

HOUSE BILL No. 5755

January 19, 2010, Introduced by Reps. Stamas, Rocca, Meltzer, Horn, Caul, Crawford, Wayne Schmidt, DeShazor, Tyler, Haines, Kowall, Knollenberg, Walsh, Rick Jones, Meekhof, Elsenheimer, LeBlanc, Bledsoe, Terry Brown, Coulouris, Griffin, Mayes, Lori, Stanley, Roy Schmidt, Sheltroun, Slezak, Pearce, Pavlov, Proos, Green, Liss and Moore and referred to the Committee on Tax Policy.

A bill to amend 2007 PA 36, entitled
"Michigan business tax act,"
(MCL 208.1101 to 208.1601) by adding section 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 465. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31,
2 2009, AN ELIGIBLE CONTRACTOR THAT CONSTRUCTS A NEW ENERGY-EFFICIENT
3 HOME THAT IS PURCHASED BY ANOTHER PERSON FOR USE AS A RESIDENCE
4 DURING THE TAX YEAR MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY
5 THIS ACT EQUAL TO THE FOLLOWING:

6 (A) FOR A DWELLING UNIT OR MANUFACTURED HOME DESCRIBED IN
7 SUBSECTION (2), \$2,000.00.

8 (B) FOR A MANUFACTURED HOME DESCRIBED IN SUBSECTION (3),
9 \$1,000.00.

10 (2) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (3), TO

1 QUALIFY FOR THE CREDIT UNDER THIS SECTION, THE DWELLING UNIT OR A
2 MANUFACTURED HOME THAT CONFORMS TO THE FEDERAL MANUFACTURED HOME
3 CONSTRUCTION AND SAFETY STANDARDS UNDER 24 CFR 3280 SHALL MEET THE
4 FOLLOWING ENERGY-SAVING REQUIREMENTS:

5 (A) THE DWELLING UNIT OR MANUFACTURED HOME IS CERTIFIED TO
6 HAVE A LEVEL OF ANNUAL HEATING AND COOLING ENERGY CONSUMPTION WHICH
7 IS AT LEAST 50% BELOW THE ANNUAL LEVEL OF HEATING AND COOLING
8 ENERGY CONSUMPTION OF A COMPARABLE DWELLING UNIT THAT IS
9 CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS OF CHAPTER 4 OF THE
10 2003 INTERNATIONAL ENERGY CONSERVATION CODE FOR RESIDENTIAL
11 BUILDINGS, AND THE HEATING AND COOLING EQUIPMENT EFFICIENCIES
12 CORRESPOND TO THE MINIMUM ALLOWED UNDER THE REGULATIONS ESTABLISHED
13 BY THE UNITED STATES DEPARTMENT OF ENERGY PURSUANT TO THE NATIONAL
14 APPLIANCE ENERGY CONSERVATION ACT OF 1987, 42 USC 6291 TO 6309.

15 (B) THE DWELLING UNIT OR MANUFACTURED HOME IS CERTIFIED TO
16 HAVE BUILDING ENVELOPE COMPONENT IMPROVEMENTS THAT ACCOUNT FOR AT
17 LEAST 1/5 OF THE 50% ENERGY CONSUMPTION REDUCTION DESCRIBED UNDER
18 SUBDIVISION (A).

19 (3) A MANUFACTURED HOME THAT CONFORMS TO THE FEDERAL
20 MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS UNDER 24 CFR
21 3280 AND SATISFIES EITHER OF THE FOLLOWING QUALIFIES FOR THE CREDIT
22 UNDER THIS SECTION:

23 (A) THE MANUFACTURED HOME IS CERTIFIED TO HAVE A LEVEL OF
24 ANNUAL HEATING AND COOLING ENERGY CONSUMPTION WHICH IS AT LEAST 30%
25 BELOW THE ANNUAL LEVEL OF HEATING AND COOLING ENERGY CONSUMPTION OF
26 A COMPARABLE DWELLING UNIT THAT IS CONSTRUCTED IN ACCORDANCE WITH
27 THE STANDARDS OF CHAPTER 4 OF THE 2003 INTERNATIONAL ENERGY

1 CONSERVATION CODE FOR RESIDENTIAL BUILDINGS, THE HEATING AND
2 COOLING EQUIPMENT EFFICIENCIES CORRESPOND TO THE MINIMUM ALLOWED
3 UNDER THE REGULATIONS ESTABLISHED BY THE UNITED STATES DEPARTMENT
4 OF ENERGY PURSUANT TO THE NATIONAL APPLIANCE ENERGY CONSERVATION
5 ACT OF 1987, 42 USC 6291 TO 6309, AND THE MANUFACTURED HOME IS
6 CERTIFIED TO HAVE BUILDING ENVELOPE COMPONENT IMPROVEMENTS THAT
7 ACCOUNT FOR AT LEAST 1/3 OF THE 30% ENERGY CONSUMPTION REDUCTION
8 DESCRIBED UNDER THIS SUBDIVISION.

9 (B) THE MANUFACTURED HOME MEETS THE REQUIREMENTS ESTABLISHED
10 BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY UNDER
11 THE FEDERAL ENERGY STAR LABELED HOMES PROGRAM.

12 (4) FOR PURPOSES OF SUBSECTIONS (2) AND (3), CERTIFICATION
13 SHALL BE MADE IN ACCORDANCE WITH THE GUIDANCE PRESCRIBED BY THE
14 DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH. THE GUIDANCE
15 SHALL SPECIFY THE PROCEDURES AND METHODS FOR CALCULATING ENERGY AND
16 COST SAVINGS. THE CERTIFICATION REQUIRED UNDER SUBSECTIONS (2) AND
17 (3) SHALL BE MADE IN WRITING IN A MANNER WHICH SPECIFIES IN READILY
18 VERIFIABLE FASHION THE ENERGY-EFFICIENT BUILDING ENVELOPE
19 COMPONENTS AND ENERGY-EFFICIENT HEATING OR COOLING EQUIPMENT
20 INSTALLED AND THEIR RESPECTIVE RATED ENERGY EFFICIENCY PERFORMANCE.

21 (5) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR
22 THE TAX YEAR EXCEEDS THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR,
23 THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL
24 NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY
25 IN SUBSEQUENT TAX YEARS FOR 5 YEARS OR UNTIL USED UP, WHICHEVER
26 OCCURS FIRST.

27 (6) AS USED IN THIS SECTION:

1 (A) "ELIGIBLE CONTRACTOR" MEANS A PERSON THAT HAS CONSTRUCTED
2 THE QUALIFIED NEW ENERGY-EFFICIENT HOME OR, FOR A QUALIFIED NEW
3 ENERGY-EFFICIENT HOME THAT IS A MANUFACTURED HOME, THE PRODUCER OF
4 THE MANUFACTURED HOME.

5 (B) "QUALIFIED NEW ENERGY-EFFICIENT HOME" MEANS A DWELLING
6 UNIT OR MANUFACTURED HOME THAT SATISFIES ALL OF THE FOLLOWING:

7 (i) THE DWELLING UNIT OR MANUFACTURED HOME IS LOCATED IN THIS
8 STATE.

9 (ii) THE CONSTRUCTION OF THE DWELLING UNIT OR MANUFACTURED HOME
10 IS SUBSTANTIALLY COMPLETED AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SECTION.

12 (iii) THE DWELLING UNIT OR MANUFACTURED HOME MEETS THE ENERGY-
13 SAVING REQUIREMENTS DESCRIBED IN SUBSECTION (2) OR (3).