

SENATE 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

House Bill No. 5973 as amended June 26, 2008

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.

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

- (a) Senate Bill No. 1267.
- (b) Senate Bill No. 1268.
- (c) Senate Bill No. 1270.>>