

HOUSE BILL NO. 4116

February 03, 2021, Introduced by Rep. Kahle and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
(MCL 206.1 to 206.713) by adding section 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 280. (1) A taxpayer that makes a qualified investment in
2 a qualified business after the effective date of the amendatory act
3 that added this section may claim a credit against the tax imposed
4 by this part equal to 50% of the qualified investment made during
5 the tax year. To qualify for the credit under this section, the

1 taxpayer shall request certification from the Michigan strategic
2 fund within 60 days of making the investment. A taxpayer shall not
3 claim a credit under this section unless the Michigan strategic
4 fund has issued a certificate to the taxpayer.

5 (2) The taxpayer shall attach the certificate to the annual
6 return filed under this part on which a credit under this section
7 is claimed. The certificate required under this subsection shall
8 specify all of the following:

9 (a) The total amount of investment made during the tax year by
10 the taxpayer in each qualified business.

11 (b) The total amount of qualified investments made in each
12 qualified business if different from the previous amount.

13 (c) The total amount of the credit under this section that the
14 taxpayer is allowed to claim for the designated tax year.

15 (3) If the amount of the credit allowed under this section
16 exceeds the tax liability of the taxpayer for the tax year, that
17 portion of the credit that exceeds the tax liability of the
18 taxpayer for the tax year shall not be refunded but may be carried
19 forward to offset tax liability under this part in subsequent tax
20 years for a period not to exceed 10 tax years or until used up,
21 whichever occurs first.

22 (4) As used in this section:

23 (a) "Michigan strategic fund" means the Michigan strategic
24 fund as described in the Michigan strategic fund act, 1984 PA 270,
25 MCL 125.2001 to 125.2094.

26 (b) "Qualified business" means a business that the Michigan
27 strategic fund certifies as in compliance with all of the following
28 at the time of the investment:

29 (i) The business has its headquarters in this state, is

1 domiciled in this state, and has a majority of its employees
2 working in this state, and its transactions are limited to
3 residents of this state under section 3(a)(11) of the securities
4 act of 1933, 15 USC 77c.

5 (ii) The business receives at least 80% of its gross revenues
6 from the operation of its business in this state.

7 (iii) The business has at least 80% of its assets in this state.

8 (c) "Qualified investment" means a cash or a cash equivalent
9 investment certified by the Michigan strategic fund in a qualified
10 business and that is not in a qualified business in which any
11 member of the investor's family is an employee or owner of the
12 business or in which the investor or any member of the investor's
13 family has a preexisting fiduciary relationship with the business.