

SUBSTITUTE FOR  
HOUSE BILL NO. 6431

A bill to amend 2007 PA 36, entitled  
"Michigan business tax act,"  
(MCL 208.1101 to 208.1601) by adding section 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 465. (1) SUBJECT TO THE LIMITATIONS PROVIDED UNDER  
2        SUBSECTION (10), FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2008,  
3        A TAXPAYER THAT PURCHASES A QUALIFIED EQUITY INVESTMENT EARNS A  
4        VESTED RIGHT TO A TAX CREDIT UNDER THIS SECTION. THE HOLDER OF THAT  
5        QUALIFIED EQUITY INVESTMENT MAY CLAIM A CREDIT AGAINST THE TAX  
6        IMPOSED BY THIS ACT, THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL  
7        206.1 TO 206.532, OR SECTION 476A OF THE INSURANCE CODE OF 1956,  
8        1956 PA 218, MCL 500.476A, EQUAL TO THE APPLICABLE PERCENTAGE OF

1 THE PURCHASE PRICE PAID TO THE QUALIFIED COMMUNITY DEVELOPMENT  
2 ENTITY FOR THE QUALIFIED EQUITY INVESTMENT. THE AMOUNT OF THE  
3 CREDIT ALLOWED TO BE CLAIMED UNDER THIS SECTION SHALL NOT EXCEED  
4 THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR. IF THE AMOUNT  
5 OF THE CREDIT ALLOWED UNDER THIS SECTION AND ANY UNUSED  
6 CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION EXCEED THE TAX  
7 LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION THAT  
8 EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED OR TRANSFERRED,  
9 EXCEPT AS PROVIDED IN SUBSECTION (7), BUT MAY BE CARRIED FORWARD TO  
10 OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS.

11 (2) A QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT SEEKS TO  
12 HAVE AN EQUITY INVESTMENT OR LONG-TERM DEBT SECURITY DESIGNATED AS  
13 A QUALIFIED EQUITY INVESTMENT AND ELIGIBLE FOR TAX CREDITS SHALL  
14 APPLY TO THE DEPARTMENT FOR CERTIFICATION. A TAXPAYER SHALL NOT  
15 CLAIM A CREDIT UNDER THIS SECTION UNLESS THE QUALIFIED COMMUNITY  
16 DEVELOPMENT ENTITY THAT ISSUED THE QUALIFIED EQUITY INVESTMENT HAS  
17 SUBMITTED AN APPLICATION FOR CERTIFICATION, ALONG WITH THE  
18 APPLICATION FEE, AND THE DEPARTMENT HAS ISSUED A CERTIFICATE TO THE  
19 QUALIFIED COMMUNITY DEVELOPMENT ENTITY FOR THAT QUALIFIED EQUITY  
20 INVESTMENT. THE TAXPAYER SHALL ATTACH THE CERTIFICATE TO THE ANNUAL  
21 RETURN FILED UNDER THIS ACT, THE INCOME TAX ACT OF 1967, 1967 PA  
22 281, MCL 206.1 TO 206.532, OR SECTION 476A OF THE INSURANCE CODE OF  
23 1956, 1956 PA 218, MCL 500.476A, ON WHICH A CREDIT UNDER THIS  
24 SECTION IS CLAIMED.

25 (3) THE APPLICATION REQUIRED UNDER THIS SECTION SHALL BE  
26 ACCOMPANIED BY A \$5,000.00 APPLICATION FEE AND SHALL STATE ALL OF  
27 THE FOLLOWING:

1 (A) THE APPLICANT IS A QUALIFIED COMMUNITY DEVELOPMENT ENTITY.

2 (B) THE EQUITY INVESTMENT OR LONG-TERM DEBT SECURITY IS A  
3 QUALIFIED EQUITY INVESTMENT.

4 (C) THE PROPOSED DOLLAR AMOUNT OF THE QUALIFIED EQUITY  
5 INVESTMENT.

6 (4) THE DEPARTMENT SHALL CERTIFY QUALIFIED EQUITY INVESTMENTS  
7 IN THE ORDER APPLICATIONS ARE RECEIVED BY THE DEPARTMENT.  
8 APPLICATIONS RECEIVED ON THE SAME DAY SHALL BE DEEMED TO HAVE BEEN  
9 RECEIVED SIMULTANEOUSLY. FOR APPLICATIONS RECEIVED ON THE SAME DAY  
10 AND DEEMED COMPLETE, THE DEPARTMENT SHALL CERTIFY QUALIFIED EQUITY  
11 INVESTMENTS AND, IN THE EVENT THERE IS INSUFFICIENT REMAINING TAX  
12 CREDIT CAPACITY, REDUCE THE AMOUNT OF CERTIFIED QUALIFIED EQUITY  
13 INVESTMENT IN PROPORTIONATE PERCENTAGES BASED UPON THE RATIO OF THE  
14 AMOUNT OF QUALIFIED EQUITY INVESTMENTS REQUESTED IN AN APPLICATION  
15 TO THE TOTAL AMOUNT OF QUALIFIED EQUITY INVESTMENTS REQUESTED IN  
16 ALL APPLICATIONS RECEIVED ON THE SAME DAY.

17 (5) WITHIN 30 DAYS AFTER RECEIVING NOTICE OF CERTIFICATION,  
18 THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL ISSUE THE  
19 QUALIFIED EQUITY INVESTMENT AND RECEIVE CASH IN THE AMOUNT OF THE  
20 CERTIFIED AMOUNT. THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL  
21 PROVIDE THE DEPARTMENT WITH A WRITTEN NOTICE IN A FORM OR MANNER AS  
22 PROVIDED BY THE DEPARTMENT AND EVIDENCE OF RECEIPT OF THE CASH  
23 INVESTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT. WITHIN 30 DAYS  
24 AFTER MAKING QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN  
25 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES LOCATED IN THIS  
26 STATE, THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL PROVIDE THE  
27 DEPARTMENT WITH A WRITTEN NOTICE, IN A FORM OR MANNER AS PROVIDED

1 BY THE DEPARTMENT, OF THOSE INVESTMENTS INCLUDING THE NAME AND  
2 ADDRESS OF EACH QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS THAT  
3 RECEIVED ALL OR A PORTION OF THOSE INVESTMENTS. IF THE QUALIFIED  
4 COMMUNITY DEVELOPMENT ENTITY FAILS TO PROVIDE THE DEPARTMENT WITH  
5 THE WRITTEN NOTICES AND EVIDENCE AS REQUIRED UNDER THIS SUBSECTION,  
6 THE CERTIFICATION SHALL LAPSE AND THE ENTITY MAY NOT ISSUE THE  
7 QUALIFIED EQUITY INVESTMENT WITHOUT REAPPLYING TO THE DEPARTMENT  
8 FOR CERTIFICATION. IF THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY  
9 DOES NOT RECEIVE THE CASH INVESTMENT AND ISSUE THE QUALIFIED EQUITY  
10 INVESTMENT WITHIN 30 DAYS FOLLOWING RECEIPT OF THE CERTIFICATION  
11 NOTICE, THE CERTIFICATION SHALL LAPSE AND THE ENTITY MAY NOT ISSUE  
12 THE QUALIFIED EQUITY INVESTMENT WITHOUT REAPPLYING TO THE  
13 DEPARTMENT FOR CERTIFICATION. A CERTIFICATION THAT LAPSES REVERTS  
14 BACK TO THE DEPARTMENT AND MAY BE REISSUED IN ACCORDANCE WITH THE  
15 APPLICATION PROCESS OUTLINED IN THIS SECTION.

16 (6) THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL NOT USE  
17 ANY OF THE CASH PROCEEDS FROM THE ISSUANCE OF THE QUALIFIED EQUITY  
18 INVESTMENT TO INVEST IN QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS  
19 IN QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES OUTSIDE THIS  
20 STATE.

21 (7) IF A TAXPAYER IS A PARTNERSHIP, LIMITED LIABILITY COMPANY,  
22 OR SUBCHAPTER S CORPORATION, THE TAXPAYER MAY ALLOCATE ALL OR ANY  
23 PORTION OF A CREDIT EARNED UNDER THIS SECTION TO ITS PARTNERS,  
24 MEMBERS, OR SHAREHOLDERS FOR THEIR DIRECT USE IN ACCORDANCE WITH  
25 THE PROVISIONS OF ANY AGREEMENT AMONG THE PARTNERS, MEMBERS, OR  
26 SHAREHOLDERS OR BASED ON THE PARTNER'S, MEMBER'S, OR SHAREHOLDER'S  
27 PROPORTIONATE SHARE OF OWNERSHIP OR ON AN ALTERNATIVE METHOD

1 APPROVED BY THE DEPARTMENT. A TAXPAYER MAY CLAIM A PORTION OF A  
2 CREDIT AND ALLOCATE THE REMAINING CREDIT AMOUNT. A CREDIT AMOUNT  
3 ALLOCATED UNDER THIS SUBSECTION MAY BE CLAIMED AGAINST THE  
4 PARTNER'S, MEMBER'S, OR SHAREHOLDER'S TAX LIABILITY UNDER THIS ACT,  
5 THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.532, OR  
6 SECTION 476A OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
7 500.476A. A CREDIT ALLOCATION UNDER THIS SUBSECTION SHALL BE MADE  
8 ON A FORM PRESCRIBED BY THE DEPARTMENT. THE TAXPAYER AND ALLOCATEES  
9 SHALL SEND A COPY OF THE COMPLETED ALLOCATION FORM TO THE  
10 DEPARTMENT IN THE TAX YEAR IN WHICH THE ALLOCATION IS MADE AND  
11 ATTACH A COPY OF THE COMPLETED ALLOCATION FORM TO THE ANNUAL RETURN  
12 REQUIRED TO BE FILED UNDER THIS ACT FOR THAT TAX YEAR.

13 (8) THE DEPARTMENT SHALL RECAPTURE IN A MANNER AS PROVIDED  
14 UNDER 1941 PA 122, MCL 205.1 TO 205.31, FROM THE TAXPAYER THAT  
15 CLAIMED THE CREDIT ON A RETURN THE TAX CREDIT ALLOWED UNDER THIS  
16 SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

17 (A) IF ANY FEDERAL TAX CREDIT THAT MAY BE AVAILABLE WITH  
18 RESPECT TO A QUALIFIED EQUITY INVESTMENT THAT IS ELIGIBLE FOR A TAX  
19 CREDIT UNDER THIS SECTION IS RECAPTURED UNDER SECTION 45D OF THE  
20 INTERNAL REVENUE CODE. IN THAT CASE, THE DEPARTMENT'S RECAPTURE  
21 SHALL BE PROPORTIONATE TO THE FEDERAL RECAPTURE WITH RESPECT TO  
22 THAT QUALIFIED EQUITY INVESTMENT.

23 (B) IF THE ISSUER REDEEMS OR MAKES PRINCIPAL REPAYMENT WITH  
24 RESPECT TO A QUALIFIED EQUITY INVESTMENT PRIOR TO THE SEVENTH  
25 ANNIVERSARY OF THE ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT. IN  
26 THAT CASE, THE DEPARTMENT'S RECAPTURE SHALL BE PROPORTIONATE TO THE  
27 AMOUNT OF THE REDEMPTION OR REPAYMENT WITH RESPECT TO THE QUALIFIED

1 EQUITY INVESTMENT.

2 (C) IF THE ISSUER FAILS TO INVEST AT LEAST 85% OF THE CASH  
3 PURCHASE PRICE OF THE QUALIFIED EQUITY INVESTMENT IN QUALIFIED LOW-  
4 INCOME COMMUNITY INVESTMENTS IN THIS STATE WITHIN 12 MONTHS OF THE  
5 ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT AND MAINTAIN SUCH LEVEL  
6 OF INVESTMENT IN QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN THIS  
7 STATE UNTIL THE LAST CREDIT ALLOWANCE DATE FOR THAT QUALIFIED  
8 EQUITY INVESTMENT.

9 (9) FOR PURPOSES OF THIS SECTION, A QUALIFIED LOW-INCOME  
10 COMMUNITY INVESTMENT SHALL BE CONSIDERED HELD BY A QUALIFIED  
11 COMMUNITY DEVELOPMENT ENTITY EVEN IF THE INVESTMENT HAS BEEN SOLD  
12 OR REPAID, PROVIDED THAT THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY  
13 REINVESTS AN AMOUNT EQUAL TO THE CAPITAL RETURNED TO OR RECOVERED  
14 BY THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY FROM THE ORIGINAL  
15 INVESTMENT, EXCLUSIVE OF ANY PROFITS REALIZED, IN ANOTHER QUALIFIED  
16 LOW-INCOME COMMUNITY INVESTMENT IN THIS STATE WITHIN 12 MONTHS  
17 AFTER THE RECEIPT OF THAT CAPITAL. A QUALIFIED COMMUNITY  
18 DEVELOPMENT ENTITY IS NOT REQUIRED TO REINVEST CAPITAL RETURNED  
19 FROM QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS AFTER THE SIXTH  
20 ANNIVERSARY OF THE ISSUANCE OF THE QUALIFIED EQUITY INVESTMENT, THE  
21 PROCEEDS OF WHICH WERE USED TO MAKE THE QUALIFIED LOW-INCOME  
22 COMMUNITY INVESTMENT, AND THE QUALIFIED LOW-INCOME COMMUNITY  
23 INVESTMENT SHALL BE CONSIDERED HELD BY THE QUALIFIED COMMUNITY  
24 DEVELOPMENT ENTITY THROUGH THE SEVENTH ANNIVERSARY OF THE QUALIFIED  
25 EQUITY INVESTMENT'S ISSUANCE. IN ADDITION TO THE NOTIFICATION  
26 REQUIRED UNDER 1941 PA 122, MCL 205.1 TO 205.31, THE DEPARTMENT  
27 SHALL PROVIDE NOTICE TO THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY

1 OF ANY PROPOSED RECAPTURE OF TAX CREDITS PURSUANT TO THIS SECTION  
2 FOR WHICH THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY ISSUED A  
3 QUALIFIED EQUITY INVESTMENT.

4 (10) THE TOTAL AMOUNT OF ALL QUALIFIED EQUITY INVESTMENTS THAT  
5 MAY BE CERTIFIED BY THE DEPARTMENT UNDER THIS SECTION, SECTION 279  
6 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.279, AND  
7 SECTION 476A OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
8 500.476A, SHALL NOT RESULT IN MORE THAN \$20,000,000.00 IN TAX  
9 CREDITS AVAILABLE IN ANY 1 TAX YEAR NOT INCLUDING ANY CARRIED-  
10 FORWARD AMOUNTS FROM CREDITS APPROVED IN A PREVIOUS TAX YEAR. A  
11 QUALIFIED COMMUNITY DEVELOPMENT ENTITY SHALL NOT ISSUE A QUALIFIED  
12 EQUITY INVESTMENT BEFORE JULY 1, 2009 OR AFTER DECEMBER 31, 2011. A  
13 QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT ISSUES A LONG-TERM DEBT  
14 SECURITY SHALL NOT MAKE CASH INTEREST PAYMENTS ON THAT LONG-TERM  
15 DEBT SECURITY DURING THE PERIOD COMMENCING WITH ITS ISSUANCE AND  
16 ENDING ON ITS FINAL CREDIT ALLOWANCE DATE THAT ARE IN EXCESS OF THE  
17 SUM OF THOSE CASH INTEREST PAYMENTS AND THE CUMULATIVE OPERATING  
18 INCOME OF THAT QUALIFIED COMMUNITY DEVELOPMENT ENTITY FOR THE SAME  
19 PERIOD. FOR PURPOSES OF THIS SUBSECTION, "CASH INTEREST PAYMENTS"  
20 AND "CUMULATIVE OPERATING INCOME" SHALL BE DETERMINED IN ACCORDANCE  
21 WITH SECTION 45D OF THE INTERNAL REVENUE CODE AND ANY FEDERAL  
22 REGULATIONS RELATING TO THAT SECTION.

23 (11) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS  
24 SECTION.

25 (12) FOR PURPOSES OF THIS SECTION, TAXPAYER INCLUDES A PERSON  
26 SUBJECT TO THE TAX IMPOSED UNDER CHAPTER 2A.

27 (13) AS USED IN THIS SECTION:

1 (A) "APPLICABLE PERCENTAGE" MEANS 0% FOR EACH OF THE FIRST 2  
2 CREDIT ALLOWANCE DATES, 7% FOR THE THIRD CREDIT ALLOWANCE DATE, AND  
3 8% FOR THE NEXT 4 CREDIT ALLOWANCE DATES.

4 (B) "CREDIT ALLOWANCE DATE" MEANS THE DATE ON WHICH THE  
5 QUALIFIED EQUITY INVESTMENT IS INITIALLY MADE AND EACH OF THE 6  
6 ANNIVERSARY DATES OF THAT DATE THEREAFTER.

7 (C) "LONG-TERM DEBT SECURITY" MEANS ANY DEBT INSTRUMENT ISSUED  
8 BY A QUALIFIED COMMUNITY DEVELOPMENT ENTITY, AT PAR VALUE OR A  
9 PREMIUM, WITH AN ORIGINAL MATURITY DATE OF AT LEAST 7 YEARS FROM  
10 THE DATE OF ITS ISSUANCE, WITH NO ACCELERATION OF REPAYMENT,  
11 AMORTIZATION, OR PREPAYMENT FEATURES PRIOR TO ITS ORIGINAL MATURITY  
12 DATE. THIS DEFINITION IN NO WAY LIMITS THE HOLDER'S ABILITY TO  
13 ACCELERATE PAYMENTS ON THE DEBT INSTRUMENT IN SITUATIONS WHERE THE  
14 QUALIFIED COMMUNITY DEVELOPMENT ENTITY HAS DEFAULTED ON COVENANTS  
15 DESIGNED TO ENSURE COMPLIANCE WITH THIS ACT OR SECTION 45D OF THE  
16 INTERNAL REVENUE CODE.

17 (D) "PURCHASE PRICE" MEANS THE AMOUNT PAID TO THE QUALIFIED  
18 COMMUNITY DEVELOPMENT ENTITY FOR THE QUALIFIED EQUITY INVESTMENT.

19 (E) "QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS" HAS THE  
20 MEANING GIVEN TO THAT TERM IN SECTION 45D OF THE INTERNAL REVENUE  
21 CODE, EXCEPT THAT ANY BUSINESS THAT DERIVES OR PROJECTS TO DERIVE  
22 15% OR MORE OF ITS ANNUAL REVENUE FROM THE RENTAL OR SALE OF REAL  
23 ESTATE IS NOT CONSIDERED TO BE A QUALIFIED ACTIVE LOW-INCOME  
24 COMMUNITY BUSINESS UNLESS THE BUSINESS IS CONTROLLED BY, OR UNDER  
25 COMMON CONTROL WITH, ANOTHER BUSINESS THAT DOES NOT DERIVE OR  
26 PROJECT TO DERIVE 15% OR MORE OF ITS ANNUAL REVENUE FROM THE RENTAL  
27 OR SALE OF REAL ESTATE AND IS THE PRIMARY TENANT OF THE REAL ESTATE



1 LEASED FROM THE INITIAL BUSINESS. A BUSINESS SHALL BE CONSIDERED A  
2 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS FOR THE DURATION OF  
3 THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY'S INVESTMENT IN, OR LOAN  
4 TO, THE BUSINESS IF THE ENTITY REASONABLY EXPECTS, AT THE TIME IT  
5 MAKES THE INVESTMENT OR LOAN, THAT THE BUSINESS WILL CONTINUE TO  
6 SATISFY THE REQUIREMENTS FOR BEING A QUALIFIED ACTIVE LOW-INCOME  
7 COMMUNITY BUSINESS THROUGHOUT THE ENTIRE PERIOD OF THE INVESTMENT  
8 OR LOAN.

9 (F) "QUALIFIED COMMUNITY DEVELOPMENT ENTITY" HAS THE MEANING  
10 GIVEN TO THAT TERM IN SECTION 45D OF THE INTERNAL REVENUE CODE,  
11 PROVIDED THAT SUCH ENTITY HAS ENTERED INTO, OR IS CONTROLLED BY A  
12 QUALIFIED COMMUNITY DEVELOPMENT ENTITY THAT HAS ENTERED INTO, AN  
13 ALLOCATION AGREEMENT WITH THE COMMUNITY DEVELOPMENT FINANCIAL  
14 INSTITUTIONS FUND OF THE UNITED STATES TREASURY DEPARTMENT WITH  
15 RESPECT TO CREDITS AUTHORIZED BY SECTION 45D OF THE INTERNAL  
16 REVENUE CODE. THE ALLOCATION AGREEMENT SHALL INCLUDE THE STATE OF  
17 MICHIGAN WITHIN THE SERVICE AREA SET FORTH IN THAT ALLOCATION  
18 AGREEMENT.

19 (G) "QUALIFIED EQUITY INVESTMENT" MEANS ANY EQUITY INVESTMENT  
20 IN, OR LONG-TERM DEBT SECURITY ISSUED BY, A QUALIFIED COMMUNITY  
21 DEVELOPMENT ENTITY THAT IS ACQUIRED AFTER JULY 1, 2009 AT ITS  
22 ORIGINAL ISSUANCE SOLELY IN EXCHANGE FOR CASH, HAS AT LEAST 85% OF  
23 ITS CASH PURCHASE PRICE USED BY THE QUALIFIED COMMUNITY DEVELOPMENT  
24 ENTITY TO MAKE QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS IN  
25 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESSES LOCATED IN THIS  
26 STATE, AND IS DESIGNATED BY THE QUALIFIED COMMUNITY DEVELOPMENT  
27 ENTITY AS A QUALIFIED EQUITY INVESTMENT UNDER THIS SECTION AND IS

1 CERTIFIED BY THE DEPARTMENT AS NOT EXCEEDING THE LIMITATION  
2 CONTAINED IN SUBSECTION (10). QUALIFIED EQUITY INVESTMENT INCLUDES  
3 ANY QUALIFIED EQUITY INVESTMENT THAT IS NOT ACQUIRED AFTER JULY 1,  
4 2009 AT ITS ORIGINAL ISSUANCE SOLELY IN EXCHANGE FOR CASH IF THE  
5 INVESTMENT WAS A QUALIFIED EQUITY INVESTMENT IN THE HANDS OF A  
6 PRIOR HOLDER.

7 (H) "QUALIFIED LOW-INCOME COMMUNITY INVESTMENT" MEANS, EXCEPT  
8 AS OTHERWISE PROVIDED UNDER THIS SUBDIVISION, ANY CAPITAL OR EQUITY  
9 INVESTMENT IN, OR LOAN TO, ANY QUALIFIED ACTIVE LOW-INCOME  
10 COMMUNITY BUSINESS MADE AFTER JULY 1, 2009. WITH RESPECT TO ANY 1  
11 QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS, THE MAXIMUM AMOUNT  
12 OF QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS MADE IN THAT  
13 BUSINESS, ON A COLLECTIVE BASIS WITH ALL OF ITS AFFILIATES, WITH  
14 PROCEEDS OF QUALIFIED EQUITY INVESTMENTS CERTIFIED AS ELIGIBLE FOR  
15 TAX CREDITS UNDER THIS SECTION, WHETHER ISSUED TO 1 OR MORE  
16 QUALIFIED COMMUNITY DEVELOPMENT ENTITIES, IS \$10,000,000.00.