

## Chapter 02 National or Regional Headquarters Credit

- 100 A credit is available to any company transferring or establishing a national or regional headquarters from within or outside the State of Mississippi and creating a minimum of twenty (20) jobs at the headquarters. The minimum increase of twenty (20) jobs must occur within one (1) year.
- 101 The amount of the credit is \$500.00 for each net new full time employee for the first five (5) years. The amount of the credit is increased to \$1,000.00 provided the employee's salary (excluding benefits not subject to Mississippi income tax) is one hundred twenty-five percent (125%) of the average annual wage of the state. If the employee's salary (excluding benefits not subject to Mississippi income tax) is two hundred percent (200%) of the average annual wage of the state, the credit is increased to \$2,000.00 for that employee. The average annual wage is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.
- 102 Any type of business may qualify for the credit as long as the other criteria are met, but a national or regional sales office does not qualify for the credit.
- 103 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.
- 104 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.
- 105 Before the credit is granted, the taxpayer must show that the headquarters will have officers and other high level employees with the support staff normally associated with a headquarters. The support staff for the headquarters is 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 headquarters operation. 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 and not solely on their physical presence at the location.

- 106 Companies that transfer full time headquarters employees into the state that are employed in Mississippi for less than twelve (12) months will be allowed a pro-rated portion of the yearly credit 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). To be used in the credit computation, the employee must be located in Mississippi and subject to withholding tax.
- 107 The total of the Jobs Tax Credit, the Headquarters Credit, and the Research & Development Skills Credit is limited to fifty percent (50%) of the Mississippi Income Tax liability. The unused portions can be carried forward for up to five (5) years from the original year in which the excess credit could not be used, but you may use the oldest year's unexpired credit first. They may be used in combination with any of the other credits.
- 108 The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within the state of any business enterprise may not create new eligibility in the current or any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Department of Revenue shall determine whether qualifying net increases have occurred or proper transfers of credit have been made and may require such information as needed for substantiation and qualification.
- 109 No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this credit.
- 110 The credit cannot be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits. 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.
- 111 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.
- 112 The credit is not refundable.
- 113 To apply for this credit:
1. Before the headquarters is transferred, you must submit an Application for Certification of Economic Incentives and a letter requesting the credit with sufficient information to allow a determination of whether the location qualifies as a national or regional headquarters. Sufficient information includes a list of all facilities inside and outside Mississippi that operate under the company's name, and a description of the

activities that will be carried out at the location that justify its designation as a headquarters. You must also furnish a list of employees with their titles, job descriptions, job responsibilities, educational requirements, experience requirements and salaries to justify the credit. A letter of authorization will be issued if the credit is granted.

2. You must attach a copy of the letter giving authority for the credit and a schedule of computation to the state income/franchise tax return.

114 This credit is authorized under Miss. Code Ann. Section 57-73-21(5), as amended.

115 (Reserved)

116 (Reserved)

## Chapter 02 National or Regional Headquarters Credit

- 100 A credit is available to any company transferring or establishing a national or regional headquarters from within or outside the State of Mississippi and creating a minimum of ~~thirty-five (35)~~twenty (20) jobs at the headquarters. ~~The amount of the credit is \$500.00 for each net new full time employee for the first five (5) years.~~ The minimum increase of ~~thirty-five (35)~~twenty (20) jobs must occur within one (1) year.
- 101 ~~The amount of the credit is \$500.00 for each net new full time employee for the first five (5) years. If the headquarters is transferred or established after January 1, 2001, t~~The amount of the credit is increased to \$1,000.00 provided the employee's salary (excluding benefits not subject to Mississippi income tax) is one hundred twenty-five percent (125%) of the average annual wage of the state. If the employee's salary (excluding benefits not subject to Mississippi income tax) is two hundred percent (200%) of the average annual wage of the state, the credit is increased to \$2,000.00 for that employee. The average annual wage is the most recently published average annual wage as determined by the Mississippi Department of Employment Security~~Commission~~.
- 102 Any type of business may qualify for the credit as long as the other criteria are met, but a national or regional sales office does not qualify for the credit.
- 103 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.
- 104 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.
- 105 Before the credit is granted, the taxpayer must show that the headquarters will have officers and other high level employees with the support staff normally associated with a headquarters. The support staff for the headquarters is 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 headquarters operation. 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 and not solely on their physical presence at the location.

- 106 Companies that transfer full time headquarters employees into the state that are employed in Mississippi for less than twelve (12) months will be allowed a pro-rated portion of the yearly credit 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). To be used in the credit computation, the employee must be located in Mississippi and subject to withholding tax.
- 107 The total of the Jobs Tax Credit, the Headquarters Credit, and the Research & Development Skills Credit is limited to fifty percent (50%) of the Mississippi Income Tax liability. The unused portions can be carried forward for up to five (5) years from the original year in which the excess credit could not be used, but you may use the oldest year's unexpired credit first. They may be used in combination with any of the other credits.
- 108 The sale, merger, acquisition, reorganization, bankruptcy or relocation from one county to another county within the state of any business enterprise may not create new eligibility in the current or any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. ~~The Tax Commission~~Department of Revenue shall determine whether qualifying net increases have occurred or proper transfers of credit have been made and may require such information as needed for substantiation and qualification.
- 109 No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive this credit.
- 110 The credit cannot be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits. 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.
- 111 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.
- 1142 The credit is not refundable.
- 1123 To apply for this credit:
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facilities inside and outside Mississippi that operate under the company's name, and a description of the activities that will be carried out at the location that justify its designation as a headquarters. You must also furnish a list of employees with their titles, job descriptions, job responsibilities, and job descriptions educational requirements, experience requirements and salaries to justify the credit. A letter of authorization will be issued if the credit is granted.

2. You must attach a copy of the letter giving authority for the credit and a schedule of computation to the state income/franchise tax return.

1134 This credit is authorized under Miss. Code Ann. Section 57-73-21(5)~~of the Mississippi Code of 1972~~, as amended.

114 ~~This regulation is effective January 1, 2001.~~

115 (Reserved)

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