vehicles tagged for highway use (Miss. Code Ann. Section 27-65-17).

The Data Center Enterprise exemption is authorized under Miss. Code Ann. Sections 57-113-21, et seq.

Revised October 1, 2011

D.Rebate Incentive Programs

D.1. Advantage Jobs Incentive Program

An incentive in the form of a rebate of a percentage of state withholding tax for a period of ten (10) years is available to businesses which, within 24 months, create a minimum number of jobs with salaries at least 100% to 110%, depending on the industry, of the state or county annual wage and provide a basic health benefits plan. This incentive is available to all businesses as determined by MDA;

EXCEPT FOR: • retail establishments • gaming businesses or casinos

The Mississippi Advantage Jobs Incentive Program is designed to provide an incentive in the form of a rebate of a percentage of Mississippi withholding tax to qualified businesses that promise significant development of the economy of the State of Mississippi through the creation of new quality jobs. The MDA and the MDOR have the responsibility to administer this program jointly. The MDA shall approve the qualified businesses for Advantage Jobs and the MDOR shall implement Advantage Jobs. MDA has complete discretionary authority in determining whether to certify a business, therefore all questions relating to the eligibility requirements or the qualification procedures should be addressed to the MDA. Any inquiries into the implementation of the program should be directed to the MDOR.

Qualified taxpayers who applied for the Advantage Jobs Tax rebate before July 1, 2010 will continue to be eligible for the rebate using the method of calculation in place before the law change. Qualified taxpayers applying for the Advantage Jobs Tax rebate on or after July 1, 2010 may use the information contained in this summary to calculate the rebate.

An eligible business has three (3) major requirements to fulfill to be eligible for the Advantage Jobs. If any of these requirements are not met, the business is not eligible and will not receive the incentive payment.

- The business must create new direct jobs with salaries exceeding the average annual wage of the state or of the county in which the business is located, whichever is lower. The average annual wage is determined by the most recently published figures of the Mississippi Department of Employment Security (MDES). The wage is based on the gross annual salary reported annually to the MDES. The total amount of wages divided by the total number of new direct jobs will result in the approved business' average salary.
 - a. An approved business which is a data/information processing enterprise must provide an average salary of at least one hundred percent (100%) of the average annual salary of the State or County (whichever is lower) and create not less than two hundred (200) new direct jobs.
 - b. An approved business which is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof must provide an average salary of at least one hundred ten percent (110%) of the average annual salary of the State or County (whichever is lower) and create not less than twenty-five (25) new direct jobs.
- The creation of these new direct jobs must be completed within twenty-four (24) months of the certification date issued by MDA.
- The business must offer and provide a basic health benefits plan for all employees within one hundred and eighty (180) days of the date it receives its first incentive payment.

The business must apply to the MDA for certification into the Advantage Jobs Incentive Program. At this time, MDA determines the criteria needed to determine the eligibility of the business. After approval has been granted by the MDA, copies of the certification and related documents shall be submitted to the MDOR identifying the business certified for the Advantage Jobs Incentive Program. The certification and related information received from MDA contains the requirements that the business must meet and the criteria which must be used to determine eligibility for the Advantage Jobs Incentive Program. This information shall remain constant throughout the ten (10) year life of the Advantage Jobs Program or until such time as the MDA deems it necessary to revise. The criteria are unique to each Advantage Jobs group and include the following facts.

- The name of the business is needed. This business should have a withholding account under which the business

files its state withholding tax. Retail businesses and gaming businesses do not qualify.

- The minimum number of jobs committed to be created is required. This is an agreed upon number between the business and the MDA. A full-time job is one employee that works at least thirty-five (35) hours a week. The job must be filled with an individual to be considered eligible for the incentive payment. If the job becomes available due to resignation, retirement, promotion or other such act, it cannot remain open for more than one (1) quarter to continue to be eligible. There cannot be a combination of several part-time jobs to equal one full-time job. The number of new direct jobs is used to calculate the amount of the incentive payment and is also used to calculate the average salary of the approved business. The approved business has twenty-four (24) months to establish these jobs after the approval process has been completed. MDA uses this figure to determine the estimated net direct state benefits which is a component of the limitation of the total amount of incentive payments issued to the business.
- The lesser of the average annual wage of the county where the business is located or the state average annual wage is required to measure against the business' actual salary figures to ensure the percentage requirement. These average salaries are determined by the most recently published information from the Mississippi Employment Security Commission at the time of certification by MDA.
- The estimated net direct state benefits is a calculation of the monetary benefit this business brings to the state or the tax revenues estimated by MDA to be received by the state because of the creation of the new direct jobs. MDA makes this determination. The cumulative total of incentive payments for each approved group of jobs cannot be greater than this amount.
- The net benefit rate is the estimated net state benefits computed as a percentage of the approved business' gross payroll. The rate is established by the MDA and is multiplied by the gross payroll to determine the amount of diversion into the Fund and the amount of incentive payment that is given to an eligible business. This rate cannot exceed four percent (4%).
- The location of the business may determine the minimum number of jobs required to be created and also determines the county used to determine the average annual salary comparison to the state.
- The date of the certification is the date that begins the twenty-four (24) month period in which the job and salary requirement must be met.
- The job detail of the pre-existing personnel to have a benchmark to measure against future job growth and salary numbers.

The business has twenty-four (24) months after being certified by MDA to meet those requirements. The business should notify the MDOR as soon as all requirements are met. This notification can be a simple letter stating the date that all requirements set forth in the certification from MDA have been met and listing of job details of the Advantage Jobs and of all other Statewide jobs (if applicable) on the Advantage Jobs incentive Program Jobs Worksheet. The business must maintain its eligibility by continuing to meet all the requirements set out in the certification issued by MDA for a period of four (4) consecutive quarters.

Advantage Jobs runs on a time frame built around calendar quarters. These quarters will be set as follows:

- 1st Quarter - January, February and March.
- 2nd Quarter - April, May and June.
- 3rd Quarter - July, August and September.
- 4th Quarter - October, November and December.

Any reference to quarters will always refer to one of the above named quarters. These quarters are set and will not change. There will be no prorating quarters. Any action taken by the MDOR will begin at the beginning of the next appropriate quarter. If a business meets all requirements in the middle of a quarter, the incentive payments will begin at the end of the next full quarter.

After notifying the MDOR that the requirements have been met, the business must submit the job details on the Advantage Jobs incentive Program Jobs Worksheet to the MDOR each month. This information can be submitted in an electronic spreadsheet, such as Excel. This information will be used in conjunction with the withholding revenue remitted by the business to determine the amount of withholding tax to be diverted into the Advantage jobs Payment Fund.

After the four consecutive quarter compliance period is over, the business should submit a claim for payment using the Advantage Jobs Payment Claim Form, to claim the first incentive payment. For each claim form submitted, the MDOR shall verify the number of jobs, the gross payroll and the net benefit rate and compare that information to the criteria set by the MDA approval process for that particular Advantage Jobs group.

1. The amount of incentive payments that a business may receive is limited to the following: Incentive payments cannot exceed ninety percent (90%) of the amount of actual income tax withheld for employees.
2. The business cannot receive incentive payments for a period exceeding ten (10) years.
3. Total incentive payments over the ten (10) year period cannot exceed the estimated net state benefits.

If, at any time, limitation 2 or 3 is met, the Advantage Jobs payments cease for that business. Notification shall be sent to MDA and the business that the limitation has been met and there will be no more payments for that specific Advantage Jobs group.

Diversion into the Payment Fund will be made from the withholding tax revenue remitted by the business specifically for the approved jobs or Advantage Jobs group. The amount of diverted revenue is the lesser of (1) the amount calculated by multiplying the Net Benefit Rate (determined by the MDA) by the Gross Payroll of the Advantage Jobs group (as reported by the business) or (2) the actual amount of withholding tax remitted by the business for the Advantage Jobs group. The amount is then transferred from the withholding tax revenue into the Advantage Jobs Payment Fund less a three percent (3%) administrative fee. The incentive payment to the business is then drawn from this Payment Fund.

GOVERNOR DECLARED DISASTER AREA

If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the jobs required:

- The Commissioner of the MDOR may extend the period of time an applicant may receive incentive payment up to two (2) years. The extension must be authorized in writing by the Commissioner.
- The Commissioner of the MDOR may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months.
- The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

NON-COMPLIANCE

If a business or Advantage Jobs group is found to have not complied with all of the requirements needed to be eligible at any time after the first incentive payment, the incentive payments shall stop as well as the diversion of the withholding tax revenue into the Payment Fund. The MDOR shall notify the business of the non-compliance and shall not resume the payments until the business has returned to compliance for a full quarter. Non-compliance does not stop the ten (10) year time period in which the Advantage Jobs is in effect. Once a business or Advantage Jobs group does not meet the necessary requirements, and loses that payment, it cannot be recovered.

HOW TO APPLY FOR THE INCENTIVE

- Apply to MDA to be certified for the Advantage Jobs Incentive Program.
- Complete all requirements set out in the MDA application.
- Notify the MDOR of the completion of all criteria set forth in the MDA certification by letter detailing the date of completion and appropriate job information.
- File monthly job information on the Advantage Jobs Incentive Program Jobs Worksheet in an Excel spreadsheet.
- Stay in compliance for four consecutive quarters.
- At the end of the compliance period, file a claim for payment with the MDOR including the required information.

The Advantage Jobs incentive is authorized under Miss. Code Ann. Sections 27-7-312, 57-62-1 through 57-62-17.

Revised October 1, 2011

Advantage Jobs Timeline

Certification Date	A business applies to MDA for eligibility into the Advantage Jobs Incentive Program. MDA approves the business for the Advantage Jobs Incentive Program and sets the requirements needed to be met before eligible to receive incentive payments. MDA issues certificate and forwards copies to MDOR.
Certification Received	MDOR receives certification documents from MDA and sends a letter to the business.
Requirements Met	The business meets its requirements and notifies the MDOR. The business provides the first filing of the Advantage Jobs Worksheet, for the approved jobs and for the statewide jobs (if applicable).
Beginning of Next Full Calendar Quarter	This is the beginning of the next calendar quarter after the requirements have been met. This also is the beginning of the first quarter of the compliance period. If the business met its requirements in the middle of a quarter, the compliance period begins the first of the next quarter. Compliance must be maintained for a period of four full consecutive quarters.
Each Month	At the end of each month for the rest of the Advantage Jobs Program, the business files the Advantage Jobs Worksheet, detailing job information for both Advantage jobs and statewide jobs. The business also remits withholding tax revenue.
Ending of Fourth Quarter of Compliance	<p>The business files the first quarterly filing of the Advantage Jobs Payment Claim Form to claim payment of the Advantage Jobs rebate. This form and the withholding tax revenue will be used to determine the diversion of withholding revenue from the approved jobs into the Advantage Jobs Incentive Payment Fund.</p> <p>MDOR authorizes the incentive payment to the business for the end of the quarter after applying all limitations and calculations.</p>
Each Quarter	The business files the Advantage Jobs Payment Claim Form, each quarter to receive the incentive payment until the end of the Advantage Jobs Program.

D.2. Sales / Use Tax Rebate for Tourism

There is available a sales tax rebate of taxes collected by a tourism project that may be diverted back to the owner of the tourism project to cover eligible project costs. The tourism project must be certified by MDA to be eligible for this rebate.

The Mississippi Tourism Sales Tax Incentive Program provides a rebate of the sales tax collected by an eligible tourism project. Any business desiring to participate in this program must first contact MDA to determine its eligibility. Eligibility will be determined by amount of investment and type of attractions of the tourism project. MDA will issue a certificate when the enterprise is approved.

An eligible tourism project shall include any of the following as may be approved by the MDA:

- 1) Theme parks, water parks, entertainment parks or outdoor adventure parks, cultural or historical interpretive educational centers or museums, motor speedways, indoor or outdoor entertainment centers or complexes, attractions created around a natural phenomenon or scenic landscape and marinas open to the public with a minimum private investment of not less than \$10,000,000;
- 2) A hotel with a minimum private investment of \$40,000,000 in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the MDA. There must be a minimum private investment of \$150,000 per guest room which can be included in the required minimum total investment of \$40,000,000; or
- 3) A public golf course with a minimum private investment of \$10,000,000.
- 4) A full service hotel with a minimum private investment of \$15,000,000 in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the MDA; a minimum private investment of \$200,000.00 per guest room or suite included in the \$15,000,000.00; a minimum of 25 guest rooms or suites; and guest amenities such as restaurants, spas and other amenities as determined by the MDA.
- 5) A tourism attraction located within an entertainment district, which is an area designated by a county or municipality in which entertainment services are centered, that is open to the public, has seating to accommodate at least 40 persons, is open at least 5 days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least 3 nights per week.

The tourism project would not include any person or entity having a gaming license or any project in which a business, corporation or entity having a gaming license has a direct or indirect financial interest. The tourism project would not include any facility within the project whose primary business is retail sales or any expansions of existing projects. However, pro shops, souvenir shops, gift shops, concessions and similar retail activities may be included in the tourism project.

Various types of costs may be included in the total costs of the initial private investment requirements. These costs include the actual costs incurred by an approved participant for land acquisition, construction, engineering, design and other costs approved by MDA relating to the tourism project. All costs must be verified by an independent third party approved by MDA, such verification being paid for by the approved participant.

After the required diversions, the remaining sales tax revenue collected during the preceding month from the operation of an approved tourism project is deposited into the Tourism Sales Tax Incentive Fund. The amount of the rebate to the approved participant will be for eighty percent (80%) of the amount of sales tax revenue collected from the operation of the tourism project, after making the required diversions. However, the aggregate amount of incentive payments that an approved participant may receive shall not exceed thirty percent (30%) of the approved costs incurred by the approved participant for the tourism project. Expansions, enlargements or additional investment made by an approved participant will not increase the authorized incentive payments certified by the MDA. The MDA will cease making incentive payments the date that an aggregate amount of thirty percent (30%) of the approved project costs has been paid or ten (10) years after the date the tourism project opens for commercial operation, whichever occurs first.

HOW TO APPLY FOR THE INCENTIVE

Application must be made to MDA. There is a \$5,000 application fee. If it is approved, a Mississippi Tourism Incentive Program Certificate will be issued. After MDA receives the Completion Certificate and the amount of the initial investment is confirmed, a Mississippi Tourism Incentive Agreement shall be executed between the applicant and MDA.

Mississippi Development Authority
Mississippi Tourism Incentive Program
Financial Resources Division
P O Box 849
Jackson, MS 39205
(601) 359-3552

MDA will notify the Department of Revenue of the approved tourism project through the issuance of the Mississippi Tourism Incentive Program Certificate. Upon full execution of the Tourism Incentive Agreement, MDA will provide a copy to the MDOR.

MDA shall determine, based on the Completion Certificate, the amount of benefits the applicant may receive. MDA shall make benefit payments in January and July of each year until the full credit is reached or for ten (10) years after the tourism project opens for commercial operation, whichever occurs first.

The Sales / Use Tax Rebate for Tourism is authorized under Miss. Code Ann. Sections 27-65-75(16) and 57-26-1 et seq.

Revised October 1, 2011

D.3. Motion Picture Production Incentive

A rebate is available for a motion picture production company that expends at least \$50,000 in base investment or payroll, or both in this state. The amount of the rebate is twenty five percent (25%) of the base investment made and expended in this state. Payroll for a Mississippi resident is eligible for a thirty percent (30%) rebate and payroll for a non-resident is eligible for a twenty five (25%) rebate.

The Motion Picture Incentive is a rebate program that was created as an incentive for the motion picture industry to locate its production business in Mississippi. The rebate is based on the amount of the base investment made in Mississippi and Mississippi resident and nonresident employee payroll. The total amount of the rebate authorized for a motion picture shall not exceed \$8,000,000 for each certified production with the total amount of rebates authorized for any fiscal year shall not exceed \$20,000,000.

Definitions

A motion picture production company is one that produces a nationally distributed motion picture, video, DVD, television program or series or commercial. This includes a company engaged in the business of making such productions through the use of animation, interactive media, preproduction and postproduction 3D applications, video game cinematics, virtual production, visual effects, and motion capture within the fields of feature film, television, commercials and games. The production of news or athletic events do not qualify, nor does any project that contains any material or performance deemed obscene as defined in Miss. Code Ann. Section 97-29-103. The company cannot have defaulted on any state loan or have declared bankruptcy where a state obligation had been discharged because of the bankruptcy.

An employee is defined as an individual directly involved in the physical production and/or post-production of a motion picture produced in this state and who is employed by a motion picture production company, personal service corporation or loan out company.

Payroll is defined as salary, wages or other compensation including related benefits paid to employees upon which Mississippi income tax is due and has been withheld.

A Mississippi resident is defined as a person domiciled in Mississippi or who has maintained a permanent home in this state for a period of six (6) months.

Base Investment

The base investment equals the amount of the actual investment made and expended in Mississippi and includes purchases of goods and services from Mississippi vendors, housing, housing allowances, food, rental of equipment, dry cleaning, per diem and anything else that the motion picture production company spends in Mississippi. Some items that do not qualify as base investment include online purchases, postage, mileage, bank fees, credit card fees and taxes.

Purchases of tangible personal property must be made from a vendor with a physical location in Mississippi to qualify for the rebate. Purchases of services can be made from an out of state vendor and remain eligible for the rebate as long as the service is performed wholly in Mississippi. This does not include payments made to out of state independent contractors who have contracted with the motion picture production company to provide services used directly in the production such as artists, crew, actors, directors and producers. Purchases of services from a vendor must satisfy the following four criteria to be eligible for the rebate:

- The service must be wholly performed in this state;
- The payment may not be for a qualified personnel expenditure;
- The service must be directly attributable to the production; and
- The transaction must be subject to taxation in this state.

Airline tickets may qualify for the rebate for flights departing or arriving from airports located in Mississippi, Memphis, TN, New Orleans, LA, Baton Rouge, LA or Mobile, AL. Source documentation should include a sales invoice from a

Mississippi travel agent indicating the airports in which the flight departed and arrived.

Location rentals for housing or a set may be eligible for the rebate. Source documentation should include the vendor/owner name, address of the rental property, description of use, dates used and the amount spent. Items purchased during production that are sold at the end of production must be decreased by the sales price of the item before being included in the rebate.

Payments for contract labor to a Mississippi resident are eligible for the twenty-five percent (25%) rebate as base investment. Source documentation should include the name of the individual, city of residence, social security number, amount paid and Form 1099 and journal, if applicable.

Property or services purchased through a local vendor that has acquired the property or services from out of state may qualify for the rebate if the local vendor is:

- Regularly engaged in the business of providing the type of good that is being purchasing;
- A permanent business enterprise; and
- Selling to the motion picture production company at arm's length as evidenced by a markup that is consistent with industry norms.

Base investment rebate requests must include all source documentation presented in the manner described under "How to Apply for the Incentive".

Payroll

If the eligible production has physical production or post production activities both inside and outside the state, the rebate will only be allowed on a prorated amount of the eligible payroll based on the percentage of activities performed in Mississippi. Source documentation should include a journal indicating the time worked between states.

If the payroll paid for an employee exceeds \$1,000,000, the rebate is only available for the first \$1,000,000 of the employee's payroll.

An individual who is hired through a loan out company or a temporary staffing company will be considered an employee if the loan out company or temporary staffing company is withholding Mississippi tax, otherwise, the individual will be treated as an independent contractor. Payroll fees paid to Mississippi payroll companies do qualify for the rebate. Payments made to personal service corporations may qualify for the rebate as long as Mississippi withholding has been remitted.

Payroll rebate requests must include all source documentation presented in the manner described under "How to Apply for the Incentive".

HOW TO APPLY FOR THE INCENTIVE

The motion picture company must apply to MDA before production begins to have their project certified by submitting a letter to the Mississippi Film Office that includes the following:

- Company name, address, phone and fax numbers;
- Company's local production office address, phone and fax numbers;
- Names of the Line Producer, Unit Production Manager and Production Accountant;
- Title of the production;
- Type of project;
- Proposed dates of production, including start date of pre-production and completion date of principal photography;
- Copy of the script or synopsis;
- Intended plan for national distribution.

MDA will notify the motion picture company of their acceptance by providing the following:

- A certification number;
- Names and numbers of contacts;
- Required forms to be completed;
- General guidelines for participation in the program.

To claim the rebate, the motion picture company must submit two electronic Excel spreadsheets upon completion of the project containing a detailed accounting of the base investment and the employee payroll to the MDOR. The base investment spreadsheet must include a listing of sales invoices showing the name and address of the vendor, date, description of items purchased and the amount of expenditures made to those vendors. Each location should be grouped together by date for productions that take place in more than one location. The payroll/contract labor spreadsheet should list both residents and non-residents of Mississippi, including social security numbers, names, addresses, 1099s, W-2s and a breakdown of the amount of wages paid to and withheld from those individuals.

Both spreadsheets must contain links to images of **all** source documentation contained in the rebate request. All source documentation must be kept for verification and additional documentation may be requested. After reviewing and approving the rebate request, the MDOR will issue the rebate check to the company. **Please see Title 35, Part X, Chapter 9 for additional instructions on how to claim the Motion Picture Production rebate through the MDOR.**

The Motion Picture Incentive is authorized under Miss. Code Ann. Sections 57-89-1 through 57-89-7.

Revised October 1, 2011

For further information or if you have any questions concerning the incentives involving Income, Franchise, Sales, Use or the Rebate Incentives Programs, please contact:

Office of Tax Policy and Economic Development
Mississippi Department of Revenue
P. O. Box 1033
Jackson, MS 39215

Telephone (601) 923-7000

E. Property Tax Incentives

E.1. Industrial Exemptions

An incentive for new or expanded eligible businesses is available in the form of an exemption from ad valorem taxes (except for school district taxes) on tangible property (except for finished goods and rolling stock) by application to the local governing authority. Such project may include a new enterprise, an addition, or an expansion or a replacement of equipment necessary in the operation of the eligible business. Eligible businesses include the following:

- warehouse and/or distribution centers
- research facilities
- movie industry studios
- recreational facilities that impact tourism
- data/information processing enterprises
- manufacturers, processors and/or refineries
- regional or national headquarters
- air transportation and maintenance facilities
- telecommunication enterprises
- technology intensive enterprises

A ten (10) year exemption from ad valorem taxes on tangible property may be granted by local governing authorities. These local governing authorities are the board of supervisors for the county and the municipal authorities for the city. The exemption granted is for all local ad valorem taxes, except for the following:

- 1) school district taxes on any property;
- 2) taxes on finished goods;
- 3) taxes on rolling stock.

The tangible property exempted usually includes real property (land, building, and land improvements), machinery/equipment, furniture/fixtures, raw materials, and work-in-process.

Any request for an exemption must be made in writing by June 1st of the year immediately following the date of completion of a new enterprise or an addition or expansion by an existing enterprise. The request should be in the form of an application. Separate applications must be filed with the city and county if requesting an exemption from both city and county ad valorem taxes. The local governing authorities must then send the original application and a certified transcript of a resolution of approval to the Mississippi Department of Revenue (MDOR). The MDOR will then certify the property as eligible.

The exemption is for the specific tangible property included in the exemption application for a particular project and not for any additional tangible property that might be added later. A project may include a new enterprise, an addition, or an expansion or a replacement of equipment necessary in the operation of the enterprise. Applications for additions, expansions or replacements may be granted regardless of whether or not a company is currently exempt on a previous project.

When the initial exemption granted is for a period of less than ten (10) years, the local governing authorities may grant subsequent consecutive period(s) to follow the initial exemption. However, the total time period of all the exemptions granted for a specific project cannot exceed ten (10) years.

If the initial request for the exemption is not timely made, the Board of Supervisors or Municipal Authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of a new enterprise or an expansion. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

The ad valorem tax exemption granted by a local government to a new enterprise shall continue even though there is a change from leasehold to a fee title in an enterprise financed with bonds issued for the development of lands for industrial purposes or bonds issued under Miss. Code Ann. Section 57-10-1 et seq., Small Business Assistance.

If at any time during an authorized period of exemption, the company ceases activity for a continuous period of twelve

months or the company has obtained the exemption under fraudulent misrepresentation, the exemption shall be cancelled. If the company resumes activities, then it may apply for a new exemption for the activities from such point forward for the remaining unexpired time.

For new enterprises, expansions or replacement of equipment exceeding a total true value of one hundred million dollars (\$100,000,000.00), local governing authorities may grant a fee in lieu of ad valorem taxes which will be negotiated and given final approval by the Mississippi Development Authority (MDA). The minimum fee allowable cannot be less than one-third (1/3) of the property tax levy, including ad valorem taxes for school district purposes.

HOW TO APPLY FOR THE INCENTIVE

- The company must file an application with the local governing authority by June 1. Use the correct statute as to "new" enterprise or "expanded" replacement of equipment, etc., on all applications and board resolutions.
- The local governing authorities will forward the original application, a certified transcript of the resolution of approval, and a copy of the position statement of the Tax Assessor to the MDOR.
- A certificate of approval will be sent to the local governing authorities after the MDOR determines that the property is eligible for exemption.
- The local governing authorities shall forward a copy of the final board order to the State Auditor's Office and to the MDOR.

Please contact the County Tax Assessor in the county where the business is located with any questions.

The Ad Valorem Tax Exemption Incentive is authorized under Miss. Code Ann. Sections 27-31-101 through 27-31-115 and is further defined by Title 35, Part VI, Subpart 01, Chapter 04 of the Mississippi Administrative Code.

Revised October 1, 2011

E.2. Free Port Warehouse Exemption

An incentive for all warehouses, public or private, or other storage facilities which are designated as a free port warehouse is available in the form of an exemption from ad valorem taxes on personal property in transit to a final destination outside this state.

Warehouses, public or private, or other storage facilities may apply to the local governing authorities for a license to operate as a free port warehouse. Caves or cavities in the earth, whether natural or artificial, are not eligible for the license. The free port warehouse may apply to the local governing authorities to receive a license to operate as a free port warehouse and be exempted from all ad valorem taxes on part or all the assessed value of the personal property which is consigned or transferred to such warehouse or storage facility for storage and handling to be shipped to a final destination outside the state for a period of time set by the same local governing authority.

Such personal property shall not be deprived of exemption because while in a warehouse, the property is bound, divided, broken in bulk, labeled, relabeled or repackaged. The personal property in transit includes such property which is moving in interstate commerce through or over Mississippi or consigned or transferred to a free port warehouse for storage in transit to a final destination outside of Mississippi.

Each licensed free port warehouse must file with the County Tax Assessors an inventory of all the personal property located inside as of January 1 of each year. This inventory listing must be submitted before March 31 of each year. At the end of the year, a report of the percentage of all personal property that was shipped to a destination outside the state to the total of all personal property shipped anywhere must be calculated. This percentage is then applied to the total value of all property contained in the inventory of the free port warehouse as of January 1. If the result is less than the amount of the initial exemption, the difference shall be deducted from the exemption and that amount shall be collected.

HOW TO APPLY FOR THE INCENTIVE

- The warehouse or storage facility shall file an application with the local governing authorities for a license to operate as a free port warehouse.
- The free port warehouse must file an inventory report by March 31 each year with the County Tax Assessor.
- The free port warehouse must file by March 31 with the County Tax Assessor a percentage calculation of the actual inventory shipped outside of Mississippi to total inventory shipped.

Please contact the County Tax Assessor in the county where the business is located if you have questions.

The Free Port Warehouse Exemption Incentive is authorized under Miss. Code Ann. Sections 27-31-51 through 27-31-61.

Revised October 1, 2011

E.3. Ad Valorem Exemption for Growth and Prosperity (GAP) Areas

An ad valorem tax exemption is available for a qualified business within a Growth and Prosperity (GAP) Area for a ten (10) year period.

The Ad Valorem Tax Exemption for GAP Area businesses was created to encourage businesses to locate facilities and hire individuals in areas that have a certain percentage of the population below the federal poverty level or have an unemployment rate that is 200% of the state's average unemployment rate. A county or supervisor's district must apply to MDA to be designated as a GAP Area. After the application has been approved, the GAP Area is issued a certificate of public convenience and necessity. An eligible business that constructs a new facility or expands an existing facility located in a GAP Area can apply to MDA to be exempted from local taxes for a period of ten (10) years or until December 31, 2022, whichever occurs first.

Local taxes mean any county or municipal ad valorem taxes except for the school, fire and police portions of the tax.

The business must be in compliance with all state and local tax laws and related ordinances and resolutions to be eligible for the exemption. Such exemption is not transferable and cannot be applied, used or assigned to any other entity. A business that relocates from a county in Mississippi to a GAP Area is not eligible for the exemption.

For more information on the GAP areas, please contact:

Mississippi Development Authority
Financial Resources Division
GAP Program
Post Office Box 849
Jackson, MS 39205

The exemption from local ad valorem taxes is based on the business's property, both real and personal, located in the GAP Area. This exemption must be approved by the local taxing authorities. Included is any county or municipality which has given its consent to participate in the GAP Program through its board of supervisors or the municipal governing board, council commission or other legal authority. The exemption applies to all ad valorem taxes, except those portions that represent levies for schools, fire and police services.

HOW TO APPLY FOR THE INCENTIVE

- The company must file the application with the Mississippi Development Authority to apply for exemption.

Please contact the County Tax Assessor in the county where the business is located if you have questions.

The Ad Valorem Tax Exemption for Growth and Prosperity (GAP) Areas is authorized under Miss. Code Ann. Sections 57-80-1 through 57-80-11.

Revised October 1, 2011

E.4. Ad Valorem Exemption for Broadband Technology Equipment

An ad valorem tax exemption is available for telecommunications businesses on the purchase of equipment used in the deployment of broadband technology.

EXCEPTION: Radio stations, television stations and news organizations are not considered telecommunication businesses and are not eligible for this exemption.

This incentive was created to encourage telecommunications businesses to invest in the infrastructure needed to develop the high speed access to the Internet for all counties in the state. Telecommunication businesses that deploy such equipment are eligible for an ad valorem tax exemption based on the value of any equipment used for the transmission of information at a high speed, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics, etc.

Telecommunications businesses are defined as companies engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means. It also includes companies engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above mentioned activities.

The exemption is available on certain qualifying equipment placed in service between July 1, 2003 and June 30, 2013. The exemption is good for a period of ten (10) years from the date the equipment is placed in service.

HOW TO APPLY FOR THE INCENTIVE

- The taxpayer must claim exemption with the applicable local governing authority.

Please contact the County Tax Assessor in the county where the business is located if you have questions.

The Ad Valorem Tax Exemption for Broadband Technology is authorized under Miss. Code Ann. Section 57-87-7.

Revised October 1, 2011

For further information on Property Tax Incentives, contact/write the following Office:

Mississippi Department of Revenue
Office of Property Tax
Exemptions and Public Utilities Bureau
P. O. Box 1033
Jackson, MS 39215

Main Line (601) 923-7634
FAX Number (601) 923-7637

F. Appendices

F.1. Definitions

1. Manufacturing Business

"Manufacturer" means one who is exclusively or predominately engaged in the business of manufacturing as defined under the terms "to manufacture" or "manufacturing." A person who is engaged in manufacturing and non-manufacturing activities may be classified as a manufacturer as to his manufacturing activities which are operated as a separate business or division.

"To manufacture" or "manufacturing" embraces activities of an industrial or commercial nature wherein labor or skill is applied, by hand or machinery, to materials belonging to the manufacturer so that a new, different, or more useful article of tangible personal property or substance of trade or commerce or electric power is produced for sale or rental and includes the production or fabrication of special-made or custom-made articles for sale or rental.

"To manufacture" or "manufacturing" does not include activities such as cooking or preparing food or food products by a retailer in the regular course of retail trade; repairing and reconditioning property; the filling of prescriptions by a pharmacist; the washing or screening of mineral products; the cutting, hauling and decking of logs; or similar preparatory functions even when performed by a manufacturer.

"Remanufacturing" embraces activities of an industrial or commercial nature wherein labor or skill is applied by hand or machinery to materials, a portion of which may belong to the customer, so that rebuilt articles of tangible personal property, comparable in quality to new articles of the same property, are created, a majority of the value of which is produced by the remanufacturing activity.

2. Processing Business

"Custom processor" means one who is exclusively or predominately engaged in the business of custom processing or remanufacturing as defined under the terms "custom processing" and "remanufacturing".

"Custom processing" means the performance of a manufacturing service done or made to order upon the property of the customer and shall include laundering, cleaning and pressing, but shall not include "repairs" or "maintenance" as these terms are defined herein; nor self-service commercial laundering, drying, cleaning and pressing equipment.

3. Distribution Business

A business where shipments of tangible personal property are processed for delivery to customers, but "distribution" does not include a business which operates as a location where retail sales of tangible personal property are made directly to retail customers.

4. Research and Development Business

A business engaged in laboratory, scientific or experimental testing and development related to new products, new uses for existing products or improving existing products. Research and development does not include any business engaged in efficiency surveys, management studies, consumer surveys, economic surveys, advertising, promotion or research in connection with literary, historical or similar projects.

5. Warehousing Business

A business primarily engaged in the storage of tangible personal property. The term "warehousing business" does not include any establishment which operates as a location where retail sales of tangible personal property are made to retail customers or mini storage warehouses are rented to individuals for personal use.

6. Telecommunication Enterprises

Entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means. It also includes entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Radio stations, television stations and news organizations are not considered to be telecommunication businesses.

7. New Job

Any job created by an employer in Mississippi at the time a new facility or an expansion is initially staffed, but does not include a job created when an employee is shifted from an existing Mississippi location to a new or expanded facility.

8. Full-time Job

A full-time job is a job requiring a minimum of thirty-five (35) 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 (35) hours of an employee's time a week for the year in which the employee was initially hired for or transferred to the Mississippi facility.

9. Leased Employee

A leased employee is an employee that qualifies as a "Full-time Job" and is leased from an entity that is in the business of leasing employees. The employee must be under the will and control of either the leasing entity or the qualified business and the employment must not have existed before the date the MDA approved the application.

F.2. Contractor's Tax

Within the Sales / Use Tax Incentives, one of the taxes that is NOT exempt is the contractor's tax. This should help in understanding the contractor's tax. This is a tax on the contractor and is not passed through as a line item on the contractor's invoice to his customer. If a business has received certification for a sales or use tax exemption, contractor's tax is excluded from this exemption. If the business wants to take advantage of their exemption and purchase the component materials, machinery and equipment for the initial construction or expansion, the items **MUST BE SOLD DIRECTLY TO, BILLED DIRECTLY TO AND PAID FOR DIRECTLY BY** the business receiving the exemption. Component materials cannot be purchased through the construction contractor and receive the exemption.

The Mississippi Sales Tax Law levies a 3½% contractor's tax on all nonresidential construction activities where the total contract price or compensation received exceeds \$10,000.

Prior to commencement of work on such activities, the prime contractor is required to apply for a Material Purchase Certificate (MPC) to identify the contract. For those nonresidential contracts exceeding \$75,000, the contractor's tax, together with any use tax due, must be paid before work is begun unless a surety bond to guarantee payment of the taxes due is filed with the Department of Revenue. Persons or firms without a permanent place of business within Mississippi are required to prepay or bond their contracts over \$10,000.

The 3½% contractor's tax is levied directly against the prime contractor and is due on all non-residential, commercial contracts as described above regardless of whether or not the owner is a governmental, exempt or non-profit entity. For example, a construction contract for the U.S. Government, the State of Mississippi, a nonprofit hospital, or a church is subject to the tax.

Residential construction is excluded from the 3½% contractor's tax, but is subject to retail sales taxes as explained in this Tax Guide.

Material Purchase Certificates and Component Materials. A contractor's Material Purchase Certificate (MPC number) will be issued to a qualified contractor for each contract. The MPC number allows the contractor and his subcontractors to make tax-free purchases of materials and services that become a component part of the structure covered by the MPC number. The MPC number expires upon completion of the contract.

The contractor and his subcontractors shall provide their suppliers with the MPC number when purchasing component materials. The supplier shall list the MPC number on each sales invoice as a prerequisite to claiming the exemption.

Component materials are considered all materials that become an integral part of the structure being erected. For personal property to be considered real property, it must be permanently attached to real property. To be considered permanently attached, one or more of the following criteria must be met:

1. The property or equipment must be attached to building walls, floors, and/or ceiling in such way as to require design or structural alterations to the real property to which it is being attached, or
2. The property could not be removed intact or its removal would result in the alteration or destruction of the structure or property, or
3. The property must become an independent structure, itself (real property).
4. And the property must lose its identity as personal property.

Component materials may include built-in furniture, fixtures, appliances and similar personal property. Free-standing furniture, fixtures, appliances and similar personal property are not considered component materials. The purchase or sales price of such non-component materials is taxed at the regular retail rate and may be excluded from the measure of the contractor's tax.

Free-standing personal property sold under a contract with the United States Government, the State of Mississippi or any political subdivision or any other exempt agency, that has been qualified, can be purchased tax free. The contractor must apply to the Department of Revenue for a letter granting the authority to purchase free-standing personal property tax free.

When records and invoices are not kept in compliance with this regulation, sales made to the contractor or subcontractor

will be considered retail sales, taxable at the regular retail rate.

Bond Requirement. A surety bond must be filed on taxable contracts exceeding \$75,000 performed in this State unless the tax is prepaid. Persons or firms without a permanent place of business within Mississippi must file a surety bond on any taxable contract in excess of \$10,000, unless the tax is prepaid.

Such bonds shall be either (a) "job bonds" which guarantee the payment of taxes resulting from performance of a specified job or activity regardless of date of completion; or (b) "blanket bonds" which guarantee the payment of taxes resulting from performance of all jobs or activities taxable under Section 27-65-21 begun during a specified period, regardless of the date of completion. Use a factor of at least 4% to cover the aggregate tax liability on the total amount of all contracts that will be outstanding at any one time. Regardless of the type, the bond must be sufficient to cover the liability for sales, use, income, withholding and motor fuel taxes and must be approved by the Commissioner. A "Tax Rider" with a copy of a performance and/or payment bond for either public or private construction contracts will be acceptable as well. In every case, we are required to have in our files a copy of the performance and/or payment bond for which the "Tax Rider" is executed. However, no limitation (contract amount, tax amount, etc.) should be included on the face of either the tax rider or the job bond. Any rider or job bond having such an amount will not be accepted.

In the case of prepayment of sales tax where a use, income, withholding or motor fuel tax bond is required, the contractor will be notified after an application for a Material Purchase Certificate has been received.

When a contractor defaults in the execution of his contract and the bonding company acting as surety for the performance of the contract assumes completion of the contract, the bonding company becomes liable for the payment of the sales, use, income, withholding and motor fuel tax accruing as a result of its activities.

On all the above bonds, the licensed Mississippi Agent's signature must be legible, or the bond will be returned. The name should be printed or typed below the signature. Also, the bond must have the original seal of the bonding company.

Out-of -state contractors who qualify their contracts by either prepayment or blanket bond coverage will be required to provide a "Certificate of Prime Contract Amount" This certificate is to be completed by the OWNER. No Material Purchase Certificate will be issued for such contracts until an original notarized certificate is provided.

F.3. Forms

The forms below can be found at <http://www.dor.ms.gov/>:

- a. Form 70-001 Registration Application for a Sales/Use Tax Account
- b. Form 70-801 Application for Certification for Economic Incentives
- c. Form 72-415 Direct Pay Permit Application
- d. Sample - Free Port Warehouse, Report of Inventory
- e. Sample - Free Port Warehouse, Report of Inventory Movements
- f. Sample - Free Port Warehouse, Application for License
- g. Sample Application for Exemption from Ad Valorem Taxes
- h. Sample Resolution Granting Exemption from Ad Valorem Taxes
- i. Sample Position Statement of Tax Assessor
- j. Sample Final Resolution Granting Exemption From Ad Valorem Taxes

Please call 601-923-7088 or send a request to withholding@dor.ms.gov for the following forms:

- a. Form 89-400 Advantage Jobs Payment Claim
- b. Form 89-401 Advantage Jobs Worksheet

F.4. County Tax Assessor Offices

COUNTY TAX ASSESSORS / COLLECTORS OF THE STATE OF MISSISSIPPI 2008-2012						
County	Telephone	Name	Address	County Seat	State	Zip
Adams	601-442-6732	Mr. Reynolds Atkins	Adams County Courthouse P.O. Box 1026	Natchez	MS	39121
Alcorn	662-286-7733	Mr. Kenneth Brawner	Alcorn County Courthouse P.O. Box 179	Corinth	MS	38835
Amite	601-657-8973	Ms. Jennifer G. Lindsey	Amite County Courthouse P.O. Box 356	Liberty	MS	39645
Attala	662-289-4711	Mr. Kempe Hodges	Attala County Courthouse 100 Courthouse, Suite 2	Kosciusko	MS	39090
Benton	662-224-6315	Ms. Betty Hobson	Benton County Courthouse P.O. Box 337	Ashland	MS	38603
Bolivar	662-843-3926	Ms. Nancy J. Havens	Bolivar County Courthouse P.O. Box 248	Cleveland	MS	38732
Calhoun	662-412-3140	Mr. Bill Malone	Calhoun County Courthouse P.O. Box 6	Pittsboro	MS	38951
Carroll	662-237-9217	Mr. Wilton A. Neal	Carroll County Courthouse P.O. Box 193	Carrollton	MS	38917
Chickasaw	662-456-3327	Mr. Dale Mooneyham	Chickasaw County Courthouse One Pinson Square, Room 3	Houston	MS	38851
Choctaw	662-285-6320	Ms. Lynn Ray	Choctaw County Courthouse P.O. Box 907	Ackerman	MS	39735
Claiborne	601-437-5591	Ms. Diane Davaul	Claiborne County Courthouse P.O. Box 469	Port Gibson	MS	39150
Clarke	601-776-6931	Ms. Hope Moore Herrington	Clarke County Courthouse P.O. Drawer 69	Quitman	MS	39355
Clay	662-494-2724	Ms. Teretha Rupert	Clay County Courthouse P.O. Box 795	West Point	MS	39773
Coahoma	662-624-3020	Ms. Judy Noland	Coahoma County Courthouse P.O. Box 219	Clarksdale	MS	38614
Copiah	601-894-2721	Mr. Todd Mooney	Copiah County Courthouse P.O. Box 730	Hazlehurst	MS	39083
Covington	601-765-6232	Ms. Cindy Aultman Sanford	Covington County Courthouse P.O. Box 1537	Collins	MS	39428
Desoto	662-429-1335	Mr. Parker Pickle	365 Loshier, Suite 100	Hernando	MS	38632
Forrest	601-545-6130	Ms. Mary Ann Palmer	Forrest County Courthouse P.O. Box 1626	Hattiesburg	MS	39403
Franklin	601-384-2359	Mr. Jeff Mullins	Franklin County Courthouse P.O. Box 456	Meadville	MS	39653
George	601-947-7541	Mr. Wilburn L. Bolen	5130 Main Street, Suite B	Lucedale	MS	39452
Greene	601-394-2378	Ms. Debra M. Helton	Greene County Courthouse, P.O. Box 477	Leakesville	MS	39451
Grenada	662-226-1741	Mr. David Melton	Grenada County Courthouse P.O. Box 1488	Grenada	MS	38902
Hancock	228-467-1669	Mr. Jimmie Ladner, Jr.	Hancock County Courthouse P.O. Box 2428	Bay St. Louis	MS	39521
Harrison	228-865-4044	Mr. E.T. (Tal) Flurry, Jr.	Harrison County Courthouse P.O. Box 462	Gulfport	MS	39502
Hinds	601-968-6624	Mr. Charles E. Stokes	Hinds County Courthouse P.O. Box 22908	Jackson	MS	39225
Holmes	662-834-2865	Ms. Mary R. McGee	Holmes County Courthouse 1 Court Square	Lexington	MS	39095
Humphreys	662-247-2552	Ms. Margaret Parks	Humphreys County Courthouse 101 Castleman Street	Belzoni	MS	39038
Issaquena	662-873-4665	Ms. Deborah Robin	Issaquena County Courthouse P.O. Box 67	Mayersville	MS	39113
Itawamba	662-862-7598	Mr. Johnny Riley	Itawamba County Courthouse P.O. Box 158	Fulton	MS	38843
Jackson	228-769-3070	Mr. Benny Goff	Jackson County Courthouse P.O. Box 998	Pascagoula	MS	39568
Jasper	601-764-2813	Ms. Patti S. Ishee	Jasper County Courthouse P.O. Box 372	Bay Springs	MS	39422
Jefferson	601-786-3781	Ms. Samantha F. Jackson	Jefferson County Courthouse P.O. Box 357	Fayette	MS	39069
Davis	601-792-4291	Ms. Sue Shivers Worthy	Jefferson Davis Count Courthouse 1025 3rd Street	Prentiss	MS	39474
Jones	601-649-1636	Ms. Ramona Q. Blackledge	Jones County Courthouse P.O. Box 511	Laurel	MS	39441
Kemper	601-743-2693	Ms. Joycelyn T. Robertson	Kemper County Courthouse P.O. Box 328	Dekalb	MS	39328
Lafayette	662-234-5562	Ms. Martha H. Thomson	1 Court House Square	Oxford	MS	38655
Lamar	601-794-1020	Mr. James Patterson	Lamar County Courthouse P.O. Box 309	Purvis	MS	39475
Lauderdale	601-482-9779	Mr. Jimmy Slay	Lauderdale County Courthouse P.O. Box 687	Meridian	MS	39302
Lawrence	601-587-2211	Ms. Sherry Hyde-Thames	523 Brinson Street P.O. Box 812	Monticello	MS	39654
Leake	601-267-3021	Ms. Kim Withers	101 Court Square, Suite 123	Carthage	MS	39051
Lee	662-841-9030	Mr. Mark "Winky" Weathers	201 W. Jefferson Street., Suite A	Tupelo	MS	38804
Leflore	662-455-7900	Mr. Leroy Ware	Leflore County Courthouse P.O. Box 1957	Greenwood	MS	38935
Lincoln	601-835-3425	Ms. Nancy Reeves Jordan	Lincoln County Courthouse 301 S. First Street, Room 109	Brookhaven	MS	39601
Lowndes	662-329-5707	Mr. Greg Andrews	Lowndes County Courthouse P.O. Box 1077	Columbus	MS	39703
Madison	601-856-1796	Mr. Gerald R. Barber	Madison County Courthouse, P.O. Box 292	Canton	MS	39046
Marion	601-736-8256	Ms. Sherry McGowan	Marion County Courthouse 250 Broad Street, Suite 3	Columbia	MS	39429
Marshall	662-252-6209	Ms. Juanita M. Dillard	Marshall County Courthouse P.O. Box 40	Holly Springs	MS	38635

Monroe	662-369-2033	Ms. Mitzi F. Presley	Monroe County Courthouse	P.O. Drawer 636	Aberdeen	MS	39730
Montgomery	662-283-2112	Ms. Velma Young	Montgomery County Courthouse	P.O. Box 674	Winona	MS	38967
Neshoba	601-656-4541	Mr. Mike Lewis	Neshoba County Courthouse	401 Beacon Street # 105	Philadelphia	MS	39350
Newton	601-635-2517	Ms. Geraldine Seal	Newton County Courthouse	P.O. Box 7	Decatur	MS	39327
Noxubee	662-726-4744	Mr. Emmett Mickens	Noxubee County Courthouse	505 S. Jefferson Street	Macon	MS	39341
Oktibbeha	662-323-1273	Ms. Patricia Kight	Oktibbeha County Courthouse	101 East Main Street	Starkville	MS	39759
Panola	662-563-6272	Mr. David Garner	Panola County Courthouse	151 Public Square Ste B	Batesville	MS	38606
Pearl River	601-403-2220	Mr. Gary Beech	Pearl River County Courthouse	P.O. Box 509	Poplarville	MS	39470
Perry	601-964-3398	Ms. Linda H. Carroll	Perry County Courthouse	P.O. Box 306	New Augusta	MS	39462
Pike	601-783-5511	Mr. Joe B. Young	Pike County Courthouse	P.O. Box 111	Magnolia	MS	39652
Pontotoc	662-489-3903	Mr. Van McWhirter	Pontotoc County Courthouse	11 E. Washington Street	Pontotoc	MS	38863
Prentiss	662-728-4349	Mr. Steve Eaton	Prentiss County Courthouse	P O Box 342	Booneville	MS	38827
Quitman	662-326-8928	Ms. Betty Adams Nubbie	Quitman County Courthouse	220 Chestnut Street, Suite 1	Marks	MS	38646
Rankin	601-825-1470	Mr. John A. Sullivan	211 E. Government Street, Suite C		Brandon	MS	39042
Scott	601-469-4051	Ms. Myra Murrell Davis	Scott County Courthouse	100 East First Street	Forest	MS	39074
Sharkey	662-873-4318	Ms. Tracy Brown	Sharkey County Courthouse	P.O. Box 245	Rolling Fork	MS	39159
Simpson	601-847-1744	Mr. Charles Baldwin	Simpson County Courthouse	P.O. Box 459	Mendenhall	MS	39114
Smith	601-782-9803	Ms. Becky Martin	Smith County Courthouse	P.O. Box 157	Raleigh	MS	39153
Stone	601-928-3121	Mr. Charles Williams, Jr.	308 Court Street		Wiggins	MS	39577
Sunflower	662-887-1454	Mr. Jack Allen	Sunflower County Courthouse	P.O. Box 1080	Indianola	MS	38751
Tallahatchie	662-647-8922	Ms. Dorothy Martin	Tallahatchie County Courthouse	P.O. Box 87	Charleston	MS	38957
Tate	662-562-6011	Mr. Edward T. "Ed" Taylor	Tate County Courthouse	201 South Ward Street	Senatobia	MS	38668
Tippah	662-837-9956	Ms. Rhonda Reno	Tippah County Courthouse	102-D North Main	Ripley	MS	38663
Tishomingo	662-423-7059	Ms. Diana Turner	Tishomingo County Courthouse	1008 Battleground Drive, Suite 208	Iuka	MS	38852
Tunica	662-363-1266	Ms. Betty Gayle Fields	Tunica County Courthouse	P.O. Box 655	Tunica	MS	38676
Union	662-534-1972	Mr. Dennis Rakestraw	Union County Courthouse	P.O. Box 862	New Albany	MS	38652
Walthall	601-876-4932	Ms. Peggy D. Hilburn	Walthall County Courthouse	200 Ball Avenue	Tylertown	MS	39667
Warren	601-638-6161	Mr. Ricky Holland	Warren County Courthouse	P.O. Box 351	Vicksburg	MS	39180
Washington	662-334-2651	Mr. Mark K. Seard	Washington County Courthouse	901 Washington Avenue	Greenville	MS	38701
Wayne	601-735-3381	Ms. Debbie J. Richards	609 Azalea Drive		Waynesboro	MS	39367
Webster	662-258-6446	Ms. Barbara Ellison Gore	Webster County Courthouse	P.O. Box 417	Walthall	MS	39771
Wilkinson	601-888-4562	Ms. Weylyn "Cookie" James	Wilkinson County Courthouse	P.O. Box 695	Woodville	MS	39669
Winston	662-773-6566	Ms. Brenda Miles	Winston County Courthouse	113 West Main Street	Louisville	MS	39339
Yalobusha	662-473-1235	Ms. Linda Shuffield	Yalobusha County Courthouse	P.O. Box 1552	Water Valley	MS	38965
Yazoo	662-746-2642	Ms. Beverly S. Ladner	Yazoo County Courthouse	P.O. Box 108	Yazoo City	MS	39194

COUNTY TAX COLLECTORS OF THE STATE OF MISSISSIPPI

Adams	601-442-8601	Mr. Peter T. Burns, Jr.	Adams County Courthouse	P.O. Box 1128	Natchez	MS	39121
Alcorn	662-286-7750	Mr. Greg Younger	Alcorn County Courthouse	P.O. Box 190	Corinth	MS	38835
Copiah	601-894-2731	Ms. April Holloway	Copiah County Courthouse	P.O. Box 705	Hazlehurst	MS	39083
DeSoto	662-429-1341	Mr. Joey Treadway	DeSoto County Courthouse	365 Loshier, Suite 110	Hernando	MS	38632
Forrest	601-582-8228	Mr. Delbert Dearman	Forrest County Courthouse	P.O. Box 1689	Hattiesburg	MS	39403
Harrison	228-865-4039	Mr. David Larosa	Harrison County Courthouse	P.O. Box 1270	Gulfport	MS	39502
Hinds	601-968-6588	Mr. Eddie J. Fair	Hinds County Courthouse	P.O. Box 1727	Hinds	MS	39215
Itawamba	662-862-4304	Mr. Aaron Loden	Itawamba County Courthouse	P.O. Box 818	Fulton	MS	38843
Jackson	228-769-3074	Mr. Joseph (Joe) Tucker	Jackson County Courthouse	P.O. Box 998	Pascagoula	MS	39568
Lauderdale	601-482-9786	Mr. Stanley Shannon	Lauderdale County Courthouse	P.O. Box 5205	Meridian	MS	39302
Lee	662-841-9034	Mr. Leroy Belk, Jr.	Lee County Courthouse	P.O. Box 271	Tupelo	MS	38802
Leflore	662-453-6205	Ms. Sara Kenwright	Leflore County Courthouse	P.O. Box 1349	Greenwood	MS	38935
Madison	601-855-5600	Ms. Kay Pace	Madison County Courthouse	P.O. Box 113	Canton	MS	39046
Marshall	662-252-3661	Ms. Betty Byrd	Marshall County Courthouse	P.O. Box 40	Holly Springs	MS	38635
Monroe	662-369-6484	Mr. Pat Birkholz	Monroe County Courthouse	P.O. Box 684	Aberdeen	MS	39730
Prentiss	662-728-5044	Mr. H.W. "Rusty" Cole	Prentiss County Courthouse	101 N. Main Street	Booneville	MS	38829
Rankin	601-825-1467	Ms. Judy Fortenberry	211 E. Government Street, Suite B		Brandon	MS	39042
Tate	662-562-7422	Ms. Sue Spier	210 South Ward Street		Senatobia	MS	38668
Tippah	662-837-9410	Mr. Joe Larry Shackelford	Tippah County Courthouse	102-C North Main	Ripley	MS	38663
Tishomingo	662-423-7048	Mr. Paul Whitlock	Tishomingo County Courthouse	1008 Battleground Drive, Suite 213	Iuka	MS	38852
Warren	601-638-6181	Ms. Pat Simrall	Warren County Courthouse	P.O. Box 351	Vicksburg	MS	39180
Washington	662-378-2922	Ms. Patricia Ann Lee	Washington County Courthouse	P.O. Box 9	Greenville	MS	38702
Yazoo	662-746-1583	Mr. Travis E. Crimm, Jr.	Yazoo County Courthouse	P.O. Box 108	Yazoo City	MS	39194

DOUBLE DISTRICTS

Bolivar	662-759-6244	Ms. Nancy J. Havens (A/C)	Bolivar County Courthouse	P.O. Box 339	Rosedale	MS	38769
Carroll	662-464-8852	Mr. Wilton A. Neal (A/C)	Carroll County Courthouse	P.O. Box 156	Vaiden	MS	39176
Chickasaw	662-447-2242	Mr. Dale Mooneyham (A/C)	Chickasaw County Courthouse	P.O. Box	Okolona	MS	38660
Harrison	228-435-8264	Mr. E.T. (Tal) Flurry (A)	Harrison County Courthouse	P.O. Box 99	Biloxi	MS	39533
Harrison	228-435-8241	Mr. David Larosa (C)	Harrison County Courthouse	P.O. Box 448	Biloxi	MS	39533
Hinds	601-857-8787	Mr. Charles E. Stokes (A)	Hinds County Courthouse	P.O. Box 549	Raymond	MS	39154
Hinds	601-857-5574	Mr. Eddie J. Fair (C)	Hinds County Courthouse	P.O. Box 51	Raymond	MS	39154
Jasper	601-727-4971	Ms. Pattie Ishee (A/C)	Jasper County Courthouse	P.O. Box 493	Paulding	MS	39348
Jones	601-477-3253	Ms. Ramona Blackledge (A/C)	Jones County Courthouse	P.O. Box	Ellisville	MS	39437
Panola	662-487-2090	Mr. David Garner (A/C)	Panola County Courthouse	P.O. Box 130	Sardis	MS	38666
Tallahatchie	662-375-8386	Ms. Dorothy Martin (A/C)	Tallahatchie County Courthouse	P.O. Box 87	Sumner	MS	38957
Yalobusha	662-675-8707	Ms. Linda Shuffield (A/C)	Yalobusha County Courthouse	P.O. Box 260	Coffeeville	MS	38922

F.5. County Rankings By Year

These county rankings use the combination of the highest unemployment rate and the lowest per capita income for the most recent thirty-six (36) month period. They are provided to conform to the requirement of Miss Code Ann. §57-73-21, as amended. They are used to determine the Tier 1, Tier 2 and Tier 3 rankings of the counties in order to determine the various degrees of exemption for some of the incentives offered by Mississippi. These rankings are compiled by the Department of Revenue each year. They can be found on our web site at www.dor.ms.gov.

**DEPARTMENT OF REVENUE
COUNTY RANKING AND DESIGNATION
2011**

Tier Three Less Developed Areas		Tier Two Moderately Developed Areas		Tier One Developed Areas	
1.	Jefferson	29.	Tunica	56.	Issaquena
2.	Benton	30.	Clay	57.	Marion
3.	Holmes	31.	Copiah	58.	Scott
4.	Claiborne	32.	Monroe	59.	Lowndes
5.	Noxubee	33.	Washington	60.	Newton
6.	Kemper	34.	Grenada	61.	Carroll
7.	Sunflower	35.	Marshall	62.	Lincoln
8.	Webster	36.	Calhoun	63.	Tate
9.	Chickasaw	37.	Leake	64.	Lee
10.	Greene	38.	Leflore	65.	Lauderdale
11.	Humphreys	39.	Jasper	66.	Simpson
12.	Prentiss	40.	Coahoma	67.	Adams
13.	Choctaw	41.	Alcorn	68.	Forrest
14.	Tishomingo	42.	Lawrence	69.	Neshoba
15.	Wilkinson	43.	Sharkey	70.	Oktibbeha
16.	Tippah	44.	Itawamba	71.	Stone
17.	Attala	45.	George	72.	Warren
18.	Yalobusha	46.	Tallahatchie	73.	Jackson
19.	Quitman	47.	Bolivar	74.	Jones
20.	Perry	48.	Wayne	75.	Hinds
21.	Winston	49.	Pontotoc	76.	Lafayette
22.	Walthall	50.	Pearl River	77.	Hancock
23.	Panola	51.	Amite	78.	Lamar
24.	Franklin	52.	Covington	79.	Harrison
25.	Clarke	53.	Union	80.	Desoto
26.	Jefferson Davis	54.	Pike	81.	Rankin
27.	Montgomery	55.	Smith	82.	Madison
28.	Yazoo				

**MISSISSIPPI STATE TAX COMMISSION
COUNTY RANKING AND DESIGNATION
2010**

Tier Three Less Developed Areas		Tier Two Moderately Developed Areas		Tier One Developed Areas	
1.	Jefferson	29.	Franklin	56.	Union
2.	Holmes	30.	Yazoo	57.	Lowndes
3.	Benton	31.	Walthall	58.	Carroll
4.	Claiborne	32.	Clarke	59.	Smith
5.	Noxubee	33.	Monroe	60.	Scott
6.	Sunflower	34.	Marshall	61.	Lincoln
7.	Webster	35.	Tallahatchie	62.	Newton
8.	Wilkinson	36.	Calhoun	63.	Tate
9.	Kemper	37.	George	64.	Lee
10.	Choctaw	38.	Leflore	65.	Lauderdale
11.	Tunica	39.	Bolivar	66.	Simpson
12.	Greene	40.	Issaquena	67.	Adams
13.	Chickasaw	41.	Leake	68.	Oktibbeha
14.	Perry	42.	Coahoma	69.	Neshoba
15.	Tishomingo	43.	Jasper	70.	Stone
16.	Attala	44.	Itawamba	71.	Forrest
17.	Humphreys	45.	Lawrence	72.	Warren
18.	Prentiss	46.	Sharkey	73.	Jackson
19.	Quitman	47.	Alcorn	74.	Jones
20.	Winston	48.	Grenada	75.	Hinds
21.	Yalobusha	49.	Pearl River	76.	Lafayette
22.	Panola	50.	Wayne	77.	Lamar
23.	Tippah	51.	Pontotoc	78.	Hancock
24.	Clay	52.	Covington	79.	Harrison
25.	Montgomery	53.	Marion	80.	Desoto
26.	Copiah	54.	Pike	81.	Madison
27.	Jefferson Davis	55.	Amite	82.	Rankin
28.	Washington				

**MISSISSIPPI STATE TAX COMMISSION
COUNTY RANKING AND DESIGNATION
2009**

Tier Three Less Developed Areas		Tier Two Moderately Developed Areas		Tier One Developed Areas	
1.	Jefferson	29.	Franklin	56.	Union
2.	Benton	30.	Montgomery	57.	Lowndes
3.	Claiborne	31.	Yalobusha	58.	Carroll
4.	Holmes	32.	Yazoo	59.	Lincoln
5.	Noxubee	33.	Monroe	60.	Stone
6.	Sunflower	34.	Clarke	61.	Lauderdale
7.	Greene	35.	Walthall	62.	Scott
8.	Wilkinson	36.	Coahoma	63.	Adams
9.	Kemper	37.	Leflore	64.	Newton
10.	Webster	38.	Winston	65.	Lee
11.	Humphreys	39.	Sharkey	66.	Tate
12.	Marshall	40.	Tallahatchie	67.	Hancock
13.	Quitman	41.	Issaquena	68.	Harrison
14.	Tishomingo	42.	Calhoun	69.	Oktibbeha
15.	Chickasaw	43.	Leake	70.	Smith
16.	Washington	44.	Pearl River	71.	Simpson
17.	Choctaw	45.	Alcorn	72.	Jackson
18.	Perry	46.	Lawrence	73.	Forrest
19.	Prentiss	47.	Itawamba	74.	Warren
20.	Copiah	48.	Wayne	75.	Hinds
21.	Panola	49.	Amite	76.	Jones
22.	Tunica	50.	Marion	77.	Lamar
23.	Attala	51.	Pontotoc	78.	Neshoba
24.	Clay	52.	Jasper	79.	Lafayette
25.	Tippah	53.	Grenada	80.	Desoto
26.	Bolivar	54.	Pike	81.	Madison
27.	George	55.	Covington	82.	Rankin
28.	Jefferson Davis				

MISSISSIPPI STATE TAX COMMISSION
COUNTY RANKING AND DESIGNATION
2008

Tier Three			Tier Two		Tier One	
Less Developed Areas			Moderately Developed Areas		Developed Areas	
1.	Jefferson	29.	Prentiss	56.	Alcorn	
2.	Wilkinson	30.	Yazoo	57.	Calhoun	
3.	Claiborne	31.	Clarke	58.	Leake	
4.	Holmes	32.	Humphreys	59.	Grenada	
5.	Benton	33.	Monroe	60.	Carroll	
6.	Noxubee	34.	Montgomery	61.	Lincoln	
7.	Sunflower	35.	Hancock	62.	Itawamba	
8.	Jefferson Davis	36.	Tishomingo	63.	Pontotoc	
9.	Greene	37.	Leflore	64.	Union	
10.	Copiah	38.	Attala	65.	Scott	
11.	Walthall	39.	Pike	66.	Tate	
12.	Kemper	40.	Stone	67.	Lauderdale	
13.	Pearl River	41.	Coahoma	68.	Newton	
14.	Franklin	42.	Harrison	69.	Oktibbeha	
15.	Choctaw	43.	Sharkey	70.	Simpson	
16.	Clay	44.	Winston	71.	Smith	
17.	Webster	45.	Adams	72.	Warren	
18.	Chickasaw	46.	Marion	73.	Hinds	
19.	Panola	47.	Yalobusha	74.	Forrest	
20.	George	48.	Jackson	75.	Lee	
21.	Washington	49.	Tallahatchie	76.	Lamar	
22.	Marshall	50.	Lawrence	77.	Jones	
23.	Perry	51.	Jasper	78.	Neshoba	
24.	Bolivar	52.	Wayne	79.	Lafayette	
25.	Amite	53.	Covington	80.	Rankin	
26.	Quitman	54.	Tippah	81.	Madison	
27.	Issaquena	55.	Lowndes	82.	Desoto	
28.	Tunica					

MISSISSIPPI STATE TAX COMMISSION
COUNTY RANKING AND DESIGNATION
2007

Tier Three		Tier Two		Tier One	
Less Developed Areas		Moderately Developed Areas		Developed Areas	
1.	Jefferson	29.	Bolivar	56.	Alcorn
2.	Wilkinson	30.	Pearl River	57.	Carroll
3.	Claiborne	31.	Winston	58.	Grenada
4.	Holmes	32.	Prentiss	59.	Leake
5.	Noxubee	33.	Humphreys	60.	Scott
6.	Benton	34.	Monroe	61.	Calhoun
7.	Jefferson Davis	35.	Leflore	62.	Union
8.	Sunflower	36.	Yalobusha	63.	Lincoln
9.	Quitman	37.	Hancock	64.	Tate
10.	Walthall	38.	Coahoma	65.	Pontotoc
11.	Greene	39.	Pike	66.	Newton
12.	Kemper	40.	Stone	67.	Simpson
13.	Panola	41.	Tishomingo	68.	Itawamba
14.	Franklin	42.	Clarke	69.	Lauderdale
15.	Issaquena	43.	Harrison	70.	Hinds
16.	Marshall	44.	Amite	71.	Oktibbeha
17.	Sharkey	45.	Marion	72.	Forrest
18.	Chickasaw	46.	Adams	73.	Smith
19.	Washington	47.	Wayne	74.	Lee
20.	Yazoo	48.	Jasper	75.	Warren
21.	Copiah	49.	Montgomery	76.	Jones
22.	Webster	50.	Jackson	77.	Lamar
23.	Clay	51.	Attala	78.	Neshoba
24.	Perry	52.	Covington	79.	Lafayette
25.	Choctaw	53.	Tippah	80.	Madison
26.	Tallahatchie	54.	Lowndes	81.	Desoto
27.	Tunica	55.	Lawrence	82.	Rankin
28.	George				

