

# SENATE BILL No. 1389

August 9, 2006, Introduced by Senator EMERSON and referred to the Committee on Finance.

A bill to provide for the preservation of certain credits for certain economic development activities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "economic development credit preservation act".

3           Sec. 2. As used in this act:

4           (a) "Adjusted services performed in a designated renaissance  
5 zone" means either of the following:

6           (i) Except as provided in subparagraph (ii), the sum of the  
7 taxpayer's payroll for services performed in a designated  
8 renaissance zone plus an amount equal to the amount deducted in  
9 arriving at federal taxable income for the tax year for

1 depreciation, amortization, or immediate or accelerated write-off  
2 for tangible property exempt under section 7ff of the general  
3 property tax act, 1893 PA 206, MCL 211.7ff, in the tax year or, for  
4 new property, in the immediately following tax year.

5 (ii) For a partnership, limited liability company, S  
6 corporation, or individual, the amount determined under  
7 subparagraph (i) plus the product of the following as related to the  
8 taxpayer if greater than zero:

9 (A) Federal taxable income, except that for a taxpayer other  
10 than a corporation, that part of federal taxable income derived  
11 from business activity, including, for a partnership, payments and  
12 items of income and expense that are attributable to business  
13 activity of the partnership and separately reported to the  
14 partners.

15 (B) The ratio of the taxpayer's total sales in this state  
16 during the tax year to the taxpayer's total sales everywhere during  
17 the tax year.

18 (C) The renaissance zone business activity factor.

19 (b) "Casino" means a casino regulated by this state pursuant  
20 to the Michigan gaming control and revenue act, Initiated Law of  
21 1996, MCL 432.201 to 432.226.

22 (c) "Michigan economic growth authority" means the Michigan  
23 economic growth authority created in the Michigan economic growth  
24 authority act, 1995 PA 24, MCL 207.801 to 207.810.

25 (d) "New property" means property that has not been subject to  
26 or exempt from the collection of taxes under the general property  
27 tax act, 1893 PA 206, MCL 211.1 to 211.157, and has not been

1 subject to or exempt from ad valorem property taxes levied in any  
2 other state, except that property exempt as inventory property does  
3 not disqualify property as new property.

4 (e) "Payroll" means total salaries and wages before deducting  
5 any personal or dependency exemptions.

6 (f) "Renaissance zone" means that term as defined in section 3  
7 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2683.

8 (g) "Renaissance zone business activity factor" means a  
9 fraction, the numerator of which is the ratio of the average value  
10 of the taxpayer's property located in a designated renaissance zone  
11 to the average value of the taxpayer's property in this state plus  
12 the ratio of the taxpayer's payroll for services performed in a  
13 designated renaissance zone to all of the taxpayer's payroll in  
14 this state and the denominator of which is 2.

15 Sec. 3. (1) If the single business tax act, 1975 PA 225, MCL  
16 208.1 to 208.145, is repealed for tax years beginning after  
17 December 31, 2007, then for tax years beginning after December 31  
18 2007, a taxpayer for whom credits under sections 37c(1) and  
19 38g(20)(a)(i) and (b)(i) of former 1975 PA 228 have been initially  
20 approved by a resolution of the Michigan economic growth authority  
21 adopted before January 1, 2007 may claim a credit under a tax  
22 designated by law as the successor tax to the single business tax.  
23 The Michigan economic growth authority shall annually determine the  
24 amount of the credits allowed under this section in the manner  
25 provided under sections 37c and 38g(20)(a)(i) and (b)(i) of former  
26 1975 PA 228 and shall issue a certificate to the taxpayer as  
27 provided in sections 37c and 38g(21) of former 1975 PA 228. The

1 number of years for which the credit may be claimed under a tax  
2 designated by law as a successor tax to the single business tax  
3 shall equal the maximum number of years designated in the  
4 resolution reduced by the number of years for which a credit has  
5 been claimed under sections 37c and 38g(20) (a) (i) and (b) (i) of  
6 former 1975 PA 228.

7 (2) A taxpayer that claims a credit under subsection (1) that  
8 has an agreement with the Michigan economic growth authority based  
9 on qualified new jobs as defined in section 3(n) (ii) of the Michigan  
10 economic growth authority act, 1995 PA 24, MCL 207.803, that  
11 removes from this state 51% or more of those qualified new jobs  
12 within 3 years after the first year in which the taxpayer claims a  
13 credit described in subsection (1) shall pay to the department no  
14 later than 12 months after those qualified new jobs are removed  
15 from the state an amount equal to the total of all credits  
16 described in subsection (1) that were claimed by the taxpayer.

17 (3) If the sum of the credits allowed under sections 37c and  
18 38g(20) (a) (i) and (b) (i) of former 1975 PA 228 exceeds the tax  
19 liability of the taxpayer for the tax year under a tax designated  
20 by law as a successor tax to the single business tax, the excess  
21 shall be refunded to the taxpayer.

22 Sec. 4. (1) If the single business tax act, 1975 PA 228, MCL  
23 208.1 to 208.145, is repealed for tax years beginning after  
24 December 31, 2007, except as provided in subsection (2) and for tax  
25 years that begin after December 31, 2007, a taxpayer that is a  
26 business located and conducting business activity within a  
27 renaissance zone may claim a credit against a tax designated by law

1 as the successor tax to the single business tax for the tax year to  
2 the extent and for the duration provided in the Michigan  
3 renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, equal  
4 to the lesser of the following:

5 (a) The tax liability attributable to business activity  
6 conducted within a renaissance zone in the tax year.

7 (b) Ten percent of adjusted services performed in a designated  
8 renaissance zone.

9 (c) For a taxpayer located and conducting business activity in  
10 a renaissance zone before December 31, 2007, the product of the  
11 following:

12 (i) The credit claimed under section 39b of former 1975 PA 228  
13 for the tax year ending in 2007.

14 (ii) The ratio of the taxpayer's payroll in this state in the  
15 tax year divided by the taxpayer's payroll in this state in its tax  
16 year ending in 2007 under former 1975 PA 228.

17 (iii) The ratio of the taxpayer's renaissance zone business  
18 activity factor for the tax year to the taxpayer's renaissance zone  
19 business activity factor for its tax year ending in 2007 under  
20 section 39b of former 1975 PA 228.

21 (2) Any portion of the taxpayer's tax liability under a tax  
22 designated by law as the successor tax to the single business tax  
23 that is attributable to illegal activity conducted in the  
24 renaissance zone shall not be used to calculate a credit under this  
25 section.

26 (3) The credit allowed under this section continues through  
27 the tax year in which the renaissance zone designation expires.

1           (4) The credit allowed under this section shall not exceed the  
2 tax liability under a tax designated by law as the successor tax to  
3 the single business tax of the taxpayer for the tax year.

4           (5) A taxpayer that claims a credit under this section shall  
5 not employ, pay a speaker fee to, or provide any remuneration,  
6 compensation, or consideration to any person employed by the state,  
7 the state administrative board created in 1921 PA 2, MCL 17.1 to  
8 17.3, or the renaissance zone review board created in 1996 PA 376,  
9 MCL 125.2681 to 125.2696, whose employment relates or related in  
10 any way to the authorization or enforcement of the credit allowed  
11 under this section for any year in which the taxpayer claims a  
12 credit under this section against the taxpayer's tax liability  
13 under a tax designated by law as the successor tax to the single  
14 business tax for the 3 years after the last year that a credit  
15 under this section is claimed.

16           (6) To be eligible for the credit allowed under this section,  
17 an otherwise qualified taxpayer shall file an annual return under  
18 this act.

19           (7) Any portion of the taxpayer's tax liability under a tax  
20 designated by law as the successor tax to the single business tax  
21 that is attributable to business activity related to the operation  
22 of a casino, and business activity that is associated or affiliated  
23 with the operation of a casino including, but not limited to, the  
24 operation of a parking lot, hotel, motel, or retail store, shall  
25 not be used to calculate a credit under this section.