

Enterprise Zone Program Program Flow Chart

1. Advance Notification

Must be filed prior to Project/Construction Beginning, purchasing or hiring. You will receive an Application Packet with a due date, 90 days after your project Ending Date reported on the Advance Notification. Notify Business Incentives (BI) if the Ending Date changes because your Due Date will change accordingly.

2. Endorsement Resolution

If you are interested in a local sales tax rebate, contact the local governing authority. A copy of the Endorsement Resolution must be received before the Board of Commerce and Industry (Board) approves the Enterprise Zone (EZ) Application. Any local sales taxes for bond indebtedness or for school boards are not eligible for rebate.

3. Data Sheet

Return completed Data Sheet with your Application.

4. Application

Application is due 90 days after the completion of the project or spending money. There is a 24 month maximum "project/construction" period which sales/use taxes can be rebated. If the project is for jobs only, the Application is due as soon as possible.

5. Approval

The Application is processed and presented to the Board.

6. Contract

After Board approval of the Application, three blank original Contracts, unless Louisiana Department of Revenue (LDR) has issued an Objection. Make any necessary changes in ink and initial; sign all three original contracts with two witnesses, and return. After execution, Contract Holder and LDR will receive originals, and a copy will be sent to the local governing authority.

7. Project Completion Report

Due with Application or with signed contracts.

8. Inspection/Audit Affidavit

Inspection/Audit Affidavit is due 6 months after the Contract is executed. A blank Affidavit will be enclosed with the executed Contract or the form can be found at www.led.louisiana.gov, Business Resources.

9. State Sales Tax Rebate

State Sales Tax Rebate must be submitted to LDR within 6 months after the Governor signs the Contract. Mail Rebate Claim to LDR, P.O. Box 3863 Baton Rouge, LA 70804-0201, not to BI.

10. Local Sales Tax Rebate

Contact the local governing authority for instructions.

11. Employee Certification Report

Employee Certification Report (ECR) is due 6 months after the Contract has been executed or March 1. A Certification Letter is sent after the ECR has been certified. A copy of the Certification Letter must be attached to each Louisiana Income Tax or Franchise Tax Return when the Job Tax Credits are used.

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TITLE 13
ECONOMIC DEVELOPMENT
Part I. Financial Incentive Programs

Chapter 7. Enterprise Zone Program

§ 701. Scope

A. Intent of Program. The intent of the program is to stimulate employment for residents in depressed areas of the state which are designated as enterprise zones by providing tax incentives to a business hiring from these areas.

B. Description of Program. The Louisiana Enterprise Zone Program is a jobs program which gives tax incentives to a business hiring from enterprise zones in Louisiana or from one of the other targeted groups. Enterprise Zone Program incentives are in addition to other state sponsored incentives such as the Industrial Tax Exemption Program and the Restoration Tax Abatement Program. Enterprise Zone and Quality Jobs Programs are mutually exclusive.

C. The following incentives are available.

1. A one-time tax credit of \$2,500 for each net new job filled with a Louisiana resident added to the applicant's payroll. The tax credit may be used to satisfy state income tax and/or franchise tax liabilities. If the entire tax credit cannot be used in the year created, the remainder may be applied against the state income tax and/or franchise tax liabilities for the succeeding 10 taxable years or until the entire credit is used, whichever occurs first.

2. In lieu of § 701.C.1 tax credit, aviation and aerospace industries [as defined in the 3720s and 3760s Standard Industrial Classification (SIC) manual] and auto parts manufacturers [as defined in 3363s North American Industrial Classification System (NAICS) manual] are eligible for a one-time tax credit of \$5,000 for each net new job filled with a Louisiana resident added to the applicant's payroll. The tax credit may be used to satisfy state income tax and/or franchise tax liabilities. If the entire tax credit cannot be used in the year created, the remainder may be applied against the state income tax and/or franchise tax liabilities for the succeeding 10 years, or until the entire credit is used, whichever occurs first. The \$5,000 tax credit for auto parts manufacturers will sunset June 30, 2006.

3. An additional \$2,500 tax credit is available to an applicant hiring Temporary Assistance for Needy Families (TANF) recipients. This tax credit is in addition to the incentive for new jobs created in § 701.C.1 and § 701.C.2. The TANF recipient must receive compensation which will disqualify them from continued participation in TANIF and must be employed for two years to generate the additional tax credit. The tax credit may be used to satisfy state income tax and/or franchise tax liabilities. If the entire tax credit cannot be used in the year created the remainder may be applied against the state income tax and/or franchise tax liabilities for the succeeding 10 years or until the entire credit is used, whichever occurs first. An employer shall not obtain the jobs tax credit for more than 10 TANIF employees in the first year of participation in the program.

4. Rebates can consist of sales/use taxes imposed by the state and imposed by local governmental subdivisions, upon approval of the governing authority of the appropriate municipality, parish, or district, where applicable, on all eligible purchases during the specified project/construction period per § 725.H. The project/construction period is limited to a 24 month period. Upon a written request, a project/construction period extension, not to exceed six months, may be granted by the Office of

Business Development, Business Incentives Division (BI). Rebates paid by local governmental subdivisions can only consist of those sales/use taxes that are not dedicated to the repayment of bond indebtedness or dedicated to schools. Final requests for the payment of any rebate must be filed with the Louisiana Department of Revenue (LDOR) and/or its local governmental subdivision no later than six months after the project's completion is documented or six months after the date of the governor's signature on the contract, whichever is later. Documentation of the completion of a project shall be either by using the application certification section or the filing of a separate Project Completion Report (PCR), as applicable, whichever date is later. An extension of up to six months on filing the rebate request with the LDOR may be granted upon written request to the BI. This request must be received by BI prior to the standard rebate request time period has expired.

D. Qualifications

1. The applicant's current level of employment must be increased by 10 percent (minimum of one net new job) within the first 12 months or a minimum of five net new jobs must be added to the current payroll within the first two years of the contract period. See § 703. Minimum Net New Jobs Required. Thirty-five percent net new employees must meet § § 709, 711, 713, or 715 as applicable.
2. Any business, except residential developments, (including but is not limited to the construction, selling, or leasing of single-family or multi-family dwellings, apartment buildings, condominiums, town houses, etc), churches, and businesses with gaming (See Title 13.1.3 Gaming Ineligibility) may apply for enterprise zone benefits.
3. An applicant in an urban parish must certify that a minimum of 35 percent of its net new employees meet the requirements of § 709.
4. An applicant located in a rural parish and in an enterprise zone must certify that a minimum of 35 percent of its net new employees meet the requirements of § 711.
5. An applicant located in a rural parish and not in an enterprise zone must certify that a minimum of 35 percent of its net new employees meet the requirements of § 713.
6. An applicant located in an economic development zone must certify that a minimum of 35 percent of its net new employees meet the requirements of § 715.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:252 (March 1991), amended by Department of Economic Development, Office of Commerce and Industry, LR 22:446 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2298 (November 2003).

§ 702. Future Contract Availability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#) et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, amended LR 22:447 (June 1996), repealed Department of Economic

Development, Office of Business Development, LR 29:2299 (November 2003).

§ 703. Definitions

Affiliate-

1. any business entity that is:
 - a. controlled by the applicant business;
 - b. a controlling owner of the applicant business; or
 - c. controlled by an entity described in Subparagraph a or b;
2. for purposes of this definition, Control is defined as owning either directly, or indirectly through control of or by another business entity:
 - a. a majority of the voting stock or other voting interest of such business entity or the applicant business; or
 - b. stock or other interest whose value is a majority of the total value of such business entity or the applicant business;
3. a business entity may be treated as a non-affiliate if the applicant business proves that neither the applicant business nor any of its controlling owners exercise authority over the management, business policies and operations of the business entity.

Beginning of Project/Construction-the first day on which foundations are started or where foundations are unnecessary, the first day on which installation of the facility begins or the first day that materials or equipment purchased for that project are received. Where there is no construction, the first day on which a new hire is made in connection with the project shall mean "Beginning of Project/Construction" for the purposes of this Chapter.

Contract Effective Date-either the day that the advance notification was received by BI or the beginning date of the project/construction shown on the application. The contract effective date cannot be earlier than the date the advance notification was received by BI unless a waiver of timely filing has been approved by the Board of Commerce and Industry (Board).

Date of Hire-the first day of work for which the applicant directly pays an employee and is reported on the applicant's Louisiana Department of Labor (LDOL) Quarterly Report of Wages Paid.

Economic Development Zone (EDZ)-a geographic area of contiguous real properties defined by a visible boundary, designated as such by the state or the local governmental subdivision in which it is located and approved by the Board. The location of an EDZ once defined is permanent, cannot be moved, expanded, or relocated, and is owned or operated by the state or a political subdivision of the state or operated by an entity created by the state or a political subdivision of the state. EDZs must have been created by state statute and are defined to include the following:

1. industrial park;
2. business park;

3. airport or air park;
4. research park;
5. research and development park;
6. downtown development district-with taxing and bonding authority;
7. former federal facility-cannot be a single building or small grouping of prior federally owned and occupied buildings. The immediate previous occupant of this facility must have been a federal governmental entity; and
8. port-only the contiguous real property actually owned by that port.

Enterprise Zone-an area of high unemployment, low income and/or an area where a large number of residents are receiving some form of public assistance. For purposes of R.S.51:1787.B.4 and D.4 the term "some form of public assistance" shall include any program of assistance financed in whole or in part by a federal, state, or any local government agency, eligibility for which is dependant upon the employment status or income level of the individual. Any such assistance must have been received by the individual within a six month period prior to their employment. Receiving unemployment is not public assistance.

Full Time Employee-an employee reported on the applicant's Louisiana Department of Labor (LDOL) Quarterly Report of Wages Paid and who is scheduled to work 35 hours per week on a permanent basis and receive benefits.

Lacking Basic Skills-an employee that exhibits below a 9th grade level proficiency in reading or writing or math.

Louisiana Resident-shall be someone who has lived in Louisiana at least 30 consecutive days prior to being hired by the applicant.

Net New Job-in addition to all the other employees reported on the applicant's LDOL Quarterly Report of Wages Paid based at the site of the enterprise zone project.

Minimum Net New Jobs Required-an applicant must create the lesser of expanding their current workforce by a minimum of 10 percent of their present statewide workforce, minimum of 1, within the first 12 months of the contract or expand their workforce by a minimum of five net new employees within the first 24 months of the contract. The applicant's statewide workforce and the statewide workforce of all of its Louisiana affiliates will be considered when calculating the 10 percent.

Part Time Employee-an employee reported on the applicant's LDOL Quarterly Report of Wages Paid and works a minimum of 20 hours each week for six consecutive months.

Project/Construction Ending Date-the date all construction and purchasing is completed for the project.

Project/Construction Period-the time encompassed by the Contract Effective Date and the Project/Construction Ending Date.

Rural Parish-a parish having a current U.S. Census population of 75,000 or less.

Some Form of Public Assistance-any program of assistance financed in whole or in part by a federal, state, or any local government agency, eligibility for which is dependant upon the employment status or income level of the individual. Any such assistance must have been received by the individual within a six month period prior to their employment.

Unemployable by Traditional Standards-an employee that qualifies as physically challenged.

Urban Parish-a parish having a current U.S. Census population greater than 75,000.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2299 (November 2003).

§ 705. Endorsement Resolution

A. An applicant seeking a local sales/use tax rebate must obtain an endorsement resolution(s) from the local governmental subdivision(s) where those taxes are paid. The endorsement resolution must clearly state if the local governmental subdivision intends to rebate the allowable sales/use taxes for the project. This endorsement resolution must be passed by the local governmental subdivision(s) before the board approves the EZ application. Each project seeking a local sales/use tax rebate must have an endorsement resolution specific to the project.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:253 (March 1991), Department of Economic Development, Office of Commerce and Industry, LR 22:447 (June 1996), amended by the Department of Economic Development, Office of Commerce and Industry, Business Incentives Division, LR 23:295 (March 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:2300 (November 2003).

§ 707. Documentation of Location

A. A current U.S. Census or the appropriate EDZ map with the project site location clearly marked shall be filed with the BI before the board approves the EZ application.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:253 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:447 (June 1996), amended by the

Department of Economic Development, Office of Business Development, LR 29:2300 (November 2003).

§ 709. Targeted Employees for an Applicant in an Urban Parish

A. Applicant located in an urban parish and receiving the benefits of this Chapter must certify that all net new employees creating tax credits are Louisiana residents and at least 35 percent meets one of the following requirements:

1. are residents of an enterprise zone in the same parish at the project's location of the applicant's;
2. are residents of an enterprise zone in a contiguous parish if the applicant has 500 or more employees at the project's location;
3. are/were receiving some form of public assistance, as defined in § 703. Some Form Of Public Assistance, within a six month period prior to their employment by the applicant;
4. are lacking basic skills; or
5. are unemployable by traditional standards.

AUTHORITY NOTE: Promulgated In accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce, Finance Division, LR 17:253 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:447 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2300 (November 2003).

§ 711. Targeted Employees for an Applicant in a Rural Parish and in an Enterprise Zone

A. Applicant located in an enterprise zone in a rural parish and receiving the benefits of this Chapter must certify that all net new employees creating tax credits are Louisiana residents and at least 35 percent meets one of the following requirements:

1. are residents of the same parish as the project's location of the applicant's;
2. are residents of an enterprise zone in a contiguous parish if the applicant business has 500 or more employees at the project's location;
3. are/were receiving some form of public assistance within the six month period prior to their employment by the applicant. (See § 703. Some Form of Public Assistance);
4. are lacking basic skills; or
5. are unemployable by traditional standards.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:254 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:448 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003).

§ 713. Targeted Employees for an Applicant in a Rural Parish and not in an Enterprise Zone

A. Applicant located in a rural parish and not located in an enterprise zone and receiving the benefits of this Chapter must certify that all net new employees creating tax credits are Louisiana residents and at least 35 percent meets one of the following requirements:

1. are residents of an enterprise zone in the same parish as the project's location of the applicant;
2. are residents of an enterprise zone in a contiguous parish if the applicant has 500 or more employees at the project's location;
3. are/were receiving some form of public assistance within a six month period prior to their employment by the applicant. (See § 703. Some Form of Public Assistance);
4. are lacking basic skills; or
5. are unemployable by traditional standards.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003).

§ 715. Targeted Employees for an Applicant in an Economic Development Zone

A. Applicant business located in an EDZ and receiving the benefits of this Chapter must certify that all net new employees creating tax credits are Louisiana residents and at least 35 percent meets one of the following requirements:

1. are residents of the same parish as the project's location of the applicant;
2. are residents of an enterprise zone in a contiguous parish if the applicant has 500 or more employees at the project's location;
3. are/were receiving some form of public assistance within a six month period prior to their employment by the applicant. (See § 703. Some Form of Public Assistance);
4. are lacking basic skills; or
5. are unemployable by traditional standards.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003).

§ 717. Annual Employee Certification

A. An annual Employee Certification Report (ECR) must be filed with the BI by March 1 on all active contracts validating compliance with § § 709, 711, 713, and 715. Failure to file may result in contract cancellation.

B. The "beginning number" from which the net new jobs will be determined shall meet one of the following:

1. the number of employees that an applicant has on the day before the contract effective date; or
2. the last annual average number of employees that was certified under a valid enterprise zone contract the day prior to the new contract effective date on contiguous contracts.

C. An employee count will be taken from the applicant's entire contiguous site for the purposes of calculating the jobs tax credit generated. If the applicant has more than one site within the metropolitan area where the project is located, BI may consider the total employee count using all locations in calculating the jobs tax credits generated.

D. Monthly totals of permanent full time employees will be averaged over a minimum of six months to determine the number of jobs tax credit generated. Only employees reported on the LDOL Quarterly Report of Wages Paid will be used to calculate this average monthly total. In no case shall the new employees exceed the net increase in total employment.

E. Part time employees may be counted after completing a minimum of 20 hours every week for that continuous six month period. Only employees reported on the LDOL Quarterly Report of Wages Paid will be used to calculate this average monthly total. In no case shall the new employees exceed the net increase in total employment.

F. If the ECR substantiates that the company has not met the hiring requirements in this Chapter, the board shall cancel the contract and no jobs tax credit will be granted. The Department of Economic Development (LDED) will notify LDOR within 30 days after cancellation of a contract. Upon notification by LDED of the failure to meet the minimum jobs requirement, LDOR will immediately assess tax liability to the applicant equal to all state sales/use tax rebates paid pursuant to this Chapter plus any penalty and interests due.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003).

§ 718. Advance Notification, Timely Filing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development Office of Commerce and Industry, Business Incentives Division, LR 23:295 (March 1997), repealed by the Department of Economic Development, Office of Business Development, LR 29:2302 (November 2003).

§ 719. Arbitrary Termination of Employees

A. The board shall not accept an application from an applicant which performs essentially the same job at the same or new location but for a different ownership in order to qualify for the benefits of this Chapter. New jobs tax credits shall not be generated by those persons whether or not the name or owner of the business changes over a short period of time (less than two weeks), i.e., a business closes on Friday under one ownership and opens on Monday under a different ownership. These are not net new jobs and shall not generate jobs tax credits under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2302 (November 2003).

§ 721. Items Eligible for Sales/Use Tax Rebate

A. Materials that are permanently installed at the enterprise zone project site during the project/construction period are eligible for sales/use tax rebates.

B. Materials that originate from a contractor/subcontractor's inventory and are permanently installed at the enterprise zone project site during the project/construction period are eligible for sales/use tax rebates. In order for rebates to be issued on property withdrawn from inventory, the contractor/subcontractor must maintain sufficient records and provide sufficient information to enable the LDOR to verify that Louisiana sales or use taxes were paid on the property for which rebate is claimed.

C. Machinery and/or equipment purchased for the enterprise zone project site during the project/construction period are eligible for sales/use tax rebates provided that the machinery and equipment are used exclusively at the project site, are owned by an entity named in the enterprise zone contract with the state, and are intended to remain at the project site for the expected useful life of the machinery and equipment.

D. Machinery and or equipment transferred into Louisiana for the enterprise zone project site during the project/construction period are eligible for sales/use tax rebates provided that the machinery and equipment are used exclusively at the project site, are owned by an entity named in the enterprise zone contract with the state, and are intended to remain at the project site for the expected useful life of the machinery and equipment.

E. Software purchased, capitalized, and used by the applicant primarily at the enterprise zone project site during the project/construction period are eligible for sales/use tax rebates.

F. Consumable items are not eligible for sales/use tax rebate. A partial listing of ineligible items are: per diem, labor, service contracts, storage, freight, radios, laptop computers, utilities, permits and fees, office supplies, construction consumables, blades, drill bits, PVC sheeting, tape, gloves, dusk masks, and all leases and rentals.

G. Lease-purchases may be eligible for a sales/use tax rebate upon LDOR's approval. The property acquired through lease-purchase must be used exclusively at the project site, must be owned by an entity named in the enterprise zone contract with the state, and must be intended to remain at the project site for the expected useful life of the machinery and equipment. A copy of the lease-purchase agreement must be submitted with the Claim for Rebate Request to LDOR, Office Audit Division.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, LR 9:230 (May 1982), amended LR 9:544 (August 1983), LR 11:96 (February 1985), amended by the Department of Economic Development, Office of Business Development, LR 17:255, (March 1991), LR 22:449 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2302 (November 2003).

§ 723. Filing of Advance Notification

A. An Advance Notification form and fee shall be filed prior to the beginning of project/construction with BI. All incentives for the same project must be indicated on one advance notification and be identified by one project number. It is not acceptable to apply for Enterprise Zone Program and use the same project in a Miscellaneous Capital Addition application for the Industrial Tax Exemption Program. Internet filing of the advance notification may be made at <http://www.laemall.com>.

B. An advance notification lacking the proper application will expire one year after the project/construction ending date shown on the advance notification unless a written request for a date revision request is received by BI prior to the expiration date.

C.1. An advance notification received by BI after the beginning of the project/construction will obligate the applicant to file written reason(s) for the late filing. The board will accept reasons that fall within the following two categories in determining if it will consider waiving the late filing:

- a. events beyond the control of the applicant caused the late filing; or
- b. there was some documented fault or error on the part of the BI that caused the applicant's late filing.

2. Lack of knowledge of the existence of the Enterprise Zone Program or its benefits will not be accepted as a valid reason for waiving the timely filing requirement.

D. An advance notification which receives a waiver of late filing will allow the applicant to proceed as if the advance notification was filed timely.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development LR 29:2302 (November 2003).

§ 725. Filing of Applications

A. Applications must be filed with the Office of Business Development, Business Incentives Division, P.O. Box 94185, Baton Rouge, LA, 70804-9185, on the form prescribed, within three months after project/construction ending date. Internet filing of the application may be made at <http://www.laemall.com>.

B.1. An application fee shall be submitted with the each application based on the following formula:

Application Fee = Total Estimated Tax Relief x 0.2% (.002)

Total Estimated Tax Relief =

Jobs Tax Credit* + State sales/use tax rebate

Application Fee = Total Estimated Tax Relief x .2% (.002)

(Minimum fee is \$200 and the maximum fee is \$5,000 application per Program.)

2. An additional application fee will be due if a project's employment or investment scope is increased, resulting in a minimum fee of \$100 more than what has already been submitted, unless the maximum has been paid.

3. Jobs Tax Credit-the total amount calculated by multiplying all the new jobs estimated to be created within the five year contract period by \$2,500 (\$5,000 for aerospace or auto parts manufacturers).

4. All fees shall be made payable to: Louisiana Department of Economic Development.

D. The applicant shall file an original and a copy of the Inspection/Audit Affidavit Form showing a complete list of building(s) and equipment and the cost of each item on the project with the appropriate fee for the inspection which will be conducted by the BI. This affidavit must be filed within six months of the project/construction ending date or when the signed original contracts are returned to the BI, whichever is later.

E. The BI reserves the right to return the advance notification, application, or inspection/audit affidavit to the applicant if the estimated tax relief or the fee submitted is incorrect. The application or inspection/audit affidavit may be resubmitted within 30 days with the correct fee without penalty.

F. The advance notification, application, and the inspection/audit affidavit will not be considered officially received or accepted without the appropriate fee being received by BI. Processing fees for the advance notification, application, or inspection/audit affidavit, which have been received and accepted, will not be refunded.

G. Applications must be submitted to the BI at least 45 days prior to the board meeting where it is intended to be presented for approval.

H. The applicant proposing a project with a construction period greater than two years is required to separate the project into phases with no phase having over a two year construction period. Each construction phase shall require a separate advance notification, application and fee to be filed with the BI. The applicant must comply with § 701.D for each application.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003)

§ 727. Recommendations of the Secretaries of Economic Development and Revenue

A. BI shall forward the applications with recommendations to the secretary of Louisiana Department of Revenue and the secretary of Louisiana Department of Economic Development for their review. The secretaries of LDOR and LDED may submit a letter of no objection in lieu of a letter of recommendation.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003).

§ 729. Application Shall Be Presented to the Board of Commerce and Industry

A. BI shall present an agenda of applications to the Board and with recommendations based upon its findings.

B. Applicant or their representatives will be notified of the board meeting date at which their application will be considered. The applicant business should have someone present who is able to answer any questions the board may have regarding the information contained in the application. In the event there is no representative present, the application may be deferred or denied.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003).

§ 731. Board of Commerce and Industry Enters into Contract

A. Upon approval of the application, the board shall enter into contract with the applicant for the benefits allowed by this Chapter. The applicant must execute their portion of the contract and return it within 30 days to BI. The state will complete the execution. A fully executed original contract will be returned to the applicant. An original and a copy will be sent to the LDOR and, if applicable, a copy sent to the local governmental subdivision.

B. BI must be notified of any change that will effect the contract. This includes, but is not limited to, changes in the ownership or operational name of the applicant business holding a contract, or the suspension, closing, or abandonment of operations. Failure to report any changes within six months may constitute a breach of contract.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003).

§ 733. Rebates of Sales/Use Taxes

A. The contract will not authorize the applicant to make tax exempt purchases from vendors. The applicant will be contacted by the LDOR on the proper procedures to obtain the state sales/use tax rebate. Rebates will be obtained by the filing of a rebate request with the LDOR, Office Audit Division, which must include the following:

1. a list of eligible purchases (See § 721) including a brief description of each item, the vendor's name, date of the delivery, sales price and the amount of state sales/use tax paid. The listed items must have been purchased by the applicant of the project, a builder, a contractor, or other party that contracted with the owner to provide materials, equipment, machinery, or software that is used by the applicant primarily at the project site or is listed in Schedule 3 of the enterprise zone contract;

2. a certification that the listed materials are reasonably expected to qualify for a rebate under provisions of this Chapter; and

3. a certification that state sales/use taxes have been paid on the listed items.

B. The request may be filed on the official LDOR "Claim for Rebate" form or on other forms prepared by the applicant. After LDOR has validated the information on the Claim for Rebate, a rebate check will be issued for the amount of substantiated state sales/use taxes paid.

C. The applicant should contact the local governmental subdivision issuing the endorsement resolution to determine the procedure for local sales/use tax rebate.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003).

§ 735. Applicant with a Contract Must File State Income and Franchise Tax Returns

A. Applicant that have satisfied their Louisiana income tax and/or franchise tax liability by applying jobs tax credits earned under this Chapter shall file the same required forms and tax returns with the LDOR that are required if no jobs tax credit were taken. Each annual return where jobs tax credit are taken will have a copy the letter from BI certifying the tax credits and the unused jobs tax credits from previous years provided. If total jobs tax credits are less than the total taxes, remittance in the amount of the difference must be enclosed with the tax return. Limited Liability Companies, Sub Chapter S Corporations, etc., must have the name(s) of owners and their social security numbers listed on the contract in order for job tax credits to flow through to the owner(s).

B. Partnerships and sole proprietorships shall file the same returns that are required if the jobs tax credit had not been granted.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 737. Violations of Rules, Statutes, or Documents

A. On the initiative of the board or whenever a written complaint of violation of the terms of the

Rules, the contract documents, or the statutes, is received the board or its representative shall determine if a full investigation should be made. The board shall have full authority for such investigation, including but not exclusively, the authority to call for reports, pertinent records, or other information from the applicant. If the investigation appears to substantiate a violation the board or its representative will present the subject contract for formal action. If an applicant is found to be in violation of these Rules or the contract, the applicant shall remit back to the state all jobs tax credit taken on income tax and/or franchise returns, all sales and use tax rebates, and any other taxes that would have been imposed but for the issuance of this contract.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 739. Economic Development Zone Annual Reporting

A. Each EDZ will submit an annual report which will compare activity in the last completed year to the previous year's activity.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 741. Multi-Tenant Facility

A. For a multi-tenant facility to be eligible for the benefits of this Chapter, the applicant must meet one of the following:

1. occupy a minimum of 33 percent of the total floor area of the building;
2. tenants are businesses new to the state;
3. tenants are Louisiana businesses increasing their number of locations within the state by placing a new location within this facility;
4. tenants are relocating within Louisiana and will generate the minimum of new job credits over and above the total jobs at their previous location per § 701.D.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 743. Relocation of Enterprise Zones

A. A local governmental subdivision requesting the relocation of an enterprise zone must provide valid reason(s) for requesting the move and must have the approval of the board. All relocation of enterprise zone requests must be accompanied by a single map showing the location of the old and the new enterprise zones.

B. The residents of originally designated enterprise zone may qualify as part of the 35 percent residency requirement.

C. The effective date of a relocation approved by the board shall be the date of passage affixed to the resolution by the local governing authority requesting the relocation.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 745. Appeals and Petition Procedure

A. Applicants who wish to appeal an action of the Board of Commerce and Industry must submit their appeals along with any necessary documentation to the Office of Business Development, Business Incentives Division no later than 90 days after the board action to be appealed. The appeal shall not be considered by the board less than one month after it is submitted.

B. Petitions, and all documentation, on matters not yet presented to or ruled on, by the board, must be submitted to the Office of Business Development, Business Incentives Division at least one month prior to the meeting of the board or any of its committees in which the petition will be made.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003).

§ 747. Exclusion of Residential Developments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 9:546 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:97 (February 1985), amended by the Department of Commerce, Office of Commerce and Industry Finance Division, LR 12:660 (October 1986), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:257 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:451 (June 1996), repealed by the Department of Economic Development, Office of Business Development, LR 29:2305 (November 2003).

§ 749. Prohibit Local Fees and Prohibit Local Conflicting Employment Practices

A. No local governmental subdivision shall charge any fees or require any employment practices which conflict with state law as a precondition to authorize tax benefits under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of

Commerce and Industry, Finance Division, LR 17:257 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:451 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2305 (November 2003).

§ 751. Application Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 51:1786\(5\)](#).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:257 (March 1991), amended LR 22:451 (June 1996), repealed by the Department of Economic Development, Office of Business Development, LR 29:2305 (November 2003).

Enterprise Zone Program EMPLOYEE CERTIFICATION REPORT - AVERAGE CALCULATION

Contract Number: _____ **Start Date:** _____

Company Name: _____

Reporting Period: From: _____ To: _____

12th of Month	Year	ES4 Total Employees	Employees This Location	Part Time Positions	Non LA Residents	Net Full Time
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						

**Total Full Time Employees
Number of Months for this Period**

1 Average Full Time Employees for Period	
2 Less: Prior Period Full Time Employees	
Net Increase of Full Time Employees	
3 Net New Part Time Employees	
Net Increase	
4 Times 35% (Minimum Certified)	

A. Residency	
B. Public Assistance	
C. Lacking Basic Skills	
D. Physically Challenged	
Sub-Total Certified	
No Certification	
Total New Employees	

- 1 Total Full Time Louisiana resident employees for the first Period
Divided by number of months from Start Date to Year End or 12 for a year
- 2 Base number of full time employees
- 3 Number of net new Part Time employees meeting the 20 hours for 26 weeks requirement
- 4 Net increase multiplied by 35%

NOTE: Attach this form to the ES4 or payroll forms that contain the monthly employee count.

**ENTERPRISE ZONE
EMPLOYEE CERTIFICATION REPORT (ECR)
INSTRUCTIONS**

Net new jobs for the Enterprise Zone (EZ) Program are calculated from the “Contract Start Date” found in Article VI of your EZ Contract. To generate a Jobs Tax Credit (JTC), a minimum of 5 net new jobs must be created within the first 24 months, or the current Statewide workforce must be increased by 10% (a minimum of 1) within the first 12 months at the EZ site. The qualifying employee must be a **Louisiana resident**, a person living in Louisiana at least 30 consecutive days prior to being hired. A copy of the employee’s Louisiana Drivers License is required or other proof showing Louisiana residency. A **minimum of 35%** of the net new jobs creating a JTC must meet **1 of the four Certification Requirements** (Requirements) listed. This 35% minimum must be maintained for the length of the contract, maximum of 60 months.

Urban parishes are Bossier, Caddo, East Baton Rouge, Jefferson, Lafayette, Lafourche, Orleans, Ouachita, Rapides, St. Landry, St. Tammany, Tangipahoa, and Terrebonne. The 1990 Census data is being used.

Certification Requirements.

A. Residency - If the applicant is located in a/an:

- **Urban parish, in an EZ or not**-the employee must reside in an EZ in the parish the company is located. The Census Tract/Block Group (CT/BG) number **must** be provided on the “New Employee List”.
- **Rural parish, in an EZ**-the employee must reside in the parish the company is located.
- **Rural parish, not in an EZ**-the employee must reside in an EZ in the parish the company is located. The CT/BG number must be provided on the “New Employee List”.
- **Economic Development Zone (EDZ)**-the employee must reside in the parish the company is located.

B. Public Assistance

- Louisiana Department of Labor (LDOL)-must list the jobs and fill the jobs with someone referred by LDOL
- Technical College (must have attended within 6 months of being hired)
- Food Stamps
- Welfare Payments

Receiving Unemployment Benefits is **not** public assistance

C. Lacking Basic Skills

Below a 9th grade proficiency in reading, writing, or math. Contact the Adult Education department of your parish school board.

D. Physically Challenged

Modification(s) must be made to accommodate the new employee.

No Certification

A net new job created, but does not meet a Requirement. JTC for these positions can be claimed **if** the 35% minimum is maintained for the length of the contract.

Full Time Employees are hired to work at least 35 hours per week and receives company benefits. Only full time employees are included in the calculation of average employees.

Part Time Employees must work 20 hours for 26 consecutive weeks. Do not include part time employees in the average calculation. Part time positions are tracked individually. A worksheet showing the **weekly** hours worked for each employee for 26 consecutive weeks must be provided. If the weekly hours worked drops below the required 20 hours, the 26 week period starts over.

Each part time position must be tracked separately. If a part time employee is hired to replace a position that has

created a JTC or was filled when you started your project, you are not required to report the replacement employee hours because the replacement employee is not creating a net new position.

If an additional part time position is created, the company must provide the new part time employee weekly work hours for 26 consecutive weeks for an additional JTC.

LDOL Quarterly Report of Wages Paid Form (ES-4) requirements

EZ Program is site driven! The following information **must** be reported monthly on a copy of the ES-4, ADP Tax Filing Service, or SUI Summary - Louisiana Sheets for **each month of each quarter** of the contract period:

- Number of full time employees at the EZ contract site
- Number of part time employees at the EZ contract site
- Number of Non-Louisiana residents employees at the EZ contract site

If the business has more than one location in Louisiana you MUST provide the listed information for each EZ site:
Your ECR will be returned to you if this information is not provided.

Include a copy of your ES4 for each reporting period. The ES4 must contain the “Number of covered workers... for the payroll period which includes the 12th of each month.” The number of full time employees will be used to calculate the average number of full time employees for the reporting period. DO NOT send the employee listing of names and wages from the ES4.

Effective 2004, ES4s are required to be filed with the ECR if new jobs were created or not.

Base Number of Employees

The number of full time employees and the number of part time employees the day prior to the “Contract Start Date” reported on the ECR Summary. You **MUST** provide a list showing the name and social security number of your Base Number of Employees the day before the “Contract Start Date”

ECR Due Date

The first ECR is due within three months after receipt of your executed Contract if you have more than 6 months to average. Each remaining ECR shall be due by **March 1** of the next year. You must file an ECR annually with ES4s if new jobs were created or not.

Calculating full time net new jobs

You must use more than 6 months to calculate an average number of jobs.

If a Contract Start Date is prior to July 1st

Period 1 (may be less than 12 months, but more than 6 months): The first reporting period on the ECR will be from the “Contract Start Date” to December 31 of the same year.

Using the monthly Number of full time employees at the EZ site on your ES-4, calculate the average monthly number of full time employees at the EZ site from “Contract Start Date” to December. The result will be the **average** number of full time jobs for Period 1.

Example: Contract Start Date is 4/1/2000, total the number of full time employees from April 2000 to December 2000. Divide the sum by 9 months.

Subtract the full time Base Number of Employees from the calculated average for Period 1. The result is the number of net new full time jobs created for Period 1. This is the number reported on “Total New Employees” row on the ECR Summary for Period 1 and the number of full time employees reported on the “New Employee List”. Complete the “New Employee List” including the name, physical address (no PO Box), social security number, if a Louisiana resident, full time or part time, hire date, and certification requirement for every JTC being requested.

Example: If the company reported 10 “Base Number of Employees” on the ECR Summary and the calculated average number of jobs for Period 1 is 15, then there were 5 net new jobs created.

Year 2 is the next calendar year. Calculate average number of full time employees using the monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 1.

Year 3 is the next calendar year. Calculate average number of full time employees using the monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 2.

Year 4 is the next calendar year. Calculate average number of full time employees using the monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 3.

Period 5 is the next calendar year + January, February and March for a total of 60 months. Calculate average number of full time employees using the remaining monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 4.

If a Contract Start Date is on or after to July 1st.

Period 1 (will be more than 12 months): The first reporting period on the ECR will be from the “Contract Start Date” to December 31 of the next year.

Using the monthly Number of full time employees at the EZ site on your ES-4, calculate the average monthly number of full time employees at the EZ site from “Contract Start Date” to December. The result will be the *average* number of full time jobs for Period 1.

Example: Contract Start Date is 9/1/2000, total the number of full time employees from September 2000 to December 2001. Divide the sum by 16 months.

Subtract the full time Base Number of Employees from the calculated average for Period 1. The result is the number of net new full time jobs created for Period 1. This is the number reported on the “Total New Employees” row on the ECR Summary for Period 1 and the number of full time employees reported on the “New Employee List”. Complete the “New Employee List” including the name, physical address (no PO Box), social security number, if a Louisiana resident, full time or part time, hire date, and certification requirement for every JTC being requested.

Example: If the company reported 0 “Base Number of Employees” on the ECR Summary, the calculated average number of jobs for the reporting period was 7, then there were 7 net new jobs created.

Year 2 will be the next calendar year. Calculate average number of full time employees using the next calendar years monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 1.

Year 3 will be the next calendar year. Calculate average number of full time employees using the next calendar years monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 2.

Year 4 will be the next calendar year. Calculate average number of full time employees using the next calendar years monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 3.

Period 5 will be January through August for a total of 60 months. Calculate average number of full time employees using the remaining monthly number of full time employees reported on the ES-4 and subtracted from the calculated average number of employees for Period 4.

Complete the “New Employee List” annually (for the period or year), including the name, physical address (no PO Box), social security number, Louisiana resident, full time or part time, hire date, and certification requirement for every JTC being requested.

Enter the first period calculations on an original ECR Summary and make a copy. Sign and date the copy and mail the “original” signed copy with the ES-4 Reports and the New Employee List. Each following year, use the original ECR Summary to calculate the current year JTC and make a copy. Sign and date the copy and mail the “original” signed copy with the current ES-4 Reports and the New Employee List for that period.

Calculating part time net new jobs

Part time employees **must** work a minimum of 20 hours for 26 consecutive weeks, with **NO** averaging of hours worked. Part time positions are **tracked individually** (separately from full time employees). A schedule of the **weekly** hours worked for each part time employee creating a JTC must be provided. If the weekly number of hours worked drops below the required 20 hours, the 26-week period starts over.

A replacement employee is **not** a new position.

When an employee in a new part time position meets the 20 hours every week for 26 consecutive weeks, add and label the part time position on the ECR Summary in the year the 26 week requirement is met. You must provide a schedule of the hours worked by this employee in this new position.

List the part time employees on the ECR “New Employee List” form including name, physical address, social security number, Louisiana resident, full-time or part-time, hire date, and certification requirement for every JTC requested.

Notification of JTC

After the ECR is processed, you will receive a Certification Letter showing the number amount of JTC earned for each period. A copy of the Certification Letter and the dollar amount of the JTC used must be included with your tax returns. **Do not use the JTC until you have received the Certification Letter.**

Decrease in Jobs

After certifying the minimum number of credits, if the calculated average number of jobs decreases, the JTC earned are retained. You will not lose any JTC. When submitting your next ECR, a zero should be entered in the “Total New Employees” row for any year a decrease occurs. Additional JTC can only be generated by exceeding the highest year’s average employment previously certified under this Contract. **Beginning with year 2004, ES4s are required to be filed if new jobs were created or not.**

If you have an active EZ Contract

Your current active EZ Contract will retire the day prior to the “Contract Start Date” of your new EZ Contract. A company cannot have two active contracts. You need to complete an ECR for the first contract through the retirement date. The calculated average number of jobs for the first contract will be the “Base Number of Employees” on the new contract.

For assistance, questions, or comments contact:

Marylyn Friedkin

Louisiana of Economic Development

Business Incentives Division

P. O. Box 94185, Baton Rouge, LA 70804-9185

1051 North Third Street, Baton Rouge, LA 70802

Phone 225/342-9228

Fax 225/342-0142

Friedkin@la.gov

www.led.louisiana.gov

State of Louisiana
Department of Revenue

Enterprise Zone Program

Louisiana State Sales/Use Tax Rebate Worksheet

Taxpayer Name _____

Mailing Address _____

City, State, Zip _____

Louisiana State Sales/Use Tax Account Number _____

Enterprise Zone Contract Number _____

Schedule A

Purchased by Enterprise Zone Contract Holder and Louisiana State Sales Tax Not Paid to Vendor.
(Contract holder made purchases of qualifying property for use in the Enterprise Zone site and Louisiana State Use tax was **accrued** by the contract holder.)

\$ _____

Schedule B

Purchased by Enterprise Zone Contract Holder and Louisiana State Sales Tax Paid to Vendor.
(Contract Holder made purchases of qualifying property for use in the Enterprise Zone and Louisiana State Sales tax was **paid to vendor**.)

\$ _____

Schedule C

Purchased by Contractor and Louisiana State Sales Tax Paid to Vendor.
(Contractor made purchases of qualifying property for use in the Enterprise Zone and Louisiana State Sales tax was **paid to vendor**.)

\$ _____

Schedule CA

Purchased by Contractor and Louisiana State Sales Tax Not Paid to Vendor.
(Contractor made purchases of qualifying property for use in the Enterprise Zone and Louisiana State Use Tax was **accrued** by the contractor.)

\$ _____

Total Sales/Use Tax Paid and Accrued.

\$ _____

State of Louisiana
Department Of Revenue

Enterprise Zone Program

Claim for Rebate of Louisiana State Sales/Use Taxes Paid

STATE OF LOUISIANA

PARISH OF _____

Taxpayer Name _____
(Name on Enterprise Zone Contract)

Mailing Address _____

City, State, Zip _____

Represented by _____
(Name and Title of Contact Person)

Telephone Number of Contact Person _____

Enterprise Zone Contract Number

Louisiana State Sales/Use Tax Account Number _____

Contract Period(s) _____

1. Total amount paid for period \$ _____

2. Total amount of Rebate due \$ _____

3. Amount of this Rebate Request \$ _____

This Claim for Rebate of Louisiana State Sales/Use Taxes Paid is requested for the following reasons:

Signed _____

(Attach schedules and invoices to this form)

State of Louisiana
Department of Revenue

Enterprise Zone Program
Louisiana State Sales/Use Tax Rebate
Louisiana Revised Statute 51:1787 (Incentives)

The Department of Revenue will accept claims and issue rebates for Louisiana State Sales/Use taxes paid on construction materials, machinery, and equipment purchased during the construction period to be used on the approved site of the project indicated on the Enterprise Zone contract. These claims will be accepted only after this department receives a copy of the signed contract from the Department of Economic Development.

This contract **does not** authorize any Louisiana State Sales/Use tax exemption on any purchases. Neither contract holder nor any of its contractors or subcontractors is authorized to make tax free purchases from vendors.

The Claim for Rebate of Louisiana State Sales/Use Taxes Paid Form must be submitted no later than six months from the date of the Governor's approval and signature on the Enterprise Zone Contract. The following must accompany this claim form:

1. Appropriate schedules, as explained on Item III of the attached Information Sheet, listing materials, machinery, and equipment with vendor name, invoice numbers, delivery dates, purchase amounts, Louisiana State Sales/Use tax paid on each purchase, and brief description of each item. The Louisiana State Sales/Use tax is levied at a rate of 4% on purchases made in or delivered to Louisiana.
2. A certification stating the materials, machinery, and equipment included in the Claim for Rebate of Louisiana State Sales/Use Taxes Paid will be or have been delivered to and used on the site in the approved Enterprise Zone project. Louisiana State Sales/Use taxes paid on construction equipment, leases/rentals, and consumables that are not actually incorporated into the Enterprise Zone project are not eligible.
3. A certification stating the 4% Louisiana State Sales/Use taxes have been paid on the items listed.
4. A list of all contractors= and subcontractors including addresses and contract amounts.
5. Provide a copy of each invoice totaling \$15,000 and greater. A description of the purchased item(s) must be listed on each invoice.

Failure to submit this information may result in processing delays.

Included in this packet are forms and/or examples of:

- Information Sheet
- Policy in Relation to Lease Agreements
- Claim for Rebate of Louisiana State Sales/Use Taxes Paid
- Rebate Worksheet
- Explanation of Disallowance Codes
- Schedules A, B, C, and CA

If you have any questions regarding your Claim for Rebate of Louisiana State Sales/Use Taxes Paid, please contact the Sales Tax Division at (225) 219-2430 or www.rev.state.la.us.

**ENTERPRISE ZONE
INSPECTION/AUDIT AFFIDAVIT**

CONTRACT: _____

Before me, the undersigned authority, came and appeared _____ who being sworn
Company Representative

did say that he/she is _____ of _____,
Title Company

Enterprise Zone Contract _____, is located in the parish of _____ in
Parish

the business of _____.
Product or Service

BUILDINGS

Quantity	General Description	Cost
----------	---------------------	------

TOTAL BUILDING COST: \$ _____

EQUIPMENT LIST

(Major items of equipment only and their major component parts)

Quantity	General Description	Cost
----------	---------------------	------

TOTAL EQUIPMENT COST: \$ _____

TOTAL BUILDINGS: \$ _____

GRAND TOTAL: \$ _____

Sworn to and subscribed before me on _____, 20____

Notary

Company Official's Signature and Title

Facility Inspection Contact Person and Phone No.	Louisiana Facility Street Address and Plant Phone No.

Please return an original, 1 copy, and \$100 fee:

BUSINESS INCENTIVES
P. O. Box 94185
Baton Rouge, Louisiana 70804-9185
Or file on line at www.laemall.com



**Affidavit of Final Cost or
Inspection/Audit Affidavit**

Company Name	Contract Number and Email Address	Parish Project is located
---------------------	--	----------------------------------

Check (T) Each Program-Submit this form and \$100 fee for each Program under this Contract Number:

- Industrial Tax Exemption Program Restoration Tax Abatement Program
 Enterprise Zone Program

The above company by its legally authorized company representative, as notarized, on Board approved contract(s), has entered into a binding agreement with the State of Louisiana for the purpose of receiving tax exemptions/credits for new investments/jobs, as stated on application(s).

Name Authorized Company Representative	Title
---	--------------

This affidavit is made to fulfill the program requirements of said contract(s): the total cost of construction that the plant (as covered by the contract) consists of the following building(s) and major items of equipment:

BUILDINGS

Include Labor Cost-Attach Separate Sheet(s), If Needed

<u>No. of Buildings</u>	<u>General Description and Dimensions of Each Structure</u>	<u>Cost</u>
--------------------------------	--	--------------------

Total Building Cost \$ _____

EQUIPMENT

List Major Items of Equipment Only and Their Major Component Parts Including Installation Costs

<u>Quantity</u>	<u>Description</u>	<u>Cost</u>
------------------------	---------------------------	--------------------

Total Equipment Cost \$ _____
Total Buildings Cost \$ _____
Less: Restricted Amount \$ _____
Grand Total \$ _____

This supplemental agreement becomes a Contract amendment.

Contact Person and Title For LED to arrange for Plant/Facility Inspection	Phone Number	Street Address For Louisiana Plant/Facility	Plant Phone Number

Return this original, 2 copies (4 copies for RTA) and a \$100 fee for each program checked above to:

Louisiana Department of Economic Development
 Business Incentives Division
 P. O. Box 94185
 Baton Rouge, LA 70804-9185

For additional information, call: 225/342-9218

**ENTERPRISE ZONE PROGRAM
APPLICATION**
LOUISIANA OF ECONOMIC DEVELOPMENT
Business Incentives
P. O. Box 94185, Baton Rouge, LA 70804-9185
1051 North Third Street, Baton Rouge, LA 70802
(225) 342-9228

On line/Forms: www.led.louisiana.gov/businessresources

Official Use Only

Check # _____
Deposit Date _____
Amount \$ _____
Receipt # _____
Initials _____

APPLICATION # _____

1. BUSINESS INFORMATION

APPLICANT NAME/NAME ON LA DEPT REVENUE CERTIFICATE		PROJECT COMPLETE ADDRESS	
MAILING ADDRESS		APPLICATION CONTACT NAME	CONTACT PHONE # AND/OR EMAIL
CITY, STATE, ZIP CODE		MUST PROVIDE A COPY OF LA DEPT OF REVENUE SALES TAX CERTIFICATE	
OFFICIAL USE ONLY CT # _____ BG # _____ or		OFFICIAL USE ONLY ACT 977 Yes [] No []	PARISH
EDZ NAME		LA DEPT. REVENUE ACCOUNT #S	DATE ESTABLISHED IN LA
If another location, within the State, has closed or lost employment as a result of this project, attach a separate sheet listing the location(s) and number of employees lost at each location.			

2. INVESTMENT AND SALES/USE TAX INFORMATION

NEW CONSTRUCTION [] (New product line etc.)	COST OF BUILDING	COST OF MACHINERY & EQUIPMENT	TOTAL PROJECT INVESTMENT
UPGRADE EXISTING []	\$	\$	\$
PREVIOUS EZ CONTRACT AT THIS LOCATION? Yes [] No []	DATE PROJECT/CONSTRUCTION BEGAN	DATE PROJECT/CONSTRUCTION COMPLETED	# EMPLOYEES DAY PRIOR TO PROJECT BEGIN DATE
EST. LA SALES/USE TAX PAID	EST. LOCAL SALES/USE TAX PAID	EST. CONSTRUCTION/CONTRACT PERSONNEL USED FOR THIS PROJECT	EST. LABOR COST FOR THIS PROJECT
\$	\$		
DESCRIBE THIS ENTERPRISE ZONE PROJECT:			

3. PRO FORMA INFORMATION

Start with Year Project Began	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
β Estimated β	20__	20__	20__	20__	20__	
LOUISIANA INCOME TAX LIABILITY						
LOUISIANA FRANCHISE TAX LIABILITY						
NEW PERM/LEASED JOBS ANNUALLY						
PAYROLL FOR NEW PERM/LEASED JOBS **						

**Show annual payroll for new job

4. BUSINESS STRUCTURE/TAX INFORMATION

(Check One)

Is the applicant a "C" corporation? YES NO

IF NO, please specify business structure. _____

Provide legal name and social security/identification number for any owners using the Employee Tax Credits created by this application. Their total estimated annual Louisiana Income Tax Liability should be stated in Pro Forma on page 1.

5. GAMING ACTIVITY

The Board has adopted rules that prohibit any business that has applied or will apply for a license to conduct gaming, or its affiliates, from receiving a contract for tax incentives, unless the business can demonstrate to the Board that its activities are not related to and do not provide support to the gaming activity.

Has the applicant or any affiliates received, applied for, or considered applying for a license to conduct gaming activities at the EZ site? YES NO

IF YES, provide detailed information, including the name of the entity receiving or applying for the license, the relationship to the applicant if an affiliate, the location and type of gaming activities.

6. EMISSIONS INFORMATION

1. Are you currently under citation for any violation? YES NO
IF YES, attach explanation on separate sheet.

2. Will you meet all applicable environmental standards in this business? YES NO
IF NO, attach explanation on separate sheet.

7. CERTIFICATION

BEFORE ME, the undersigned authority, personally came and appeared _____

who being first duly sworn did say: That he/she is _____ of
Title

_____. This affidavit is for the specific purpose of verifying all of
Contract Holder Company

the construction on this application was completed on _____, 20____ *and has examined the information contained in this application and found the information given to be true and correct.

Applicant authorizes the Louisiana Department of Revenue to disclose to the Louisiana Department of Economic Development, Business Incentives Division any required tax information. Confidentiality of this tax information shall be maintained.

Sworn to and subscribed before me on _____, 20____

Notary BY: _____
Company Official

My Commission Expires _____

*Construction/project completion date is the last day sales/use tax rebates can be claimed on purchases for this project and should be the same date as Date Project/Construction Completed on page 1.

SAMPLE

RESOLUTION OF THE BOARD OF DIRECTORS

OF **[Contact Holder Name]**

Resolved, that the proposed **[Contact Holder Name]** between **[Contact Holder Name]** and the State of Louisiana, Board of Commerce and Industry/Department of Economic Development submitted to this meeting, is hereby accepted, and that **[Designee's name and title]** is hereby authorized to execute any and all documents pertaining to this Enterprise Zone Contract **[#####-#####]** in the name and on behalf of the **[Contact Holder Name]**.

I, **[Secretary's name]**, do hereby certify that I am the duly elected and qualified Secretary and the keeper of the records and corporate seal of **[Contact Holder Name]** and that the above is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors thereof, convened and held in accordance with law and the Bylaws of said **[Contact Holder Name]** on **[Date]**, and that such resolution is now in full force.

IN WITNESS WHEREOF,

I have affixed my name Secretary, this ____ day of _____, 2002.

Secretary's Name

ADVANCE NOTIFICATION



PLEASE TYPE

OFFICE OF BUSINESS DEVELOPMENT

PLEASE TYPE

COMPANY NAME _____

PARENT CO. _____

PROJECT COMPLETE PHYSICAL ADDRESS _____

PARISH _____

PRODUCT/TYPE OF BUSINESS _____

NAME OF THIS PROJECT _____

IN CITY LIMITS? _____

NAISC/SIC CODE _____

[] YES [] NO

ANY GAMING ON THIS SITE? [] YES [] NO

ARE ANY OWNERS OF THIS PROJECT INVOLVED IN ANY GAMING ACTIVITIES ELSEWHERE? [] YES [] NO

[] New (Facility, Product Line, etc) || Short description of this project: _____

[] Expansion (Addition) || _____

ESTIMATES		
INVESTMENT	DATES	JOBS
BUILDING \$ _____	Show BEGINNING DATE for start of CONSTRUCTION or PURCHASING or HIRING	EXISTING _____
EQUIPMENT \$ _____		NEW PERM _____
LABOR/ENGR \$ _____	BEGINNING DATE / /	PERM CONTRACT _____
TOTAL \$ _____	ENDING DATE / /	CONSTRUCTION _____

STATE SENATOR _____

STATE REPRESENTATIVE _____

DISTRICT NO.

DISTRICT NO.

See <http://www.legis.state.la.us/district/zipcode.asp>

NAME _____

PROJECT CONTACT

LOUISIANA UNEMPLOYMENT INSURANCE #

TITLE _____

HAS AN ADVANCE NOTIFICATION BEEN FILED ON **THIS PROJECT**
FOR ANY OF THE INCENTIVE PROGRAMS LISTED BELOW?
[] NO, [] YES, GIVE ASSIGNED # _____

COMPANY _____

MAILING ADDRESS _____

E-MAIL ADDRESS _____

() _____ () _____
PHONE FAX

COMPANY OFFICIAL SIGNATURE

PRINT OFFICIAL NAME AND TITLE

OPTIONAL Local Economic Development Contact:

NAME _____

ORGANIZATION _____

ADDRESS _____

PHONE _____

LDED CONTACT PERSON _____

DEPARTMENT OF ECONOMIC DEVELOPMENT
1051 North Third Street; Baton Rouge, LA 70802
P. O. BOX 94185; Baton Rouge, LA 70804-9185
(225) 342-9218 FAX: (225) 342-0142

SEE WWW.LAEMALL.COM FOR ON-LINE FILING

FOR OFFICE USE ONLY
AMOUNT DUE _____
CHECK NO _____
AMOUNT RECEIVED _____
DEPOSIT DATE _____
RECEIPT NO _____
INITIALS _____
APPLICATION DUE _____
PROJECT NO. _____

IMPORTANT NOTE: This form and fee must be received by Business Incentives Division before Construction, Purchasing or Hiring begins.