

Economic Development Incentives

2009 - 2010



TENNESSEE

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Business Development
312 Rosa L. Parks Avenue
11th Floor, TN Tower
Nashville, TN 37243

1-877-768-6374
615-741-3282
Fax - 615-741-5829
www.tnecd.gov

C A L L C E N T E R



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Call Center - a single location that utilizes telecommunication services in one or more of the following activities: customer services, soliciting sales, reactivating dormant accounts, conducting surveys or research, fund raising, collection of receivables, receiving reservations, receiving orders, or taking orders.

Franchise Tax

- Tax on the greater of net worth or book value of property owned or used in Tennessee
- Tax rate is 25 cents per \$100

Incentives

- Pollution control equipment is exempt from franchise tax base
- Property under construction and not being utilized is not included in franchise tax base
- Property rented from the industrial development corporation may be valued by capitalizing it on the books
- 2/3 of capital investment for super job tax credit is excluded from franchise tax base

Excise Tax

- Tax is based on the net earnings of the company derived from the business in Tennessee
- Tax rate is 6.5%

Incentives

- All capital losses claimed in the year incurred
- Net operating losses can be carried forward for 15 years
- Tennessee's Excise Tax is based on the net earnings of the company derived from business in Tennessee as determined by a three factor apportionment formula of property, payroll and sales with sales double-weighted.
- Tennessee does not have a throwback provision – thus the state does not require companies with sales outside of Tennessee that are not apportioned to or taxed by another state to be included in the numerator of sales in Tennessee.

Job Tax Credit for Call Centers

- \$4,500 per net new full-time job in any Tennessee county.¹
- \$5,000 per net new full-time job for companies that qualify for the super job tax credit by investing over \$100 million and creating at least 100 net new full-time jobs paying 100% of the average occupational wage.
- The Job Tax Credit may offset up to 50% of the combined franchise and excise tax.²
- Must create 25 net new full-time jobs and increase capital investment³ by \$500,000 in a qualified business enterprise⁴ within twelve (12) months of the effective date of the



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business plan filed with the Department of Revenue, unless in a Tier 2 or Tier 3 county.

- Qualified business enterprises that are in a Tier 2 enhancement county shall have three (3) years in order to create the minimum number of 25 jobs necessary to qualify for the Job Tax Credit.
- Qualified businesses in a Tier 3 county shall have five (5) years to create the minimum number of 25 jobs to receive the Job Tax Credit.
- Unused job tax credit may be carried forward for up to 15 years
- In order to qualify for the Job Tax Credit, the taxpayer must file a business plan⁵ in a manner prescribed by the Commissioner of Revenue. The business plan must describe the investment to be made, the number of jobs the investment will create, the expected dates the jobs will be filled and the effective date of the business plan. Tenn. Code Ann. § 67-4-2109(c)(2)(D) as amended by Tenn. Pub. Chap. No. 530, Public Acts 2009 (effective July 1, 2009).

Enhanced Job Tax Credit in Tier 2 and Tier 3 Enhancement Counties

Tennessee recently enacted new legislation that allows for an additional tiered Job Tax Credit. This credit had been created to promote new industry locations and expansions in the more rural areas of the state. The tiers are based on each Tennessee counties' per capita income, unemployment, and poverty level. Analysis has been performed determining each Tennessee counties' tiered status. Projects which locate in a Tier 2 or Tier 3 county will be eligible for this additional credit.

- \$4,500 per net new full-time job applied to offset both Franchise and Excise Tax
- Must increase capital investment by \$500,000 in a qualified business enterprise within a twelve (12) month period and create 25 net new full-time jobs during the investment period of three (3) years in a Tier 2 county and five (5) years in a Tier 3 county.
- Tier 2 counties - Enhanced Job Tax Credit of additional \$4,500 per job can offset up to 100% of the total franchise and excise tax liability each year for three (3) years after the investment period with no carry forward.
- Tier 3 counties - Enhanced Job Tax Credit of additional \$4,500 per job can offset up to 100% of the total franchise and excise tax liability each year for five (5) years after the investment period with no carry forward.
- Credit is in addition to the regular Job Tax Credit

Super Job Tax Credit

Tennessee has enacted legislation that provides a job tax super credit ("super credit") for taxpayers investing in excess of \$100 million in a qualified business enterprise creating 100 or more net new full-time jobs paying at least 100% of the average occupational wage in the state.⁶ The average occupational wage for 2009 is \$35,376.



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This super credit may be used to offset up to 100% of a taxpayer’s Tennessee Franchise and Excise Tax liability annually beginning with the first tax year after the investment and job creation thresholds have been met. The super credit is taken annually and does not have a carry forward provision.

- The super credit is in addition to the regular Job Tax Credit which will still have the fifteen (15) year carry forward and normal percentage of offset. The only difference is by qualifying for the super credit, the amount of the regular Job Tax Credit increases to \$5,000 per new full-time occupational wage job instead of the regular \$4,500 per job.
- In addition, the super credit allows for the offset of total Franchise and Excise Tax liability to be up to 100% during the time when the super credit is being taken on an annual basis.
- In addition to the jobs portion of the credit, a company that qualifies for the super credit may exclude 2/3 of its capital investment made during the investment period from its Franchise tax base on Schedule G of the franchise and excise tax return during the tax years in which the additional annual credit is actually taken.
- The super credit investment period is three (3) years, but can be expanded to five (5) years for investments of \$100 million or more and to seven (7) years for investments of \$1 billion or more with the approval of the Commissioner of ECD.
- The number of years a company may take the annual super credit of \$5,000 per job is dependent upon the capital investment and number of jobs created as follows:

Capital Investment	Number of Net New Occupational Wage Jobs	Number of Years for Annual Credit
\$100,000,000 or more	100	3
\$250,000,000 or more	250	6
\$500,000,000 or more	500	12
\$1 billion or more	500	20

Industrial Machinery Credit

- 1% credit on telephone equipment and computer equipment purchased under the required capital investment for jobs tax credit.
- The credit may be used to offset up to 50% of the total franchise and excise tax liability and the unused credit carried forward for 15 years.⁷

The percentage of Industrial Machinery Credit allowed is dependent upon the capital investment made during the investment period as follows:



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Capital Investment ⁸	Percentage of Credit	Must File a Business Plan
Less than \$100,000,000	1%	No
\$100,000,000	3%	Yes
\$250,000,000	5%	Yes
\$500,000,000	7%	Yes
\$1,000,000,000	10%	Yes

For purposes of the Industrial Machinery Credit the “investment period” means a period not to exceed three (3) years from the filing of the business plan related to the required capital investment, during which the required capital investment must be made. The three (3) year period for making the required capital investment may be extended by the Commissioner of ECD for a reasonable period, not to exceed two (2) years for investments of less than \$1 billion and not to exceed four (4) years for investments of \$1 billion or more. Tenn. Code Ann. § 67-4-2009(4)(I)(vi).

Property Tax

- No state property tax

Sales and Use Tax

For qualified call centers which have at least 250 employee jobs primarily engaged in the call center activities as defined in statute, there is a sales and use tax exemption for interstate and international telecommunication sold to a business for use in the operation of a call center.

- To qualify for the sales and use tax exemption on interstate telecommunication and international telecommunication service for call centers the taxpayer must apply for and receive from the Department of Revenue an exemption certificate declaring that such call center is entitled to the exemption.



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FastTrack

Tennessee has a state funded program called FastTrack. Included in the program is the FastTrack Infrastructure Development Program (FIDP)-[*Community generated*] and the FastTrack Job Training Assistance Program (FJTAP)-[*Company generated*].

Under the guidelines of this program the state can make grants to local governments to help them meet the public infrastructure requirements for locating and expanding industries as well as address the training needs of a company.

Both programs require application for financial assistance.

FastTrack Infrastructure Development Program (FIDP)

The FastTrack Industrial Development Program is Tennessee's initiative to support the public infrastructure needs of the local community to support expansion or location of industry. Project funding is determined by evaluating each project in terms of capital investment, new jobs created, the types of the created jobs, and the community in which the project locates. Once a targeted funding amount of eligible activity is established, final approval is subject to FIDP funding appropriated by the Tennessee General Assembly and approval by the Department of Economic and Community Development's Loan & Grant Committee. There are state regulations that apply relative to procurement/bidding procedures.

FastTrack Job Training Assistance Program (FJTAP)

The FastTrack Job Training Assistance Program is Tennessee's initiative to support industrial recruitment and expansion through direct training assistance for newly hired employees, employees in upgraded positions, and employees retained through instruction. FJTAP staff assists each individual company to develop customized training plans and to provide funding. Eligibility for FJTAP support and levels of funding for training assistance are determined by:

- The amount of company investment
- The number of new hires
- The types of skills and knowledge that must be obtained by prospective or newly hired employees

Job Specific Training (*Training assistance is targeted to production/technician level individuals.*)

- Classroom - formal instruction relating to specific skills presented in a classroom environment
- On-the-Job Training - instruction that focuses on the development of specific skills and knowledge vital to production. Training is provided by company technicians or instructors mutually acceptable to FJTAP and the company.



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- Vendor - manufacturer of actual manufacturing equipment or service provider being used by the client may be utilized to deliver specific skills training.
- System Support - instruction associated with plant-wide applications. Instruction may include new methods for increasing mechanization, quality, materials handling, etc.
- Development and Coordination – supports the cost associated with the development of instructional materials and coordination of the overall training program.

Travel

- Supporting the expense of travel for the purpose of training can be considered as a viable option for the training of new hires and especially for persons who will serve as a company instructor.

Job Based Training (JBT)

Program to offer potentially faster reimbursement monies associated with training. Once the project commitment is determined and cost per job established, this quick start program may offer the company an accelerated portion of training dollars.

- After the first 3 months (60 work days) The Company records are reviewed *{proper documentation will be required}* for number of new jobs created.
- Calculation is made to determine salary paid to those new jobs multiplied by 25%.
- Calculation is made of predetermined cost-per-job multiplied by the number of jobs created during this period.

The company will be entitled to Job Based Training dollars for whichever above scenario is LESS.

- After 3 additional months the same calculation is run, with proper documentation, to allow an additional 25% computation on salaries for jobs created during the period, compared to the calculation of number of new jobs multiplied by again, the established cost-per-job.

The company is again entitled to JBT dollars for whichever scenario is LESS.

Depending on the number of new jobs to be created during the periods of review, it may be possible for the company to receive the entire training commitment ***IF the total committed job number is reached.***



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It is the company's elective to pursue the training commitment in either type of reimbursement method or in a combination thereof. If the commitment is not met in JBT, then direct training can be used for the balance *IF the total job commitment is met.*

Employee Recruitment and Screening (Provided by Dept. of Labor & Workforce Dev.)

The Tennessee Department of Labor and Workforce Development, Job Service Division, will provide recruitment and screening services. Utilizing the client/company's prepared job specifications, Job Service will recruit the number of persons requested by the company. The persons will be screened using the company's specifications. Those persons meeting the specifications will be referred to the company for employment considerations.

Workforce Development

- **Leadership Training** - is directed toward providing supervisors, team leaders, and managers with the interpersonal skills necessary to motivate and lead production workers towards the accomplishment of organizational goals.
- **Team Training** - is provided for manufacturing/production employees where interpersonal communication is important in fostering interdependence, cooperation, commitment, motivation, etc.
- **Instructor Certification** - Certification of company personnel insures the availability of certified instructors not only at startup but also on a long term basis. The weeklong certification seminar provides candidates with the facilitation skills necessary to deliver a wide range of programs.

State Industrial Access Program (SIAP)

Other state assistance can be considered for providing needed transportation improvement for the project. Through the State Industrial Access Program (SIAP), local governments submit their requests on behalf of new industry moving into their communities, which the Department of Transportation reviews to determine the most feasible design.

Industrial Revenue Bond Financing

Industrial revenue bond financing is available in Tennessee for both taxable and tax-free situations.

All Tennessee tax and tax-based incentive information herein is provided for informational purposes only. For more specific information on whether a facility qualifies as a Call Center and what incentives are potentially available please contact your ECD Jobs Development Specialist.



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¹ Legislation effective July 1, 2009 sets the job tax credit for all counties at \$4,500 per new full-time job. For jobs created prior to 2009 in non-economically distressed counties such as Hamilton County, Knox County, Loudon County, Montgomery County, Shelby County and Williamson County the job tax credit was \$2,000 per job. Tier 2 and Tier 3 enhancement counties are entitled to additional enhanced incentives as detailed below. For information on which counties qualify as enhancement see "Tennessee Job Tax Credit Enhancement Counties" map.

² A taxpayer that makes a capital investment in excess of \$1 billion may be allowed to carry forward any unused credit until fully utilized if it is determined by the Commissioner of Revenue and Commissioner of Economic and Community Development to be in the best interests of the state. Tenn. Code Ann. § 67-4-2009(4)(c) as amended by Tenn. Pub. Chap. No. 530, Public Acts 2009 (effective July 1, 2009).

³ "Capital investment" means a business investment in real or tangible personal property.

⁴ "Qualified business enterprise" means an enterprise in which the business has made the required capital investment necessary to permit the creation or expansion of manufacturing, warehousing and distribution, processing tangible personal property, research and development, computer services, call centers, headquarters facilities as defined in § 67-6-224(b), or convention or trade show facilities. Tenn. Code Ann. § 67-6-2109(c)(1)(F)(i).

⁵ For information on how to obtain the appropriate Job Tax Credit Business Plan forms please contact your local ECD Jobs Development Specialist.

⁶ The current Average Occupational Wage data can be found on the website for the Tennessee Department of Labor and Workforce Development - www.state.tn.us/labor-wfd/wages/intro.htm

⁷ Taxpayers making a capital investment of \$1 billion in the State of Tennessee may carry forward any unused credits until fully utilized if the Commissioner of Revenue and Commissioner of ECD determine that the allowance of such additional carry forward is in the best interests of the state. Section 15 of Tenn. Pub. Chap. No. 530, Public Acts 2009 (effective July 1, 2009) amending Tenn. Code Ann. § 67-4-2009(4)(C).

⁸ For purposes of the Industrial Machinery Credit the "capital investment" means an increase of a business investment in real property, tangible personal property or software owned in Tennessee and/or leased property in Tennessee valued according to generally accepted accounting principles. A capital investment shall be deemed to have been made as of the date of payment or the date the taxpayer enters into a legally binding commitment or contract for purchase or construction. Tenn. Code Ann. § 67-4-2009(4)(I)(v).