

SENATE BILL No. 789

September 9, 2009, Introduced by Senators JELINEK, VAN WOERKOM, BROWN and RICHARDVILLE and referred to the Committee on Finance.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
(MCL 206.1 to 206.532) by adding section 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 278. (1) FOR TAX YEARS THAT BEGIN AFTER SEPTEMBER 30,
2 2010, A TAXPAYER THAT MAKES A CONTRIBUTION DURING THE TAX YEAR TO
3 THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD FUND CREATED IN SECTION
4 7 OF THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD ACT, 2008 PA 388,
5 MCL 445.637, MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT
6 IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE
7 PAYMENT FROM THE BOTTLE DEPOSIT FUND CREATED IN SECTION 3C OF 1976
8 IL 1, MCL 445.573C, THAT SHOULD HAVE BEEN DISBURSED TO THE TAXPAYER
9 IN ACCORDANCE WITH SECTION 3C(3) OF 1976 IL 1, MCL 445.573C, AND
10 THE AMOUNT THAT THE TAXPAYER ACTUALLY RECEIVED FROM THE BOTTLE

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1 DEPOSIT FUND PURSUANT TO SECTION 3C OF 1976 IL 1, MCL 445.573C.

2 (2) A TAXPAYER THAT RECEIVES A DISBURSEMENT DURING THE TAX
3 YEAR FROM THE BOTTLE DEPOSIT FUND CREATED IN SECTION 3C OF 1976
4 IL1, MCL 445.573C, EQUAL TO OR GREATER THAN THE DISBURSEMENT
5 REQUIRED UNDER SECTION 3C(3) OF 1976 IL 1, MCL 445.573C, IS NOT
6 ELIGIBLE TO CLAIM THE CREDIT UNDER THIS SECTION FOR THAT SAME TAX
7 YEAR.

8 (3) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION
9 EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT
10 PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL BE
11 REFUNDED.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 788.

14 of the 95th Legislature is enacted into law.