

HOUSE BILL No. 5944

April 23, 2002, Introduced by Rep. Hart and referred to the Committee on Tax Policy.

A bill to amend 1975 PA 228, entitled
"Single business tax act,"
(MCL 208.1 to 208.145) by adding section 39e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 39E. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31,
2 2001, A TAXPAYER THAT VOLUNTARILY STORES GOODS, WARES, OR MER-
3 CHANDISE DONATED TO AN ORGANIZATION DESCRIBED IN SECTION
4 501(c)(3) OF THE INTERNAL REVENUE CODE THAT PRIMARILY SERVES A
5 POPULATION WITH A HOUSEHOLD INCOME AT OR BELOW 200% OF THE POV-
6 ERTY INCOME LEVEL ESTABLISHED UNDER THE FEDERAL POVERTY GUIDE-
7 LINES PUBLISHED AND UPDATED ANNUALLY IN THE FEDERAL REGISTER OR
8 USES ITS BUSINESS TRUCK, TRUCK TRACTOR, OR SEMITRAILER TO CARRY,
9 TRANSPORT, AND DISTRIBUTE THOSE GOODS, WARES, OR MERCHANDISE TO
10 THE ORGANIZATION MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY

1 THIS ACT EQUAL TO THE VALUE OF THE SERVICES PROVIDED BY THE
2 TAXPAYER TO STORE, CARRY, TRANSPORT, OR DISTRIBUTE THESE GOODS.

3 (2) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX
4 YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED UNDER THIS
5 SECTION EXCEED THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX
6 YEAR, THE EXCESS SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD
7 AS AN OFFSET TO THE TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10
8 TAX YEARS OR UNTIL THE EXCESS CREDIT IS USED UP, WHICHEVER OCCURS
9 FIRST.

10 (3) AS USED IN THIS SECTION, "VALUE OF THE SERVICES" MEANS
11 THE AMOUNT THAT WOULD HAVE BEEN CHARGED TO ANY OTHER CUSTOMER OR
12 ORGANIZATION FOR THE SAME SERVICE AS THE TAXPAYER CHOSE TO PRO-
13 VIDE VOLUNTARILY FOR THE 501(c)(3) ORGANIZATION DESCRIBED IN SUB-
14 SECTION (1).