

# SENATE BILL No. 1005

June 12, 2014, Introduced by Senator ANANICH 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 REQUIRED FOR A TAX**  
4           **CREDIT UNDER THIS CHAPTER SHALL INCLUDE BOTH OF THE FOLLOWING:**

5           **(A) A PENALTY PROVISION IN THE EVENT THE TAXPAYER RELOCATES**  
6           **OUTSIDE OF THIS STATE DURING THE TERMS OF THE WRITTEN AGREEMENT OR**  
7           **SUBSEQUENTLY FAILS TO MEET THE REQUIREMENTS OF THE AGREEMENT OR ANY**  
8           **OTHER CONDITIONS INCLUDED IN THE AGREEMENT. THE PENALTY PROVISION**  
9           **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.