

SUBSTITUTE FOR
HOUSE BILL NO. 5973

A bill to amend 2007 PA 36, entitled
"Michigan business tax act,"
(MCL 208.1101 to 208.1601) by adding section 432a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 432A. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31,
2 2011 AND BEFORE JANUARY 1, 2016, A QUALIFIED TAXPAYER THAT HAS
3 RECEIVED A CERTIFICATE UNDER SECTION 432 MAY CLAIM A CREDIT EQUAL
4 TO THE PRODUCT OBTAINED BY MULTIPLYING THE QUALIFIED CONSUMPTION OF
5 ELECTRICITY TIMES THE DIFFERENCE BETWEEN THE GUARANTEED COST OF
6 ELECTRICITY AND THE ACTUAL DELIVERED PRICE OF ELECTRICITY BILLED TO
7 THE QUALIFIED TAXPAYER UNDER A TARIFF RATE APPROVED BY THE PUBLIC
8 SERVICE COMMISSION OR THE PROJECTED COST OF ELECTRICITY, WHICHEVER
9 IS LESS.
10 (2) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX

1 LIABILITY OF THE QUALIFIED TAXPAYER FOR THE TAX YEAR, THE QUALIFIED
2 TAXPAYER MAY ELECT TO HAVE THAT PORTION THAT EXCEEDS THE TAX
3 LIABILITY OF THE QUALIFIED TAXPAYER REFUNDED OR TO HAVE THE EXCESS
4 CARRIED FORWARD TO OFFSET THE TAX LIABILITY IN SUBSEQUENT YEARS FOR
5 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST.

6 (3) AS USED IN THIS SECTION, "QUALIFIED CONSUMPTION OF
7 ELECTRICITY" MEANS UP TO 1,445,400 MEGAWATT HOURS OF ELECTRICITY
8 CONSUMED DURING THE TAX YEAR AT A FACILITY DESCRIBED BY AN
9 AGREEMENT ENTERED INTO UNDER SECTION 432.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 94th Legislature are
12 enacted into law:

- 13 (a) House Bill No. 5383.
- 14 (b) House Bill No. 5524.
- 15 (c) House Bill No. 5525.
- 16 (d) House Bill No. 5548.
- 17 (e) House Bill No. 5549.
- 18 (f) House Bill No. 5972.