

# SENATE BILL No. 754

January 18, 2018, Introduced by Senators ANANICH, HERTEL, HOPGOOD, KNEZEK, HOOD, CONYERS, GREGORY, BIEDA and WARREN and referred to the Committee on Finance.

A bill to amend 2007 PA 36, entitled  
"Michigan business tax act,"  
(MCL 208.1101 to 208.1601) by adding section 402.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 402. NOTWITHSTANDING ANY OTHER PROVISION UNDER THIS  
2        CHAPTER, BEGINNING AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT  
3        THAT ADDED THIS SECTION EACH WRITTEN AGREEMENT OR AMENDMENTS TO A  
4        WRITTEN AGREEMENT REQUIRED FOR A TAX CREDIT UNDER THIS CHAPTER  
5        SHALL INCLUDE BOTH OF THE FOLLOWING:

6        (A) A PENALTY PROVISION IN THE EVENT THE TAXPAYER RELOCATES  
7        OUTSIDE OF THIS STATE DURING THE TERMS OF THE WRITTEN AGREEMENT OR  
8        SUBSEQUENTLY FAILS TO MEET THE REQUIREMENTS OF THE AGREEMENT OR ANY  
9        OTHER CONDITIONS INCLUDED IN THE AGREEMENT. THE PENALTY PROVISION  
10       SHALL PROVIDE THAT THE TAXPAYER SHALL HAVE AN AMOUNT EQUAL TO THE

1 TOTAL AMOUNT OF THE CREDIT RECEIVED BY THE TAXPAYER UNDER THE  
2 AGREEMENT ADDED BACK TO THE TAX LIABILITY OF THE TAXPAYER IN THE  
3 TAX YEAR THAT THE TAXPAYER RELOCATES OUTSIDE OF THIS STATE OR FAILS  
4 TO COMPLY WITH THE AGREEMENT.

5 (B) A PROVISION THAT THE TAXPAYER CONSENTS TO THE JURISDICTION  
6 OF THE COURTS OF THIS STATE FOR THE COLLECTION AND ENFORCEMENT OF A  
7 PENALTY DESCRIBED IN THIS SECTION.