

SENATE BILL No. 790

September 9, 2009, Introduced by Senators JELINEK, VAN WOERKOM, BROWN and RICHARDVILLE 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 468.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 468. (1) FOR TAX YEARS THAT BEGIN AFTER SEPTEMBER 30,
2 2010, A TAXPAYER THAT DOES NOT CLAIM A CREDIT UNDER SECTION 278 OF
3 THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.278, AND THAT
4 MAKES A CONTRIBUTION DURING THE TAX YEAR TO THE BEVERAGE CONTAINER
5 REDEMPTION ANTIFRAUD FUND CREATED IN SECTION 7 OF THE BEVERAGE
6 CONTAINER REDEMPTION ANTIFRAUD ACT, 2008 PA 388, MCL 445.637, MAY
7 CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT IN AN AMOUNT
8 EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE PAYMENT FROM THE
9 BOTTLE DEPOSIT FUND CREATED IN SECTION 3C OF 1976 IL 1, MCL

1 445.573C, THAT SHOULD HAVE BEEN DISBURSED TO THE TAXPAYER IN
2 ACCORDANCE WITH SECTION 3C(3) OF 1976 IL 1, MCL 445.573C, AND THE
3 AMOUNT THAT THE TAXPAYER ACTUALLY RECEIVED FROM THE BOTTLE DEPOSIT
4 FUND PURSUANT TO SECTION 3C OF 1976 IL 1, MCL 445.573C.

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

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

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

17 of the 95th Legislature is enacted into law.