

HOUSE BILL No. 4927

May 12, 2009, Introduced by Reps. Horn and Mayes and referred to the Committee on Energy and Technology.

A bill to amend 2007 PA 36, entitled
"Michigan business tax act,"
(MCL 208.1101 to 208.1601) by adding sections 463 and 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 463. (1) FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1,
2 2009, A TAXPAYER THAT CONSTRUCTS OR RENOVATES A QUALIFIED GREEN
3 BUILDING, LOCATED IN THIS STATE MAY CLAIM A CREDIT AGAINST THE TAX
4 IMPOSED BY THIS ACT EQUAL TO \$50,000.00 FOR EACH QUALIFIED GREEN
5 BUILDING OR AN AMOUNT EQUAL TO 50% OF THE COST OF LEED
6 CERTIFICATION, INCLUDING THIRD-PARTY COMMISSIONING, CONSULTING, AND
7 VERIFICATION COSTS, AS REQUIRED UNDER THIS SECTION PER QUALIFIED
8 GREEN BUILDING, WHICHEVER IS LESS.

9 (2) A TAXPAYER SHALL NOT CLAIM A CREDIT UNDER THIS SECTION FOR
10 A QUALIFIED GREEN BUILDING UNLESS THAT GREEN BUILDING HAS RECEIVED

1 LEED CERTIFICATION. THE TAXPAYER SHALL ATTACH THE CERTIFICATE TO
2 THE ANNUAL RETURN FILED UNDER THIS ACT ON WHICH THE CREDIT UNDER
3 THIS SECTION IS CLAIMED. FOR A QUALIFIED GREEN BUILDING, THE
4 CERTIFICATE REQUIRED UNDER THIS SUBSECTION SHALL STATE, AT A
5 MINIMUM, THAT THE GREEN BUILDING MEETS OR EXCEEDS THE SILVER LEVEL
6 LEED CERTIFICATION STANDARDS FOR HUMAN AND ENVIRONMENTAL HEALTH;
7 SUSTAINABLE SITE DEVELOPMENT; WATER SAVINGS; ENERGY EFFICIENCY;
8 MATERIALS SELECTION; AND INDOOR ENVIRONMENTAL QUALITY WITHIN 365
9 DAYS OF THE OFFICIAL CERTIFICATION DATE OF THE PROJECT.

10 (3) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX YEAR
11 AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY THIS SECTION
12 EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION
13 THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE
14 REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN
15 SUBSEQUENT TAX YEARS FOR 4 YEARS OR UNTIL USED UP, WHICHEVER OCCURS
16 FIRST.

17 (4) AS USED IN THIS SECTION:

18 (A) "LEED CERTIFICATION" MEANS THE CERTIFICATION AWARDED BY
19 THE USGBC BASED ON THE MOST CURRENT LEADERSHIP IN ENERGY AND
20 ENVIRONMENTAL DESIGN GREEN BUILDING RATING SYSTEM DEVELOPED AND
21 ADOPTED BY THE USGBC FOR NEW BUILDINGS AND MAJOR RENOVATIONS.

22 (B) "QUALIFIED GREEN BUILDING" MEANS A GREEN BUILDING
23 CONSTRUCTED OR RENOVATED IN ACCORDANCE WITH THE MICHIGAN BUILDING
24 CODE OR THE MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS AS
25 PROMULGATED PURSUANT TO THE STILLE-DEROSSETT-HALE SINGLE STATE
26 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531.

27 (C) "USGBC" MEANS THE UNITED STATES GREEN BUILDING COUNCIL,

1 WHICH MEASURES AND EVALUATES THE ENERGY AND ENVIRONMENTAL
2 PERFORMANCE OF A BUILDING ACCORDING TO ITS OWN LEADERSHIP IN ENERGY
3 AND ENVIRONMENTAL DESIGN (LEED) RATING SYSTEM.

4 SEC. 465. (1) FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1,
5 2009, A TAXPAYER THAT IS INCLUDED IN MAJOR GROUPS 15, 16, OR 17
6 UNDER THE STANDARD INDUSTRIAL CLASSIFICATION CODE AS COMPILED BY
7 THE UNITED STATES DEPARTMENT OF LABOR MAY CLAIM A CREDIT AGAINST
8 THE TAX IMPOSED BY THIS ACT EQUAL TO THE SUM OF 50% OF THE
9 QUALIFIED EXPENSES DEFINED IN SUBSECTION (3) (D) (i) AND (ii) AND 100%
10 OF THE QUALIFIED EXPENSES DEFINED IN SUBSECTION (3) (D) (iii) PAID BY
11 THE TAXPAYER DURING THE TAX YEAR OR \$2,000.00 FOR EACH EMPLOYEE
12 THAT IS A RESIDENT OF THIS STATE AND THAT BECOMES A LEED ACCREDITED
13 PROFESSIONAL DURING THE TAX YEAR, WHICHEVER IS LESS.

14 (2) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX
15 LIABILITY OF THE TAXPAYER UNDER THIS ACT FOR THE TAX YEAR, THAT
16 PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL BE
17 REFUNDED.

18 (3) AS USED IN THIS SECTION:

19 (A) "GREEN ADVANTAGE CERTIFICATION" MEANS THE CERTIFICATION
20 AWARDED BY THE USGBC REQUIRING A BASIC KNOWLEDGE OF GREEN
21 CONSTRUCTION CONCEPTS, MATERIALS, AND PRACTICES AND PASSAGE OF THE
22 GREEN ADVANTAGE EXAM.

23 (B) "LEED ACCREDITED PROFESSIONAL" MEANS AN INDIVIDUAL THAT
24 HAS EARNED LEED CERTIFICATION OR GREEN ADVANTAGE CERTIFICATION.

25 (C) "LEED CERTIFICATION" MEANS THE CERTIFICATION AWARDED BY
26 THE USGBC BASED ON THE MOST CURRENT LEADERSHIP IN ENERGY AND
27 ENVIRONMENTAL DESIGN GREEN BUILDING RATING SYSTEM DEVELOPED AND

1 ADOPTED BY THE USGBC FOR NEW BUILDINGS AND MAJOR RENOVATIONS.

2 (D) "QUALIFIED EXPENSES" MEANS ALL OF THE FOLLOWING EXPENSES
3 PAID BY THE TAXPAYER DURING THE TAX YEAR FOR TRAINING ITS EMPLOYEES
4 AND ASSISTING ITS EMPLOYEES TO BECOME LEED ACCREDITED
5 PROFESSIONALS:

6 (i) SALARY AND WAGES ATTRIBUTABLE TO THOSE EMPLOYEES SEEKING TO
7 BECOME LEED ACCREDITED PROFESSIONALS.

8 (ii) FRINGE BENEFITS AND OTHER PAYROLL EXPENSES ATTRIBUTABLE TO
9 THOSE EMPLOYEES SEEKING TO BECOME LEED ACCREDITED PROFESSIONALS.

10 (iii) COSTS OF CLASSROOM INSTRUCTION, TRAINING, AND OTHER
11 RELATED EXPENSES IDENTIFIED AS COSTS FOR WHICH THE TAXPAYER IS
12 RESPONSIBLE UNDER AN AGREEMENT TO ASSIST THE EMPLOYEE IN OBTAINING
13 LEED CERTIFICATION OR GREEN ADVANTAGE CERTIFICATION.

14 (E) "USGBC" MEANS THE UNITED STATES GREEN BUILDING COUNCIL,
15 WHICH MEASURES AND EVALUATES THE ENERGY AND ENVIRONMENTAL
16 PERFORMANCE OF A BUILDING ACCORDING TO ITS OWN LEADERSHIP IN ENERGY
17 AND ENVIRONMENTAL DESIGN (LEED) RATING SYSTEM.