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Commonwealth of Massachusetts

Department of Revenue

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# 2016 Massachusetts Security Corporation Excise Return **355SC**

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Schedules and Instructions

# Major 2016 Tax Law Changes

## Consent to Extend the Time to Act on an Amended Return Treated as an Abatement Application

The Department has established a consent process that will protect a taxpayer's appeal rights in instances where a taxpayer's amended return is treated by the Department as an abatement application. In such instances, the Department will consider the taxpayer's act of filing an amended return, either electronically or on paper, to constitute the taxpayer's written consent to grant the Commissioner additional time to act on an amended return treated as an abatement application. For further information, see TIR 16-11.

## Economic Development Incentive Program Tax Credit

For projects certified after January 1, 2017, the economic development incentive program tax credit is no longer calculated based on the cost of property that qualifies for the investment tax credit allowed under G.L. c. 63, § 31A and is instead determined by the Economic Assistance Coordinating Council based on factors set out in G.L. c. 23A, § 3D. In addition, limitations on the maximum amount of the credit awarded to particular types of certified projects have been eliminated, the credit is only subject to recapture if the Economic Assistance Coordinating Council revokes the certification of a project, and the credit may be designated as refundable in relation to any certified project. For further information, see TIR 16-15.

## Community Investment Tax Credit

Effective August 10, 2016, the community investment tax credit has been modified. A community partner may now claim a subsequent community investment tax credit if the Department of Housing and Community Development determines that the community partner has made satisfactory progress towards utilizing any prior allocation it has received. For further information, see TIR 16-15.

## Low-Income Housing Tax Credit

Effective January 1, 2017, the low-income housing tax credit has been expanded to also provide a non-refundable tax credit for corporate excise taxpayers that donate real or personal property to certain non-profit entities for use in purchasing, constructing, or rehabilitating a qualified Massachusetts project. This credit is generally limited to 50% of the amount of the donation. The credit must be claimed in the year that the qualifying donation is made and credit amounts that exceed the tax due may be carried forward for up to five years. For further information, see TIR 16-15.

## Historic Rehabilitation Tax Credit

Effective August 10, 2016, the historic rehabilitation tax credit has been modified to allow the Massachusetts Historical Commission to, subject to certain criteria, transfer the historic rehabilitation tax credit to corporate excise taxpayers that acquire a qualified historic structure. For multi-phased projects, the Massachusetts Historical Commission may transfer historic rehabilitation tax credit awards for any phase that meets the criteria. For further information, see TIR 16-15.

## Certified Housing Development Tax Credit

Effective January 1, 2017, the certified housing development tax credit allows corporate excise taxpayers to claim 25% of qualified

project expenditures as a credit. The credit may also be carried forward for up to 10 years. For further information, see TIR 16-15.

# General Information

## Who May File Form 355SC?

Any foreign or domestic corporation organized or doing business in Massachusetts and which is classified and operating as a valid security corporation under Massachusetts law may file Form 355SC. Under Massachusetts General Laws (MGL) Ch. 63, sec. 38B, a security corporation is any corporation:

- engaged **exclusively** in buying, selling, dealing in or holding securities on its own behalf and not as a broker; **and**
- classified as a security corporation by the Commissioner of Revenue. Depending on the nature of its business, a corporation may be classified as either a Class 1 or Class 2 security corporation.

Corporations which do not meet the above qualifications **may not** file Form 355SC. Nonqualifying corporations doing business in Massachusetts must file Form 355. Nonqualifying corporations which file Form 355SC are subject to penalties.

For further information regarding the taxation of security corporations, please refer to DOR Directive 86-33.

## What Is a Class 1 Security Corporation?

Under MGL Ch. 63, sec. 38B(b), a Class 1 security corporation is any foreign or domestic corporation which is engaged **exclusively** in buying, selling, dealing in or holding securities on its own behalf and **not** as a broker and is a bank holding company as defined under sec. 1103 of the Internal Revenue Code (IRC).

Class 1 security corporations pay an excise of .33% of Massachusetts gross income or the minimum excise of \$456, whichever is greater.

## What Is a Class 2 Security Corporation?

Under MGL Ch. 63, sec. 38B(a), a Class 2 security corporation is any foreign or domestic corporation which is engaged **exclusively** in buying, selling, dealing in or holding securities on its own behalf and **not** as a broker, and is not a bank holding company as defined under the IRC.

Class 2 security corporations pay an excise of 1.32% of Massachusetts gross income or the minimum excise of \$456, whichever is greater.

## What Are the Differences Between the Security Corporation Excise and the Business Corporation Excise?

Unlike business corporations, security corporations pay an excise based exclusively on gross income. Gross income for security corporations is equal to U.S. gross income **plus** tax-exempt interest from state and local obligations, including Massachusetts. In addition, security corporation gross income may include a deduction for capital losses sustained during the taxable year to the extent they are allowable for federal tax purposes. This deduction may not be used to offset dividend or interest income, nor be carried over to other taxable years. It may only be applied to reduce capital gains realized in the year during which the capital losses are sustained. Also, security corporations may not:

- participate in the filing of a Massachusetts combined return under MGL Ch. 63, sec. 32B;
- apportion or allocate income to other states or jurisdictions; or
- take any investment research or Economic Opportunity Area tax credits against the security corporation excise.

## How Does a Corporation Apply for Security Corporation Classification?

Any corporation wishing to apply for security corporation classification must submit a written application to the Commissioner of Revenue before the end of the corporation's taxable year. **Applications received by DOR after the close of the corporation's taxable year are invalid.** Applications must contain the following information:

- The name, legal address and Federal Identification number of the corporation;
- The taxable year for which classification is being sought;
- A balance sheet as of the first day of the corporation's taxable year;
- A balance sheet as of (or as near to as possible) the date of application. **Note:** General balance sheet accounts, such as "Investments," "Accounts Receivable" or "Marketable Securities," **must** be accompanied by a detailed schedule listing the type of assets held by the corporation;
- An income statement for the period from the first day of the taxable year to the date of application;
- A statement that the corporation's income for the rest of the taxable year will be exclusively from the buying, selling, dealing in or holding of securities on its own behalf and not as a broker;
- A statement that the corporation has (or has not) qualified as a bank holding company under the IRC; and
- The name and telephone number of the corporate officer or representative who may be contacted if additional information is needed. If applying on behalf of the appropriate corporate officer submit a completed Form M-2848, Power of Attorney.

Applications should be sent to: **Massachusetts Department of Revenue, 200 Arlington Street, Attn: BODA, Security Corporation Unit, Room 4300, Chelsea, MA 02150.**

For further information on applying for security corporation classification, please call the Security Corporation Unit at (617) 887-6990.

## How Often Must a Security Corporation Obtain Classification?

Once a corporation has received security corporation classification from the Commissioner of Revenue, it is not required to be classified again unless:

- it has been notified by the Commissioner that its classification has been revoked; or
- it is reapplying for security corporation status after electing to have its classification withdrawn.

## How May a Security Corporation Elect to Have Its Classification Withdrawn?

A corporation which has been classified as a security corporation may elect to have its classification withdrawn by notifying the Commissioner of Revenue of its election in writing. This election may be

made even if the corporation is still engaged exclusively in buying, selling, dealing in or holding securities on its own behalf and not as a broker. The notice must be on corporate letterhead and signed by the president, vice-president or clerk of the corporation. The notice of withdrawal must be filed and received by DOR before the end of the corporation's taxable year. This election should be sent to the Security Corporation Unit address listed in the "How Does a Corporation Apply for Security Corporation Classification?" section.

For further information on electing to withdraw your security corporation classification refer to DOR Directive 86-36.

## What If the Corporation Changes Activities During the Year?

A security corporation which has a material change in its activities (e.g., merger with another corporation) during the year must notify the Commissioner of Revenue in writing of the change before the end of the taxable year in which the change occurs. Any classified security corporation engaging in disallowed activities during the taxable year will have its security classification revoked and any additional amounts due under the Massachusetts corporation excise for the year will be assessed.

For further information on a security corporation's responsibilities when changing activities, refer to DOR Directive 86-37.

## Filing Requirements

### When Is Form 355SC Due?

Form 355SC, together with payment in full of any tax due, must be filed on or before the 15th day of the third month after the close of the corporation's taxable year. Security corporation filers should review TIR 04-30, Revised Electronic Filing Requirements, for information regarding the electronic filing mandate.

**Note:** Under Massachusetts corporate law, all corporations in the Commonwealth are required to file an annual report form with the Secretary of State within a limited time after the close of their fiscal year. Annual Report forms and instructions can be obtained by calling (617) 727-9440. For further information on this requirement, call the Secretary of State's Corporate Information Line at (617) 727-9640.

### Filing Amended Returns and Applications for Abatement for Business Taxes

The Department of Revenue is implementing a new computerized tax system that will make filing returns, submitting payments, and managing taxpayer accounts simpler, quicker, and more efficient than ever before. With this new online tax system, called MassTax-Connect, the amended return process will be automated, and in most cases will be separated from the abatement application process. For further information, see TIR 15-13.

### New Electronic Filing and Payment Requirements

Effective January 1, 2016, businesses with combined annual liability for wage withholding, sales and use tax, and other transactional taxes at or exceeding \$5,000 will be required to file and pay their taxes electronically. In addition, certain businesses and organizations, including financial institutions, urban redevelopment excise filers and 501(c) corporations, reporting annual gross income of \$100,000 or more on their corporate excise returns, will also be required to file electronically. For further information, see TIR 15-9.

## Can a Security Corporation Get an Extension of Time to File?

In 2015, the Department adopted an automated process for extensions of time to file tax returns for corporate excise taxpayers, beginning with all returns due on or after November 30, 2015, as part of the new MassTaxConnect system. Consistent with current rules, taxpayers meeting certain payment requirements will be given an automatic seven-month extension in the case of corporate excise taxpayers filing combined reports and a six-month extension for other corporate excise taxpayers. Taxpayers filing unrelated business income tax returns will be given an eight-month extension. For further information, see TIR 15-15.

**Note:** An extension of time to file is not valid if the corporation fails to pay at least 50% of the total tax liability or the minimum tax of \$456, whichever is greater, through estimated payments or with Form 355-7004.

Any tax not paid on or before the due date — without regard to the extension — shall be subject to an interest charge.

## What Are the Penalties for Late Returns?

Security corporation returns which are not filed on or before the due date are subject to interest and penalty charges. The penalty for failure to pay the total payment due with this form is 1% of the tax due per month (or fraction thereof), up to a maximum of 25%. A late payment penalty does not apply to amended returns when the amount shown on the original return was paid.

The penalty for failure to file a return by the due date is 1% of the tax due per month (or fraction thereof), up to a maximum of 25%.

Any tax not paid on or before the due date — without regard to the extension — is subject to interest charges.

## Should the Corporation Be Making Estimated Tax Payments?

All corporations which reasonably estimate their corporate excise tax to be in excess of \$1,000 for the taxable year are required to make estimated tax payments to the Commonwealth. Estimated taxes may be paid in full on or before the 15th day of the third month of the corporation's taxable year or in four installments according to the following schedule. Corporations making estimated payments, if not required to file electronically, must use Form 355-ES.

Corporations with \$100,000 or more in receipts or sales must submit their estimated payments electronically. See TIR 04-30 for further information.

Corporate estimated tax payments must be made in quarterly installments of 40%, 25%, 25% and 10% of the estimated annual tax liability.

**Note:** New corporations in their first full taxable year with less than 10 employees have different estimated payment percentages for each installment — 30%, 25%, 25% and 20% respectively.

To avoid a possible underpayment penalty on its taxes, a corporation should, when filing its first payment, estimate its tax to be at least equal to the prior year's tax. Corporations are required to pay the lesser of 100% of the corporation's prior year tax, 90% of the current year's tax or 90% of the current year's tax using the prior year's apportionment percentage. If the prior year's tax was the minimum tax, the corporation should make a payment or payments equal to the minimum tax to safeguard against a possible underpayment penalty.

**Note:** Any corporation with \$1 million or more of federal taxable income in any of its three preceding taxable years ("large corporations") may not use the prior year's tax except in calculating their first installment payment. Any reduction in a large corporation's first installment caused by using the prior year's tax must be added to the corporation's second installment.

For more information on corporate estimated taxes, refer to Regulation 830 CMR 63B.2.2.

## What Is a Valid Return?

A valid return is a return upon which all required amounts have been entered in all appropriate lines on the return. To be valid, **an exact, signed copy** of U.S. Form 1120 or 1120RIC as filed must be available upon request. Copies of all applicable schedules, forms and supplemental statements must also be available.

Supplements enclosed with the return to substantiate or support lines must be standard business size, 8½" x 11". A separate page need not be enclosed for each supporting document and several supplements may be typed on one page as space permits.

Failure to meet any of the requirements in this section may result in a penalty for filing an insufficient return. Such penalty may be assessed at double the amount of tax due.

## What if the Taxpayer Is a Fiscal or Short Year Filer?

File the 2016 return for calendar year 2016 and fiscal years that began in 2016 and ended in 2017. For a fiscal year return, fill in the tax year space at the top of page 1. Short year filers should file using the tax form for the calendar year within which the short year falls. If the short year spans more than one calendar year, the filer should file use the tax form for the calendar year in which the short year began. If the current form is not available at the time the short year filer must file, the filer should follow the rules explained in TIR 11-12.

## Are There Special Tax Credits Available In Massachusetts?

Yes. Massachusetts offers several special credits to corporations.

Under M.G.L. Ch. 63, sec. 32C, a corporation's credits may not offset more than 50% of its excise. Any credits not utilized as a result of this provision may be carried over for an unlimited number of years. This provision does not apply to the Research Credit, the Harbor Maintenance Tax Credit, Low-Income Housing Credit, Historic Rehabilitation Credit, the Film Incentive Credit or the Medical Device Credit.

## Investment Tax Credit

Manufacturing corporations and corporations engaged primarily in research and development, agriculture or commercial fishing are allowed a credit of 3% of the cost of depreciable real and tangible property. Such property must have a useful life of four years or more. The property must be used and located in Massachusetts on the last day of the taxable year. A corporation cannot take the credit on property which it leases to another. A corporation can take the credit on property which it leases from another (for property leased and placed in service on or after July 1, 1994). Generally, eligible corporate lessees making qualifying leasehold improvements may claim the credit.



**Note:** Motor vehicles and trailers acquired on or after January 1, 1988 and subject to the motor vehicle excise do not qualify for the Investment Tax Credit.

A corporation may carry over to the next succeeding three years any unused portion of its Investment Tax Credit (ITC). To claim the ITC, Schedule H must be completed where the credit is calculated. The amount of the credit is then entered on the Credit Manager Schedule.

## Vanpool Credit

Business corporations are allowed a credit of 30% of the cost incurred during the taxable year for the purchase or lease of company shuttle vans used in the Commonwealth as part of an employer-sponsored ridesharing program. The shuttle vans must be used for transporting employees and students from their homes, or public transportation facilities, to their places of employment or study.

To claim the Vanpool Credit, Schedule VP must be completed. The amount of the credit is then entered on the Credit Manager Schedule.

## Research Credit

A credit is allowed for corporations which made basic research payments and/or incurred qualified research expenses conducted in Massachusetts during the taxable year. A corporation taking the research credit is limited in the amount that can be taken against the excise in any year. The credit cannot reduce the tax to less than \$456.

The amount of credit is equal to:

- 100% of the first \$25,000 of excise; and
- 75% of any amount of excise remaining after the first \$25,000.

The deduction allowed to a corporation for any research expenses generating a Massachusetts Research Credit must be reduced by the amount of the credit generated. This amount is added back to income on Schedule E, line 13.

Any corporation which is a member of a combined group may share excess research credits with other members of the combined group. Corporations which are members of a controlled group or which are under common control with any trade or business (whether or not incorporated) are treated as a single taxpayer for purposes of determining the allowable Research Credit.

See Schedule RC instructions for further information. To claim the Research Credit, Schedule RC must be completed and the amount of the credit entered on the Credit Manager Schedule.

## Harbor Maintenance Tax Credit

Corporations are allowed a credit against the corporate excise for certain harbor maintenance taxes paid to the U.S. Customs Service pursuant to IRC sec. 4461. A corporation is eligible for the credit if the tax paid is attributable to the shipment of break-bulk or containerized cargo by sea- and ocean-going vessels through a Massachusetts harbor facility.

The credit is not subject to the 50% limitation; however, it may not reduce the tax to less than the minimum excise of \$456. A taxpayer may carryover any excess credit to any of the next succeeding five taxable years.

See Schedule HM instructions for further information. To claim the Harbor Maintenance Tax Credit, Schedule HM must be completed and the amount of the credit entered on the Credit Manager Schedule.

## Brownfields Tax Credit

Taxpayers are allowed a credit for amounts expended to rehabilitate contaminated property owned or leased for business purposes and located within an economically distressed area.

In 2013 legislation extended the Brownfields credit to nonprofit organizations, extended the time frame for eligibility for the credit, and permitted the credit to be transferred, sold, or assigned. Under prior law, net response and removal costs incurred by a taxpayer between August 1, 1998 and August 5, 2005, were eligible for the credit provided that the environmental response action before August 5, 2005. As a result of the recent legislation, the environmental response action commencement cut-off date is changed from August 5, 2013 to August 5, 2018, and the time for incurring eligible costs that qualify for the credit is extended to January 1, 2019. See TIR 13-15 for more information.

The Brownfields Credit may be transferred, sold or assigned to another taxpayer with a liability under chapter 62 or chapter 63, or to a nonprofit organization.

The Department will issue a certificate to the party receiving the Brownfields Credit reflecting the amount of the Brownfields Credit received. The party receiving the Brownfields Credit must enclose the certificate with each tax return in which the credits are being applied. Certificate application forms and additional information are available at [mass.gov/dor](http://mass.gov/dor).

The Brownfields Credit cannot offset more than 50% of the excise due nor reduce the excise below the minimum tax. Any unused credit may be carried forward for five years.

If you qualify for this credit, you must have completed Schedule BCA, Brownfields Credit Application, and received certificate number from DOR. Be sure to enter the DOR issued certificate number in the space provided on the Credit Manager Schedule.

## Low-Income Housing Credit

This credit is administered through the Massachusetts Department of Housing and Community Development (DHCD). The Low-Income Housing Credit is available to taxpayers that claim a U.S. credit for the construction or development of low-income housing. The state credit is taken over five years. The amount of credit a taxpayer may claim for a qualified Massachusetts project is allocated by the DHCD and is based on a total pool of money awarded to the Commonwealth. In order to claim the credit, a copy of the eligibility statement issued by DHCD must be available upon request.

The LIHC is not subject to the 50% limitation rule for corporate taxpayers. If the taxpayer disposes of the property generating the LIHC, a portion of the credit may be subject to recapture.

For further information regarding this credit, contact the Department of Housing and Community Development, Division of Private Housing, at (617) 727-7824.

To claim the Low-Income Housing Credit, supporting documentation must be enclosed with the return and the amount of the credit entered on the Credit Manager Schedule.

## Historic Rehabilitation Credit

Effective for years beginning on or after January 1, 2005 and ending on or before December 31, 2022, taxpayers may be eligible for the Historic Rehabilitation Credit (HRC). To claim this credit, a historic rehabilitation project must be complete and have been certified by the

Massachusetts Historical Commission. Unused portions of the credit may be carried forward for a maximum of five years. This credit may be transferred or sold to another taxpayer.

The HRC is not subject to the 50% limitation rule for corporate taxpayers. If the taxpayer disposes of the property generating the HRC, a portion of the credit may be subject to recapture.

For further information, see Regulation 830 CMR 63.38R.1, Massachusetts Historic Rehabilitation Tax Credit and TIR 10-11.

To claim the Historic Rehabilitation Credit, supporting documentation must be enclosed with the return and the amount of the credit entered on the Credit Manager Schedule.

## **Film Incentive Credit**

For taxable years beginning on or after January 1, 2006 and before January 1, 2023, Massachusetts allows two credits for motion picture production companies who meet certain qualification requirements. Production companies who incur at least \$50,000 of production costs in Massachusetts are eligible for income and corporate excise tax credits equal to 25% of the total Massachusetts payroll for the production, excluding salaries of \$1 million and higher. In addition, production companies whose Massachusetts production expenses exceed 50% of the total production cost receive an income and corporate excise tax credit of 25% of the total Massachusetts production expense. Supporting documentation must be available to the Department of Revenue upon request.

For further information on the Film Incentive Credit, see TIR 07-15. To claim the Film Incentive Credit, enter the Certificate Number issued by the Department of Revenue and the amount of the credit on the Credit Manager Schedule. Certificate application forms and additional information are available at [mass.gov/dor](http://mass.gov/dor).

## **Medical Device Credit**

The Medical Device Credit is equal to 100% of the user fees actually paid to the United States Food and Drug Administration (USFDA) by a medical device company during the taxable year for which the tax is due for pre-market submissions (e.g., applications, supplements, or 510(k) submissions) to market new technologies or upgrades, changes, or enhancements to existing technologies, developed or manufactured in Massachusetts.

For further information on the Medical Device Credit, see TIR 06-22. To claim the Medical Device Credit, enter the Certificate Number issued by the Department of Revenue and the amount of the credit on the Credit Manager Schedule. Certificate application forms and additional information are available at [mass.gov/dor](http://mass.gov/dor).

## **Life Science Company Investment Tax Credit**

For taxable years beginning on or after January 1, 2009, a new Investment Tax Credit (ITC) may be available to corporate excise taxpayers.

This credit, which is available to certified life sciences companies only to the extent authorized pursuant to the Life Sciences Tax Incentive Program, is equal to 10% of the cost of qualifying property acquired, constructed or erected during the taxable year and used exclusively in the Commonwealth.

The refundable ITC can apply to purchases made on or after January 1, 2009 even if a construction project started before that date. The scope of qualifying property for purposes of the new credit is the same as that provided by the existing ITC under M.G.L. Ch. 63,

sec. 31A.

Life sciences companies or persons also qualifying for the Economic Opportunity Area Credit (EOAC) for the same property may only take such EOAC to the extent of an additional 2% of the cost of the qualifying property. Corporations taking these credits are not allowed to take the ITC under M.G.L. Ch. 63, sec. 31A or the Low-Income Housing Credit under M.G.L. Ch. 63, sec. 31H for the same qualifying property.

If a life sciences ITC exceeds the tax otherwise due under the corporate excise, as applicable, 90% of the balance of such credit may, at the option of the taxpayer and to the extent authorized pursuant to the Life Sciences Tax Incentive Program, be refundable to the taxpayer for the tax year in which the qualified property giving rise to such credit is placed in service. If such refund is elected by the taxpayer, then the carryover provisions for this credit that would otherwise apply shall not be available.

For further information, see TIR 08-23. The amount of this credit must be entered on the Credit Manager Schedule.

## **Life Science Company FDA User Fees Credit**

For taxable years beginning on or after January 1, 2009, a new credit may be available to corporate excise tax payers for user fees paid on or after June 16, 2008 to the U. S. Food and Drug Administration (USFDA) upon submission of an application to manufacture a human drug in the Commonwealth.

This credit, which is available to certified life sciences companies only to the extent authorized pursuant to the Life Sciences Tax Incentive Program, is equal to 100% of the user fees actually paid by the taxpayer, as specified in the certification, and may be claimed in the taxable year in which the application for licensure of an establishment to manufacture the drug is approved by the USFDA. To be eligible for the credit, more than 50% of the research and development costs for the drug must have been incurred in Massachusetts.

Taxpayers may use the FDA user fees credit to reduce their tax to 0. To the extent authorized pursuant to the Life Sciences Tax Incentive Program, 90% of the balance of credit remaining is refundable. The deduction otherwise allowable for user fees qualifying for the credit is disallowed.

For further information, see TIR 08-23. The amount of this credit must be entered on the Credit Manager Schedule.

## **Life Sciences Company Research Credit**

For taxable years beginning on or after January 1, 2009, a new credit may be available for certified life sciences companies pursuant to the Life Sciences Tax Incentive Program, to provide qualifying companies with a means to obtain a research credit for certain expenditures not qualifying for the existing research credit under c. 63, § 38M. St. 2008, c. 130, §§ 30 and 53, codified at G.L. c. 63, § 38W. Under this new provision, the credit is generally calculated in the same manner as the research credit under section 38M. However, the qualified research expenditures which form the basis for the calculation in new section 38W differ from those of section 38M in that they can qualify when the activities are performed both inside and outside of the Commonwealth, to the extent they relate to legally mandated clinical trial activities.

The credit can reduce the corporate excise to the minimum excise of \$456 and may be carried forward for 15 years. Unlike the regular re-

search credit, as amended by the new subsection (j) of section 38M, described above, the new life sciences research credit under M.G.L. Ch. 63, sec. 38W is not refundable.

For further information, see TIR 08-23. The amount of this credit must be entered on the Credit Manager Schedule.

## **Refundable Film Credit**

Schedule RFC, Refundable Film Credit, is used by motion picture production companies to elect to claim a refundable film credit if they have not transferred or carried forward a portion of the film credit for the production. Transferees of the film credit do not qualify for the refundable film credit.

If an election to refund the film credit for a production is made, the entire film credit remaining after reducing the current year tax liability will be refunded at 90%. The production company is not allowed to partially refund and partially transfer or carryover over any portion of the credit to the next tax year.

The amount of refundable credit must be entered on the Credit Manager Schedule.

## **Refundable Dairy Credit**

A taxpayer who holds a certificate of registration as a dairy farmer pursuant to M.G.L. Ch. 94, sec. 16A is allowed a refundable tax credit based on the amount of milk produced and sold. The dairy farmer tax credit as originally enacted was 90% refundable. Under recent legislation, the dairy farmer tax credit is now 100% refundable.

The amount of refundable credit must be entered on the Credit Manager Schedule.

## **Refundable Life Science Credit**

There are different credits which the Massachusetts Life Sciences Center, with the approval of the Secretary of Administration and Finance, may authorize a taxpayer to have refunded in lieu of carrying forward such credit to a future year.

A taxpayer may apply for a refund of 90% of the unused Investment Tax Credit granted under M.G.L. Ch. 63, sec. 38U or the additional credit on the same property that may be granted under M.G.L. Ch. 63, sec. 38N if property for which the 38U credit is granted is used in a certified project.

A taxpayer may apply for a refund of 90% of the unused FDA User Fee Credit granted under M.G.L. Ch. 63, sec. 38M, including credits carried over from prior years. Schedule RLC, Refundable Life Science Credit, is used by taxpayers to claim the refund.

The amount of refundable credit must be entered on the Credit Manager Schedule.

## **Refundable Life Science Jobs Credit**

Effective for tax years beginning on or after January 1, 2011, a new tax incentive has been added to the Life Sciences Tax Incentive Program in the form of a refundable jobs credit. A taxpayer, to the extent authorized by the Life Sciences Tax Incentive Program, may be allowed a refundable jobs credit against the tax liability imposed under G.L. c. 62, the personal income tax, or G.L. c. 63, the corporate excise. A taxpayer claiming a life sciences refundable jobs credit must commit to the creation of a minimum of 50 net new permanent full-time positions in Massachusetts.

The amount of life sciences jobs credit allowed to a taxpayer will be determined by the Massachusetts Life Sciences Center in consultation with the Department of Revenue.

If a life sciences jobs credit claimed by a taxpayer exceeds the tax otherwise due under the personal income tax or the corporate excise, as applicable, 90% of the balance of such credit may, to the extent authorized by the life sciences tax incentive program, be refundable to the taxpayer. Excess credit amounts shall not be carried forward to subsequent taxable years.

The refundable jobs credit is subject to all the requirements of G.L. c. 23I, including the requirements set out in TIR 08-23. The total dollar amount of the various life sciences tax incentives, including the refundable jobs credits, for qualifying life sciences companies is subject to an annual cap of \$25 million.

The amount of refundable credit must be entered on the Credit Manager Schedule.

## **Refundable Economic Development Incentive Credit**

Under the provisions of the Economic Development Incentive Program (EDIP) established pursuant to M.G.L. Ch. 23A, the Economic Assistance Coordination Council (EACC) may authorize taxpayers participating in certified projects to claim tax credits under M.G.L. Ch. 62 sec. 6(g) and M.G.L. Ch. 63 sec. 38N. Taxpayers authorized by the EACC to claim tax credits for projects certified on or after January 1, 2010 must use Form EDIP, Refundable Economic Development Incentive Program Credit, to claim such credits. See TIR 10-01 for further information.

The amount of refundable credit must be entered on the Credit Manager Schedule.

## **Conservation Land Tax Credit**

Effective for tax years beginning on or after January 1, 2011, a credit is allowed for qualified donations of certified land to a public or private conservation agency. The credit is equal to 50% of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation cannot exceed \$75,000. The credit is refundable but not transferable. The certification process is conducted by the Executive Office of Energy and Environmental Affairs (EEA). EEA has promulgated a regulation, 301 CMR 14.00, entitled Conservation Land Tax Credit, which sets forth criteria for authorizing and certifying the credit. See also, 830 CMR 62.6.4, entitled Conservation Land Tax Credit, promulgated by DOR to explain the calculation of the allowable credit.

The amount of this credit must be entered on the Credit Manager Schedule.

## **Employer Wellness Program Tax Credit**

Effective for tax years beginning on or after January 1, 2013, a Massachusetts business that employs 200 or fewer workers may qualify for a tax credit for up to 25% of the cost of implementing a "certified wellness program" for its employees. A taxpayer seeking to claim the credit must apply to the Department of Public Health (DPH) for certification of its wellness program. DPH will approve a dollar amount of credit for a qualifying taxpayer and issue a certificate number to be provided in connection with filing a tax return in order to claim the credit. The amount of the credit that may be claimed by a taxpayer cannot exceed \$10,000 in any tax year. DPH has promulgated a regulation, 105 CMR 216.000, entitled Massachusetts Wellness Tax



Credit Incentive, which sets forth criteria for authorizing and certifying the credit. The credit is set to expire on December 31, 2017. **Note:** You must enter the certificate number on the Credit Manager Schedule. Failure to do so will result in this credit being disallowed on your tax return and an adjustment on your reported tax. Enter the number from left to right.

The amount of this credit must be entered on the Credit Manager Schedule.

## Community Investment Tax Credit

Effective for tax years beginning on or after January 1, 2014, a credit is allowed for qualified investments (certain cash contributions made to a community development corporation, community support organization, or a community partnership fund) made on or after January 1, 2014. The credit is equal to 50% of the total qualified investment made by the taxpayer for the taxable year. No credit is allowed to a taxpayer that makes a qualified investment of less than \$1,000. In any one taxable year, the total amount of the credit that may be claimed by a taxpayer that makes qualified investments cannot exceed \$1,000,000. The credit is refundable, or, alternatively, may be carried forward five years. The credit is set to expire December 31, 2019. For further guidance see the Department's regulation 830 CMR 62.6M.1, Community Investment Tax Credit and the regulation issued by the Department of Housing and Community Development, 760 CMR 68.00, Community Investment Grant and Tax Credit Program.

The amount of this credit must be entered on the Credit Manager Schedule.

## Certified Housing Development Credit

Effective for tax years beginning on or after January 1, 2011, taxpayers may receive a tax credit of up to 10% of the costs of qualified substantial rehabilitation expenditures, as defined in G.L. c. 40V sec. 1, of the market rate units within certified housing development projects. The credit is administered by the Massachusetts Department of Housing and Community Development. See TIR 10-14 for further information.

The amount of this credit must be entered on the Credit Manager Schedule.

# Line Instructions

## Registration Information

Enter the corporation's principal business code and Federal Identification number above the name and address of the corporation.

## Amended Return

If you need to change a line item on your return, complete a new return with the corrected information and select "Amended Return." Generally, an amended return must be filed within three years of the date that your original return was filed. By submitting the amended return, you are giving your consent for the Commissioner of Revenue to act upon your amended return after six months from the date of filing. If you choose not to consent, you must do so in writing and attach it to this amended return. If you do not consent, any requested reduction in tax will be deemed denied at the expiration of six months from the date of filing.

If this is an amended Massachusetts return and it does not report changes that result from the filing of a federal amended return or from a federal audit (for example, if the amended Massachusetts return is reporting only a change in the apportionment calculation or an additional tax credit), check only the "amended return" box. If this is an amended return that includes changes you have reported on an amended federal return filed with the IRS for the same tax year, check both the "amended return" box and the "federal amendment" box. If the amended Massachusetts return incorporates changes that are the result of an IRS audit, check both the "amended return" box and the "federal audit" box; attach a complete copy of the federal audit report and supporting schedules.

If you are disputing an assessment resulting from an audit, or are requesting an abatement of penalties, do not file an amended return. Rather, you must file a Form ABT, Application for Abatement. Visit [mass.gov/dor/amend](http://mass.gov/dor/amend) for additional information about filing an amended return, or filing an application for abatement.

### Line 3

Check if the corporation is a Class 1 or Class 2 security corporation as classified by the Commissioner of Revenue. For an explanation of the differences between Class 1 and Class 2 security corporations, please refer to the General Information section of the instructions.

### Line 11

Any corporation undergoing a voluntary dissolution should notify the DOR within 30 days of the vote to dissolve by writing to: Massachusetts Department of Revenue, Customer Service Bureau, PO Box 7010, Boston, MA 02204.

### Line 12

If there have been significant changes in your corporation's activities during the taxable year, enclose a statement explaining these changes. Security corporations **must** notify the Commissioner of Revenue of any change in their activities before the end of their taxable year.

## Computation of Excise

A provision applies to security corporations, effective for tax years that end on or after October 1, 2004, stating that qualified securities only include instruments that were initially acquired through a public exchange or another arms length secondary market. See TIR 04-21 for further information.

The Computation of Excise section is used to calculate either the Class 1 or Class 2 security corporation excise. The respective excise rates are:

- Class 1 security corporation: .33% of Massachusetts gross income; and
- Class 2 security corporation: 1.32% of Massachusetts gross income.

Massachusetts law also provides for a minimum security corporation excise of \$456.

### Line 1

Enter the corporation's U.S. total income from the appropriate U.S. form.

### Line 2

Enter all interest received on state and municipal bond obligations not reported in line 1.



### Line 3

Massachusetts law does not allow security corporations to take deductions for ordinary losses in the course of business or for capital losses carried over from other taxable years. Consequently, any of the following lines which have been deducted from total U.S. income must be entered in line 3 and added back into income:

- any losses from U.S. Form 4797, lines 7 and 17, column g; and
- any capital losses carried over from other taxable years, and deducted on U.S. Schedule D.

Any amount required to be added to income in line 3 must be accompanied by an explanatory schedule.

### Credit Manager Schedule

The Credit Manager Schedule reports in Part 1 the taxpayer's credits available (including credits carried over from prior years) and the credits taken. Credits are shown in a table format and may be listed in any order. Taxpayers with more than one credit available may choose how much of each credit to take in the current year. A taxpayer participating in a combined report and allowing other members of the combined group to use its credits as allowed in 830 CMR 63.32B.2(9), also reports the amount of each credit shared on this schedule.

Some credits are identified on the credit manager schedule by a certificate number. The certificate number for the credit is assigned by the issuing agency (which may be the Department of Revenue) and must always be reported to claim the credit. A taxpayer with multiple certificates for the same type of credit will enter each separately, with the available (unused) balance associated with that certificate in column (e) and the amount of the credit used in the current year in column (f). Taxpayer's claiming the EDIP Credit for a Certified Jobs Creation Project must enter a certificate number but are only required to complete the header section of schedule EDIP.

Some credits are identified by the period end date which refers to the period in which the credit originated. This may be the current taxable year or a prior year if the credit is being carried forward from a prior year. If the period of origin is the current year, a schedule detailing the calculation of the amount of credit must be enclosed with the return. If the period of origin is a prior year, only the amount carried over to and available in the current year is shown in column (e) and no calculation schedule is required.

If, by operation of M.G.L. c. 63, s. 32C or another provision of law, a credit normally identified by period of origin is eligible for indefinite carryover, the credit should be reported as "non-expiring"; the taxpayer is not required to identify the period of origin on the credit manager schedule. (Non-expiring credits were formerly referred to as "unlimited.")

The abbreviation in the enumeration column is used to identify the credit type on the credit manager schedule (in column a. in both Part 1 and Part 2).

Part 2 of the Credit Manager Schedule reports any refundable credits claimed in the current year. Certain credits are refundable only if specifically authorized or, in the case of the Film Credit, if the original recipient has not transferred the credit to another. Other conditions may apply depending on the terms applicable to the specific credit. Credits are identified separately. The amount in column (f) is the amount of the refund requested, which may be 100% or 90% of the amount reported in column (e).

For more information and examples, see the Credit Manager Schedule instructions.

### Credit Recapture Schedule

Certain Massachusetts tax credits are subject to recapture as specified in the statute authorizing the credit (e.g. investment tax is subject to recapture under M.G.L. c 63, s 31A(e) if an asset for which the credit was taken is disposed of before the end of its useful life). Recapture may also be triggered if the corporation no longer qualifies for the credit (as when a manufacturing corporation ceases to qualify as such or a corporation's status as a Life Sciences Company is terminated as discussed in TIR 13-6).

If a recapture calculation is required, the amount of the credit allowed is redetermined and the reduction in the amount of credit allowable is recaptured to the extent the credit was taken or used in a prior year. See DOR Directive 89-7. Taxpayers who have a recapture calculation must complete this schedule whether or not a recapture tax is determined to be due.

The Credit Recapture Schedule lists each credit for which a recapture calculation must be made. For credits tracked by certificate numbers that must be reported on the return to claim the credit, enter each certificate number and the associated credits separately. For credits not tracked by certificate number, enter credits separately by type and the year to which they relate. List only those credits and certificate numbers or tax years for which a reduction in the credit is being calculated.

For more information and examples, see the Credit Recapture Schedule example.

### Line 18

The minimum excise for a security corporation is \$456. The minimum excise **cannot** be prorated under **any** circumstance, as Massachusetts law makes no provision for the proration of the minimum tax.

### Line 20

All security corporations that wish to contribute to Endangered Wildlife Conservation may do so on their corporation excise return. This amount is added to the excise due. It increases the amount of the corporation's payment or reduces the amount of their refund.

The Natural Heritage and Endangered Species Fund is administered by the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement to provide for conservation programs for rare, endangered and nongame wildlife and plants in the Commonwealth.

### Refunds

If the total of lines 22 through 24 exceed line 21, enter the amount overpaid in line 25.

The overpayment may be applied in part or in full to 2016 estimated taxes by entering in line 26 the amount to be credited to 2016 estimated taxes. Enter in line 27 the amount of the overpayment to be refunded.

### Balance Due

If line 21 exceeds the total of lines 22 through 24 the balance due should be entered in line 28. Payment is due on or before the 15th day of the third month after the close of the corporation's taxable year.

## Line 29

The following penalties apply:

**Penalty for late payment:** The penalty for failure to pay the total payment due with this form is 1% of the tax due per month (or fraction thereof), up to a maximum of 25%. A late payment penalty does not apply to amended returns when the amount shown on the original return was paid.

**Penalty for failure to file:** The penalty for failure to file a tax return by the due date is 1% of the tax due per month (or fraction thereof), up to a maximum of 25%.

**Penalty for underpayment of estimated tax:** An additional charge may be imposed on corporations which underpay their estimated taxes or fail to pay estimated taxes. Form M-2220, Underpayment of Massachusetts Estimated Tax by Corporations, is used to compute any underpayment penalty.

Any corporation which fails to pay its tax when due will be subject to interest charges.

## Line 31

Enter the total payment due. Checks for this amount should be made payable to the Commonwealth of Massachusetts. Checks should have the corporation's Federal Identification number written in the lower left corner.

## Signature

When Form 355SC is complete, it must be signed by the treasurer or assistant treasurer or, in their absence or incapacity, by any other principal corporate officer. If you are signing as an authorized delegate of the appropriate corporate officer, check the box below the signature line on Form 355SC and attach Form M-2848, Power of Attorney. The form must also be signed by any paid preparer of the form. The form should be mailed to: **Massachusetts Department of Revenue, PO Box 7067, Boston, MA 02204.**

## Schedule A. Balance Sheet

Enter the beginning and end-of-year balance sheet amounts for the taxable year covered by this return. All values entered on Schedule A must be in accordance with values on U.S. Form 1120 or 1120RIC, Part III. All corporations are required to complete both columns A and B. All items in Schedule A should be accompanied by a separate schedule if an explanation is required.

## Ownership Information

### Line 1

If your corporation owned 50% or more of the voting stock of another corporation **or** if any single entity, e.g., corporation, individual, trust, partnership or estate, owned 50% or more of your corporation's voting stock, attach a schedule showing name, address, Federal Identification or Social Security number, and percentage of ownership amount.

### Line 2

Include the highest amount **owed to** your corporation during the taxable year and/or the highest amount **owed by** your corporation during the taxable year, whichever is applicable.