



TEXAS BUSINESS INCENTIVES & PROGRAMS OVERVIEW

A close-up photograph of a computer keyboard with a blue and purple color scheme. A finger is pressing down on a key that is labeled "INCENTIVES" in white capital letters. Other keys visible include the equals sign, right square bracket, and the number 4 key.

INCENTIVES



SUMMARY OF STATE BUSINESS INCENTIVES & PROGRAMS

GRANTS

From public infrastructure projects in non-entitlement communities, to cancer research and laboratory facility construction, many types of grants are available to Texas communities and businesses.

- **Cancer Prevention & Research General Obligation Bonds Program**
- **Defense Economic Readjustment Zone Program (DEAAG)**
- **Governor's University Research Initiative (GURI)**
- **Skills Development Fund**
- **Self-Sufficiency Fund**
- **Texas Enterprise Fund (TEF)**
- **Texas Moving Image Industry Incentive Program**

TAX INCENTIVES

Texas and local communities offer a variety of tax incentives and innovative solutions for businesses expanding in or relocating to Texas. The following incentives are the most commonly applied offerings.

- **Ad Valorem / Property Tax Exemption**
- **Chapter 380 / 381**
- **Economic Development & Diversification In-State Tuition for Employees**
- **Franchise Tax Deduction for Business Relocation**
- **Media Production Development Zone Program**
- **Renewable Energy Incentives**
- **Research & Development Tax Credit**
- **Sales Tax Exemptions for Media Productions & Facilities**
- **State Sales and Use Tax Exemption**
- **Texas Enterprise Zone Program**

FINANCING

Texas is committed to providing and facilitating funding for companies and communities with expansion and relocation projects in the state. Asset-based loans for companies, leveraged loans to communities and tax exempt bonds are just a few means of obtaining the capital necessary for a successful project.

- **The State of Texas Industrial Revenue Bond Program (IRB)**
- **The Texas Military Value Revolving Loan Fund (TMVRLF)**

DISCLAIMER: *The material contained in this Summary of State Incentives is provided for informational purposes only and cannot be construed as a commitment. Assumptions are based on creating jobs and providing a capital investment. Total jobs and capital investment have been included as eligible costs for the various incentive programs available. However, actual jobs and capital investment may vary from the assumptions made due to final determination of program eligibility and site location.*

GRANTS

CANCER PREVENTION AND RESEARCH GENERAL OBLIGATION BONDS

On November 6, 2007, Texas voters approved Proposition 15 - HJR 90, the constitutional amendment which allows the State of Texas to establish the Cancer Prevention and Research Institute of Texas (the Institute) and allows the Institute to issue \$3 billion in general obligation bonds over ten years to fund grants for cancer research and prevention. The Institute may invest the grants strategically in cancer research, clinical trials, and laboratory facility construction in Texas. The Institute will continue to implement the Texas Cancer Plan.

For more information, please visit www.cprit.state.tx.us, or contact the office at (512) 463-3190.

DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT

The Defense Economic Adjustment Assistance Grant Program (DEAAG), created in 1997, is a job creation grant program designed to assist adversely impacted defense communities that are responding to or recovering from a U.S. Department of Defense Base Realignment and Closure (BRAC) action, or reductions or termination of defense contracts. The program was later expanded to assist defense communities that have been positively affected by BRAC with new or expanded military missions, as well as qualified job retention.

DEAAG funding is available to local municipalities, counties, defense base development authorities, junior college districts, Texas State Technical College campuses and regional planning commissions representing these communities. Funding is available to meet matching requirements for federal funding or for the purchase of Department of Defense property, new construction, rehabilitation of facilities or infrastructure, or the purchase of capital equipment or insurance. Grants awarded may range from \$50,000 to \$2 million per project.

For more information, please visit <https://gov.texas.gov/organization/military/grants>, or contact the Texas Military Preparedness Commission at (512) 475-1475.

GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE (GURI)

The Governor's University Research Initiative grant program (GURI) was enacted in 2015 by the 84th Legislature with a goal to bring the best and brightest researchers in the world to Texas colleges and universities. Through the GURI program, Texas welcomes transformative researchers who will in turn serve as economic catalysts to the Texas economy for years to come.

GURI is a matching grant program to assist eligible Texas institutions of higher education in recruiting distinguished researchers, such as Nobel Laureates and members of national honorific societies, from around the world. The program is codified in Chapter 62 of the Texas Education Code, Subchapter H and the program's administrative rules may be found in Title 10, Part 5, Chapter 190 of the Texas Administrative Code. For more information, visit gov.texas.gov/business/page/guri.

SKILLS DEVELOPMENT FUND

The Skills Development Fund is an innovative program created to assist Texas public community and technical colleges finance customized job training for their local businesses. The fund was established by the Legislature in 1995 and is administered by the Texas Workforce Commission. Grants are provided to help companies and labor unions form partnerships with local community colleges and technical schools to provide custom job training. Average training costs is \$1,800 per trainee; however, the benefit may vary depending on the proposal.

For more information, please contact the Texas Workforce Commission at (512) 463-1986 or visit <https://www.twc.texas.gov/programs/skills-development-fund>.

SELF-SUFFICIENCY FUND

The Self-Sufficiency Fund is a job-training program that is specifically designed for individuals that receive Temporary Assistance for Needy Families (TANF). The program links the business community with local educational institutions and is administered by the Texas Workforce Commission. The goal of the fund is to assist TANF recipients become independent of government financial assistance.

The fund makes grants available to eligible public colleges or to eligible private, nonprofit organizations to provide customized job training and training support services for specific employers. A joint application from the employer and the eligible public college and/or eligible private, nonprofit organization is required to be submitted to the Local Workforce Development Board for review and comment prior to approval.

For more information, please contact the Texas Workforce Commission at (512) 463-1986, or visit <https://twc.texas.gov/programs/self-sufficiency-fund-program-overview>.

TEXAS ENTERPRISE FUND

The 78th Texas Legislature established the Texas Enterprise Fund (TEF) to provide financial resources to help strengthen the state's economy. TEF awards "deal closing" grants to companies considering a new project in which a single Texas site is competing with another viable out-of-state site. The fund is a performance-based grant that serves as a financial incentive for companies whose projects would contribute significant capital investment and new employment opportunities to the state's economy. Projects that are considered for TEF must demonstrate a project's worthiness, maximize the benefits to the state and realize a significant rate of return of the public dollars being used for economic development in Texas. The program eligibility requirements include: a single Texas site being considered that is competing with another viable out-of-state site; significant levels of capital investment; a projected job creation that exceeds 75 full-time jobs (urban areas) or 25 full-time jobs (rural areas); average wages that meet or exceed the average county wage for the site under consideration; local financial support; and company's financial strength and business history.

The Governor, Lieutenant Governor and the Speaker of the House of Representatives must unanimously agree to support the use of TEF for each specific project.

Eligible companies must submit a complete application to be considered for a TEF grant. Award amounts typically range between \$1,000 and \$10,000 per qualified job. Award amounts are based on capital investment, net new qualified jobs associated with the application, the average wage of those jobs and the time frame required for job ramp up. Please note that contract workers will not be considered.

Visit <https://gov.texas.gov/business/page/texas-enterprise-fund> for more information.

TEXAS MOVING IMAGE INDUSTRY INCENTIVE PROGRAM

In 2007, the 81st Texas Legislature established the Texas Moving Image Industry Incentive Program, which is administered by the Texas Film Commission within the Texas Economic Development and Tourism Office. The program is designed to provide grants to qualified applicant production companies to promote industry and workforce growth in film, television, video game and animation in Texas.

The incentive is available in the form of a cash grant from 5% to 22.5% of qualified in-state spending for eligible projects. Commercial and reality television projects are eligible for a cash production grant from 5% to 12.5% of qualified in-state spending. Both live action and animated projects are eligible. Grants are available upon project completion and submission of proof of eligible spending to the Texas Film Commission. There are no maximum grant amounts.

Specific eligibility qualifications for projects including investment thresholds, employment requirements, and content are available through the Texas Film Commission at <http://governor.state.tx.us/film/incentives/miip/>.

TAX INCENTIVES

AD VALOREM / PROPERTY TAX EXEMPTION

Freeport Exemption

A community may choose to offer the Freeport exemption for various types of goods that are detained in Texas for a short period of time. Freeport property includes goods, wares, merchandise, ores and certain aircraft and aircraft parts. Freeport property qualifies for an exemption from ad valorem taxation only if it has been detained in the state for 175 days or less for the purpose of assembly, storage, manufacturing, processing or fabricating. For certain aircraft parts, a community, by official action, may extend the deadline to 730 days.

For more information, please visit the following links:

- Texas Constitution Article 8, Section 1-J: <http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.8.htm>
- Application for Exemption of Goods Exported from Texas (50-113): <https://comptroller.texas.gov/forms/50-113.pdf>

Goods-in-Transit Incentive

House Bill 621 of the 80th Texas Legislature amends the Tax Code and the Government Code to add an exemption from ad valorem taxation for goods-in-transit.

To qualify for the exemption, personal property used for assembling, storing, manufacturing, processing or fabricating purposes would have to be acquired in Texas or imported into Texas and stored at a Texas location in which the owner of the goods does not have a direct or indirect ownership interest. The goods-in-transit would have to be transported to another location in Texas or out of state no later than 175 days after the property was acquired in or imported into the state. Oil and gas and their immediate derivatives, aircraft and dealer's special inventories would not qualify for the exemption.

For more information, please visit:

- <http://www.capitol.state.tx.us/BillLookup/BillSummary.aspx?LegSess=80R&Bill=HB621>
- <http://www.capitol.state.tx.us/tlodocs/80R/fiscalnotes/html/HB00621F.HTM>

Pollution Control Equipment Incentive

A Texas constitutional amendment providing an exemption from property taxation for pollution control was approved in 1993. The intent was to ensure that compliance with environmental mandates, through capital investments, did not result in an increase in a facility's property taxes. A facility must first receive a determination from the Texas Commission on Environment Quality (TCEQ) that property is for pollution control purposes. That positive use determination is then provided to the local appraisal district, which must accept the TCEQ's decision and grant the property an exemption from property taxes.

To be eligible for a positive use determination, the property must have been purchased, acquired, constructed, installed, replaced or reconstructed after January 1, 1994, to meet or exceed federal, state or local environmental laws, rules or regulations. For more information, visit <https://www.tceq.texas.gov/airquality/taxrelief> or contact the Texas Commission on Environment Quality at (512) 239-4900.

CHAPTER 380 / 381 ECONOMIC DEVELOPMENT AGREEMENTS

Chapter 380 (Section 380.001) of the Local Government Code, authorizes municipalities to offer a range of incentives designed to promote state or local economic development. Specifically, it allows for the provision of loans and grants of city funds, as well as the use of city staff, city facilities or city services, at minimal or no charge.

To establish a loan or grant or to offer discounted or free city services, the city must meet the requirements contained in the Texas Constitution and in applicable Texas statutes. Additionally, cities must review their city charters and any other local provisions that may limit the city's ability to provide such a grant or loan. To determine the latitude of whether a municipality is able to offer a particular incentive or combination of incentives, local communities should consult their city attorney.

Chapter 381 of the Local Government Code allows counties to provide incentives encouraging developers to build in their jurisdictions. A county may administer and develop a program to make loans and grants of public money to promote state or local economic development and to stimulate, encourage and develop business location and commercial activity in the county.

The county also may develop and administer a program for entering into a tax abatement agreement. This tool allows counties to negotiate directly with developers and businesses. For more information, visit <https://comptroller.texas.gov/economy/local/ch380-381/>.

ECONOMIC DEVELOPMENT & DIVERSIFICATION IN-STATE TUITION FOR EMPLOYEES

The Economic Development and Diversification In-State Tuition incentive may be offered to qualified businesses that are in the decision-making process to relocate or expand their operations into Texas. The incentive is targeted to assist high impact projects that are linked to the strategic economic clusters identified in the state. The incentive allows employees and family members of the qualified businesses to pay in-state tuition fees if the individual files with a Texas institution of higher education. Without this incentive designation, a student must reside in Texas for a 12-month period to be entitled to pay the tuition fees of a Texas resident. For more information, visit <http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=567>.

FRANCHISE TAX EXEMPTION & DEDUCTION FOR BUSINESS RELOCATION

Effective Jan 1, 2014, House Bill 500 provides authorization for a company to deduct moving expenses from their apportioned margin while calculating their franchise liability. Companies must relocate their principle place of business from outside the state into Texas to obtain the deduction. A taxable entity may deduct relocation costs incurred in relocating the taxable entity's main office or other principal place of business to this state from another state if the business meets the criteria in Texas Tax Code Section 171.109(b). The taxable entity must take the deduction on the entity's first annual report described by Rule 3.584(c) (1)(C)(i). The deduction may not reduce apportioned margin below zero, and no carryover of unused deduction is allowed.

The bill also makes permanent an exemption for businesses that gross less than \$1 million in revenue while providing a \$1 million deduction for businesses once they pass the gross receipts revenue threshold. The bill also amends the margin calculation accordingly for equity. For more information, visit <http://www.window.state.tx.us/taxinfo/taxforms/05-906.pdf>.

MEDIA PRODUCTION DEVELOPMENT ZONE ACT

The Media Production Development Zone Act (MPDZ), established by the 81st Texas Legislature in 2009 and administered by the Texas Film Commission, is designed to encourage the further development of permanent moving image production sites to help strengthen Texas' economy. MPDZ allows for a sales and use tax exemption for the construction, maintenance, expansion, improvement or renovation of a media production facility at a qualified media production location over a two year period. Media production facilities include, but are not limited to: animation/CGI studios, post production facilities, sound stages, video game development studios and production office space. Further program details and application information can be found at <https://gov.texas.gov/film/page/mpdz>.

RENEWABLE ENERGY INCENTIVES

Wind and Solar Energy Tax Exemptions and Deductions

Tax Code Section 171.056 extends a franchise tax exemption to manufacturers, sellers, or installers of solar energy devices. The state also permits a corporate deduction from the state's franchise tax for renewable energy sources. Business owners may deduct the cost of the system from the company's taxable capital or deduct 10% from the company's income. Wind energy qualifies under the term "solar energy" for the exemption and deduction under Sections 171.056 and 171.107.

Texas property tax code permits a 100% exemption on the appraised value of solar, wind or biomass energy devices installed or constructed for the production and use of energy on-site. See Texas property tax Form 50-123, "Exemption Application for Solar or Wind-Powered Energy Devices" to claim this exemption.

Texas also offers a loan program for eligible efficiency technologies. The "LoanSTAR" program is available to schools, hospitals and local governments. The low interest loans are capped at a \$5 million maximum and are required to meet certain technical guidelines, including a detailed energy assessment report. For more information on these tax exemptions, visit the Comptroller's website at <https://comptroller.texas.gov/programs/seco/>.

RESEARCH & DEVELOPMENT TAX CREDIT

In 2013, the 83rd Texas Legislature enacted House Bill 800, creating a Research & Development tax credit effective January 1, 2014. This allowed companies a choice between a franchise tax credit and a sales tax exemption for materials, software and equipment used for R&D purposes. Tax Code Chapter 171, subchapter M effectively establishes the qualifications, definitions and eligibility criteria for the credit.

For more information, visit <https://comptroller.texas.gov/taxes/qualified-research/>.

SALES TAX EXEMPTION FOR MEDIA PRODUCTIONS & FACILITIES

Under Texas law, a producer or production company may claim a sales or use tax exemption on items or services necessary to and used or consumed directly during the production of a project intended for commercial distribution such as a feature film, commercial, television project or recording of live performances. Sales and use tax exemptions are not eligible for productions not sold to the public, such as wedding videos and videos shown on social media or video games.

For more information, visit https://gov.texas.gov/film/page/sales_tax_exemptions.

STATE SALES & USE TAX EXEMPTIONS

Manufacturing Machinery & Equipment

Leased or purchased machinery, equipment, replacement parts and accessories that are used or consumed in the manufacturing, processing, fabricating or repairing of tangible personal property for ultimate sale, are exempt from state and local sales and use tax. Texas businesses are exempt from paying state sales and use tax on labor for constructing new facilities.

Texas businesses are exempt from paying state sales and use tax on the purchase of machinery exclusively used in processing, packing or marketing agricultural products by the original producer at a location operated by the original producer. For more information, visit <https://comptroller.texas.gov/taxes/publications/94-124.php>.

Natural Gas & Electricity

Texas companies are exempt from paying state and local sales and use tax on electricity and natural gas used in manufacturing, processing or fabricating tangible personal property. The company must complete a "predominant use study" that shows that at least 50% of the electricity or natural gas consumed by the business directly causes a physical change to a product.

Data Center Exemption

Texas provides 100% exemption on sales tax for computers, equipment, cooling systems, power infrastructure, electricity and fuel for data centers meeting the minimum thresholds of \$200 million in capital investment, 20 new jobs and an average salary at least 120% of the county average salary. For more information, visit <https://comptroller.texas.gov/taxes/data-centers/>.

TEXAS ENTERPRISE ZONE PROGRAM

Under the statewide cap of 105 projects per biennium, a community with less than 250,000 in population, may have up to six enterprise projects. A community with 250,000 in population or greater may have up to nine enterprise projects. Upon a community designating a business as an enterprise project, and upon that project's designation being approved by the state, the business would be eligible for the following incentives:

State Sales and Use Tax Refunds

An enterprise project is eligible for a refund for all state sales and use taxes paid and used at the qualified business site. The total amount of any refund will continue to be predicated on investment amount and number of jobs created/retained.

The refund for each designation can be an amount ranging from a minimum of \$2,500 per job to a maximum of \$7,500 per job as follows:

- 1. Half Enterprise Project:** If project investment amount is greater than \$40,000 and equal to \$5 million or more, then refund amount is \$2,500 per job up to a maximum of 250 jobs created/retained. Maximum refund available is \$625,000;
- 2. Enterprise Project:** If project investment amount is equal to or greater than \$5 million or more, then refund amount is \$2,500 per job up to a maximum of 500 jobs created/retained;
- 3. Double Jumbo Enterprise Project:** If project investment amount is equal to or greater than \$150 million and less than \$250 million, then refund amount is \$5,000 per job up to a maximum of 500 jobs created;
- 4. Triple Jumbo Enterprise Project:** If project investment amount is equal to or greater than \$250 million, then refund amount is \$7,500 per job up to a minimum of 500 jobs created. Maximum refund available is \$3.75 million.

Receipts for purchases of building materials and machinery and equipment and payroll information are required to be retained as part of the audit process. *(Note: All contracts should separate the costs for building materials and/or equipment from the costs of labor and services in order to be eligible.)*

The refund for sales and use tax must be for all eligible items for use at the qualified business site. For more information, visit <https://gov.texas.gov/business/page/texas-enterprise-zone-program>.

FINANCING

THE STATE OF TEXAS INDUSTRIAL REVENUE BOND PROGRAM (IRB)

Industrial Revenue Bonds (IRBs) provide a source of tax-exempt or taxable bond finance for projects involving significant private activity that promote new and existing businesses, encourage employment, and expand the tax base of a community. IRBs are issued by Industrial Development Corporations sponsored by a government unit, but their proceeds are passed on to private businesses, which are generally responsible for debt service payment.

Sales Tax Bonds

Sales Tax Bonds do not fall under the volume cap and are eligible to communities that have passed the economic development sales tax (Type A and/or B). Ineligible projects include for-profit hospitals, multi-family projects and municipal services.

Exempt-Facility Bonds

Bonds can be issued to finance certain facilities such as airports, dock and wharf facilities, governmentally owned solid waste disposal facilities, governmentally owned high-speed inter-city rail facilities, environmental enhancements of hydro-electric generating facilities, qualified public education facilities, qualified green building projects, new empowerment zone facilities or government owned solid waste disposal facilities. There is no limit on the amount of the issue and these issues do not require a reservation under the volume cap. Although the facility must be governmentally owned, it may be leased or subject to management contracts with the business.

Other types of exempt bonds include projects for mass commuting facilities, qualified residential rental projects, qualified enterprise zone facilities, water, sewage and solid waste facilities, facilities for the local furnishing of electricity or gas and local district heating or cooling facilities. These types of exempt-facility issues must reserve a portion of the volume cap. Exempt-facility bonds that are not governmentally owned may reserve up to the greater of \$100 million or 3.4% of the available state ceiling in tax-exempt volume cap allocation each year.

Tax-Exempt Industrial Revenue Bonds

Tax-Exempt Industrial Revenue Bonds are designed to provide tax-exempt financing to finance land and depreciable property for eligible industrial or manufacturing projects. The maximum bond amount is \$10 million, and can include certain capital and administrative costs.

On January 1, 2007, the maximum capital expenditure amount increased to \$20 million. These issues must receive a reservation under the State's volume limitation ("volume cap") managed by the Texas Bond Review Board. Initial reservations of volume cap are allocated by lottery in November prior to the program year; any remaining volume cap is allocated to applicants on a "first come, first served" basis. For more information, contact the Texas Bond Review Board at (512) 463-1741, or visit <https://gov.texas.gov/business/page/industrial-revenue-bonds>.

TEXAS MILITARY VALUE REVOLVING LOAN FUND

Created by the 78th Legislature, the Texas Military Value Revolving Loan Fund, or the "Revolving Loan Fund" as it has become known, is designed to:

- Assist defense communities in enhancing the military value of a military facility;
- Provide financial assistance to defense communities for job creating economic development projects that minimize the negative effects of a defense base realignment or closure decision that occurred in 1995 or later;
- Provide financial assistance to defense communities for an infrastructure project to accommodate new or expanded military missions resulting from a base realignment and closure decision that occurred in 1995 or later.

The Revolving Loan Fund provides a low cost source of revenue to eligible communities who meet the application criteria. The minimum amount of a loan is \$1 million, while the maximum amount of a loan is determined by the availability of funds and the creditworthiness of the applicant. State funding will be obtained through the sale of general obligation bonds. The State may provide up to 100% of the cost of the described project, dependent upon the creditworthiness of the applicant.

For more information, visit <https://gov.texas.gov/organization/military/loans>, or contact the Texas Military Preparedness Commission at (512) 475-1475.

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