

# HOUSE BILL No. 5914

September 21, 2016, Introduced by Reps. Hoadley, Yanez, Cochran, Chirkun, Brinks, Rutledge, Geiss, Durhal, Guerra, Irwin, Moss, Pagan, Faris, Lane, Wittenberg, Darany, Greig, Banks, Gay-Dagnogo, Liberati, Byrd, Robinson, Dianda, Hovey-Wright, LaVoy, Driskell, Townsend, Sarah Roberts, Greimel, Love, Garrett, Talabi, Brunner, Smiley, Neeley, LaGrand, Singh, Phelps, Schor, Kivela, Santana, Kosowski and Zemke and referred to the Committee on Tax Policy.

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.