

HOUSE BILL No. 5732

June 12, 2012, Introduced by Rep. Gilbert and referred to the Committee on Tax Policy.

A bill to amend 2007 PA 36, entitled
"Michigan business tax act,"
by amending section 510 (MCL 208.1510), as amended by 2011 PA 292.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 510. (1) If a certificate of completion, assignment
2 certificate, or component completion certificate is issued for a
3 tax year beginning after December 31, 2011 under section 437 to a
4 taxpayer or if a certificate of completed rehabilitation,
5 assignment certificate, or reassignment certificate is issued for a
6 tax year beginning after December 31, 2011 under section 435 to a
7 taxpayer, beginning on and after January 1, 2012 the taxpayer may
8 elect to claim a refundable credit for 90% of the amount of that
9 certificate. The claim may be filed before the end of the tax year,

1 and the department shall pay the refundable credit within 60 days
2 after receiving the claim. A taxpayer claiming a credit under this
3 section shall forgo the remaining 10% of the credit.

4 (2) If section 437 or 435 provides that payment of a credit
5 will be made over a period of years or limits the annual amount of
6 a payment, a refundable credit may only be claimed under subsection
7 (1) for the amount payable in the year claimed. A taxpayer may
8 elect to claim a refundable credit under subsection (1) in each
9 year that a credit is payable under section 437 or 435.

10 Notwithstanding the foregoing, a taxpayer may elect under
11 subsection (1) to claim the balance of a refundable credit awarded
12 under section 435(20), but the amount of that refund shall be equal
13 to 86% of the amount of the credit and the taxpayer shall forgo the
14 remaining 14% of the credit.

15 (3) Notwithstanding the provisions of section 437(18) and
16 section 435(9), for tax years ending after December 31, 2011, a
17 taxpayer may not claim a refundable credit under section 437(18) or
18 section 435(9) and may only claim a refundable credit under
19 sections 437 and 435 as provided in subsection (1) or (2).

20 (4) If a voucher certificate is issued for a tax year
21 beginning after December 31, 2011 under section 500(7) to a
22 taxpayer, beginning on and after January 1, 2012 the taxpayer may
23 elect to redeem a refundable voucher certificate subject only to
24 the annual limitations and conditions provided under section
25 500(7). The claim may be filed before the end of the tax year, and
26 the department shall pay the refundable certificate within 60 days
27 after receiving the claim.

1 (5) NOTWITHSTANDING SECTION 435(8), FOR PROJECTS FOR WHICH A
2 CERTIFICATE OF COMPLETED REHABILITATION IS ISSUED FOR A TAX YEAR
3 BEGINNING AFTER DECEMBER 31, 2009 AND BEFORE JANUARY 1, 2011, AN
4 ASSIGNEE OF A CREDIT ALLOWED UNDER SECTION 435(20) AVAILABLE TO BE
5 CLAIMED FOR A TAX YEAR BEGINNING AFTER DECEMBER 31, 2011 MAY ASSIGN
6 ALL OR ANY PORTION OF THAT CREDIT TO 1 OR MORE ASSIGNEES. ANY
7 ASSIGNEE MAY SUBSEQUENTLY REASSIGN THAT CREDIT OR ANY PORTION OF
8 THAT CREDIT TO 1 OR MORE ASSIGNEES. AN ASSIGNMENT OR REASSIGNMENT
9 OF A CREDIT UNDER THIS SUBSECTION CAN BE MADE ANY TIME PRIOR TO
10 DECEMBER 31, 2012.