

HOUSE BILL No. 4409

February 24, 2005, Introduced by Reps. Kooiman, Tobocman, Gosselin, Stewart and Sak 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 35c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 35C. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31,
2 2005, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS
3 ACT EQUAL TO 25% OF THE COST OF LEAD ABATEMENT TO A RESIDENTIAL
4 DWELLING IN THIS STATE OWNED BY THE TAXPAYER THAT IS NOT PAID FOR
5 BY OR REIMBURSED FROM ANY STATE OR FEDERAL FUNDS.

6 (2) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX YEAR
7 AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED UNDER THIS
8 SECTION EXCEED THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR,
9 THE EXCESS SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD AS AN

1 OFFSET TO THE TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 TAX
2 YEARS OR UNTIL THE EXCESS CREDIT IS USED UP, WHICHEVER OCCURS
3 FIRST.

4 (3) A TAXPAYER THAT CLAIMS A CREDIT UNDER THIS SECTION SHALL
5 RETAIN ALL OF THE FOLLOWING RECORDS TO SUPPORT THAT CLAIM AND MAKE
6 ALL DOCUMENTATION AVAILABLE TO THE DEPARTMENT UPON REQUEST:

7 (A) RECEIPTS FOR ALL COSTS USED AS A BASIS FOR THE CREDIT.

8 (B) A LEAD HAZARD RISK ASSESSMENT PERFORMED BY A CERTIFIED
9 RISK ASSESSOR THAT DEMONSTRATES THE EXISTENCE OF A LEAD HAZARD TO
10 THE TAXPAYER'S HOMESTEAD OR THE RESIDENTIAL RENTAL PROPERTY OWNED
11 BY THE TAXPAYER.

12 (C) A LEAD HAZARD RISK ASSESSMENT PERFORMED BY A CERTIFIED
13 RISK ASSESSOR AFTER THE ABATEMENT BY THE TAXPAYER THAT DEMONSTRATES
14 THAT THE LEAD HAZARD TO THE TAXPAYER'S HOMESTEAD OR RESIDENTIAL
15 RENTAL PROPERTY HAS BEEN REMEDIATED OR ABATED.

16 (4) AS USED IN THIS SECTION:

17 (A) "LEAD ABATEMENT" MEANS, EXCEPT AS OTHERWISE PROVIDED IN
18 THIS SUBSECTION, A MEASURE OR SET OF MEASURES DESIGNED TO
19 PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS BY THE REMOVAL OF
20 LEAD-BASED PAINT AND LEAD-CONTAMINATED DUST, THE PERMANENT
21 ENCLOSURE OR ENCAPSULATION OF LEAD-BASED PAINT, THE REPLACEMENT OF
22 LEAD-PAINTED SURFACES OR FIXTURES, THE REMOVAL OR COVERING OF LEAD-
23 CONTAMINATED SOIL, AND ALL PREPARATION, CLEANUP, DISPOSAL, AND
24 POSTABATEMENT CLEARANCE TESTING ACTIVITIES ASSOCIATED WITH THESE
25 MEASURES. LEAD ABATEMENT DOES NOT INCLUDE EITHER OF THE FOLLOWING:

26 (i) RENOVATION, REMODELING, LANDSCAPING, OR OTHER ACTIVITY, IF
27 THE ACTIVITY IS NOT DESIGNED TO PERMANENTLY ELIMINATE LEAD-BASED

1 PAINT HAZARDS, BUT IS INSTEAD DESIGNED TO REPAIR, RESTORE, OR
2 REMODEL A STRUCTURE EVEN THOUGH THE ACTIVITY MAY INCIDENTALLY
3 RESULT IN A REDUCTION OR ELIMINATION OF A LEAD-BASED PAINT HAZARD.

4 (ii) AN INTERIM CONTROL, OPERATION, OR MAINTENANCE ACTIVITY, OR
5 OTHER MEASURE OR ACTIVITY DESIGNED TO TEMPORARILY, BUT NOT
6 PERMANENTLY, REDUCE A LEAD-BASED PAINT HAZARD.

7 (B) "LEAD-BASED PAINT" MEANS PAINT OR OTHER SURFACE COATINGS
8 THAT CONTAIN LEAD EQUAL TO OR IN EXCESS OF 1.0 MILLIGRAM PER SQUARE
9 CENTIMETER OR MORE THAN 0.5% BY WEIGHT.

10 (C) "LEAD-CONTAMINATED DUST" MEANS SURFACE DUST IN A
11 RESIDENTIAL DWELLING OR CHILD OCCUPIED FACILITY THAT CONTAINS AN
12 AREA OR MASS CONCENTRATION OF LEAD AT OR IN EXCESS OF LEVELS
13 IDENTIFIED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO
14 SECTION 403 OF TITLE IV OF THE TOXIC SUBSTANCE CONTROL ACT, 15 USC
15 2683, OR AS OTHERWISE DEFINED BY RULE.

16 (D) "MULTIFAMILY DWELLING" MEANS A STRUCTURE THAT CONTAINS
17 MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT AND THAT IS USED OR
18 OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, IN WHOLE OR IN PART,
19 AS THE HOME OR RESIDENCE OF 1 OR MORE PERSONS.

20 (E) "RESIDENTIAL DWELLING" MEANS A DETACHED SINGLE FAMILY
21 DWELLING UNIT, A SINGLE FAMILY DWELLING UNIT IN A STRUCTURE THAT
22 CONTAINS MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT USED OR
23 OCCUPIED, IN WHOLE OR IN PART, AS THE HOME OR RESIDENCE OF 1 OR
24 MORE PERSONS, OR A MULTIFAMILY DWELLING.