

2009 MICHIGAN Business Tax Miscellaneous Credits for Insurance Companies

Issued under authority of Public Act 36 of 2007.

Name	Federal Employer Identification Number (FEIN) or TR Number
------	--

PART 1: REFUNDABLE CREDITS

Workers' Disability Supplemental Benefit (WDSB) Credit. If not claiming, skip to line 2.

1. WDSB Credit allowed by the Workers' Compensation Agency (attach document) 1.

	00
--	----

MEGA Employment Tax Credit. If not claiming, skip to line 3.

2. Credit amount from *MEDC Annual Tax Credit Certificate* (attach) 2.

	00
--	----

Historic Preservation Credit. If not claiming this credit, skip to line 4.

3. Credit amount from Form 4584, line 27b..... 3.

	00
--	----

MEGA Photovoltaic Technology Credit. If not claiming this credit, skip to line 5.

4. Credit amount from *Assignment Certificate* provided by MEDC (attach) 4.

	00
--	----

Brownfield Redevelopment Credit. If not claiming, skip to line 6.

5. Credit amount from Form 4584, line 70a (see instructions) 5.

	00
--	----

Film Production Credit. If not claiming, skip to line 7.

6. Assigned credit amount (see instructions)..... 6.

	00
--	----

7. **TOTAL REFUNDABLE CREDITS.** Add lines 1 through 6. Enter total here and carry to Form 4588, line 48..... 7.

	00
--	----

PART 2: NONREFUNDABLE CREDITS

8. Single Business Tax credit carryforward from Form 4569, line 31. If not claiming, enter zero 8.

	00
--	----

Compensation Credit. If not claiming, subtract line 8 from Form 4588, line 23 and enter on line 16. If less than zero, enter zero.

9. Michigan Compensation 9.

	00
--	----

10. Compensation Credit. Multiply line 9 by 0.37% (0.0037)..... 10.

	00
--	----

Reduced Compensation Credit

11. Tax before credits from Form 4569, line 30, or if line 8 above is zero, enter amount from Form 4588, line 23 11.

	00
--	----

12. WDSB Credit from line 1 above..... 12.

	00
--	----

13. Subtract line 12 from line 11. If less than zero, enter zero 13.

	00
--	----

14. Multiply line 13 by 65% (0.65) 14.

	00
--	----

15. **Allowable Compensation Credit.** Enter lesser of line 10 or line 14..... 15.

	00
--	----

16. Tax After Compensation Credit. Subtract line 15 from line 11. If less than zero, enter zero..... 16.

	00
--	----

Renaissance Zone Credit. If not claiming, carry amount from line 16 to line 18.
If claiming, complete and attach the *MBT Renaissance Zone Credit Schedule* (Form 4595).

17. Renaissance Zone Credit. Amount from Form 4595, line 25b	17.		00
18. Tax After Renaissance Zone Credit. Subtract line 17 from line 16. If less than zero, enter zero	18.		00

Historic Preservation Credit. If not claiming, carry amount from line 18 to line 21.

19. Historic Preservation Credit from Form 4584, line 29.....	19.		00
20. Recapture of Historic Preservation Tax Credit from Form 4584, line 2	20.		00
21. Tax After Historic Preservation Credit. Subtract line 19 from line 18 and add line 20	21.		00

Brownfield Redevelopment Credit. If not claiming, carry amount from line 21 to line 23.

22. Brownfield Redevelopment Credit from Form 4584, line 72.....	22.		00
23. Tax After Brownfield Redevelopment Credit. Subtract line 22 from line 21. If less than zero, enter zero	23.		00

Film Infrastructure Credit. If not claiming, carry amount from line 23 to line 28.

24. Assigned credit amount.....	24.		00
25. Unused credit from previous period MBT return.....	25.		00
26. Total Available Credit. Add lines 24 and 25	26.		00
27. Film Infrastructure Credit. Enter the lesser of line 23 or 26	27.		00
28. Tax After Film Infrastructure Credit. Subtract line 27 from line 23. If less than zero, enter zero.....	28.		00
29. Credit carryforward. If line 26 is greater than line 23, enter the difference.....	29.		00

30. TOTAL NONREFUNDABLE CREDITS. Add lines 8, 15, 17, 19, 22, and 27. Enter total here and carry amount to Form 4588, line 24	30.		00
---	-----	--	----

Instructions for Form 4596

Michigan Business Tax (MBT) Miscellaneous Credits for Insurance Companies

Purpose

To allow insurance companies to calculate certain miscellaneous credits. There are strict eligibility requirements, so review the descriptions carefully before claiming a credit. Follow the instructions on the form for each credit.

Line-by-Line Instructions

Lines not listed are explained on the form.

PART 1: REFUNDABLE CREDITS

Workers' Disability Supplemental Benefit (WDSB) Credit

The WDSB Credit is available to an insurance company subject to the Workers' Disability Compensation Act of 1969. The credit is equal to the amount paid during that tax year by the insurance company pursuant to Section 352 of the act, as certified by the director of the Workers' Compensation Agency, Department of Energy, Labor, and Economic Growth (DELEG), during the tax year. The amount of the credit is provided to taxpayers by DELEG.

For more information on WDSB credit eligibility, contact DELEG, Workers' Compensation Agency, at (517) 322-1879 or 1-888-396-5041 or visit the DELEG Web site at www.michigan.gov/wca.

Line 1: Attach a copy of the document provided by DELEG to the back of the return packet to substantiate the claim for this credit.

MEGA Employment Tax Credit

The Michigan Economic Growth Authority (MEGA) Employment Tax Credit promotes economic growth and jobs in Michigan. For a period of time not to exceed 20 years, a taxpayer that is an authorized business or an eligible taxpayer may claim a credit equal to the amount certified each year by MEGA as follows:

- For an authorized business for the tax year, an amount not to exceed the payroll and health care benefits of the authorized business attributable to employees who perform qualified new jobs as determined under the MEGA Act, multiplied by the Michigan Individual Income Tax rate for that tax year.
- For an eligible business as determined under Section 8(5) (a) of the MEGA Act, an amount not to exceed 50 percent of the payroll of the authorized business attributable to employees who perform retained jobs as determined under the MEGA Act, multiplied by the Michigan Individual Income Tax rate for that tax year.
- For an eligible business as determined under Section 8(5) (b) of the MEGA Act, an amount not to exceed the payroll of the authorized business attributable to employees who perform retained jobs as determined under the MEGA Act, multiplied by Michigan Individual Income Tax rate for that tax year.
- For an authorized business as determined under Section 8(9) of the MEGA Act, an amount up to, but not to exceed 100

percent of, the sum of the payroll and health care benefits of the authorized business attributable to employees who perform retained jobs multiplied by a fraction, the numerator of which is the amount of new capital investment made at the facility and the denominator of which is the product of the number of retained jobs multiplied by \$100,000, and then multiplied by the Michigan Individual Income Tax rate for that tax year.

- For an authorized business as determined under Section 8(11) of the MEGA Act, an amount not to exceed 100 percent of the sum of the payroll and health care benefits of the authorized business attributable to employees who perform new full-time jobs and retained jobs as determined under the MEGA Act, multiplied by the Michigan Individual Income Tax rate for that tax year.
- For an authorized business that is a qualified high-technology business, for a period not to exceed seven years, as follows:
 - An amount not to exceed 200 percent of the sum of the payroll and health care benefits of the qualified high-technology business attributable to employees who perform qualified new jobs for the first three years of the credit, multiplied by the Michigan Individual Income Tax rate, and
 - An amount not to exceed 100 percent of the sum of the payroll and health care benefits of the qualified high-technology business attributable to employees who perform qualified new jobs for the remaining tax years, multiplied by the Michigan Individual Income Tax rate for that tax year.

Tax rate means the rate imposed under Section 51 of the Income Tax Act of 1967, Public Act 281 of 1967, Michigan Compiled Law (MCL) 206.51, for the tax year for which the credit is being computed begins.

NOTE: MEGA may certify a credit based on an agreement entered into prior to January 1, 2008, under the Single Business Tax (SBT). The number of years for which the credit may be claimed for MBT will be equal to the maximum number of years designated in the resolution reduced by the number of years for which a credit has been claimed or could have been claimed under SBT.

NOTE: A taxpayer that claimed a credit under either SBT or MBT that had an agreement with MEGA based on qualified new jobs as defined in the MEGA Act, and that removes 51 percent or more of those qualified new jobs from Michigan within three years after the first year in which the taxpayer claimed a credit must pay an amount equal to the total of all credits claimed no later than 12 months after those qualified new jobs are removed from Michigan. Recapture is reported on the *MBT Schedule of Recapture of Certain Business Tax Credits and Deductions* (Form 4587).

For more information, call the Michigan Economic Development Corporation (MEDC) at (517) 373-9808 or visit the MEDC Web site at michiganadvantage.org/MIAdvantage/Taxes-and-Incentives.

Line 2: Approved businesses receive a certificate from MEGA each year showing the total amount of tax credit allowed. Attach the Annual Tax Credit Certificate to the return. (If the certificate is not attached, the credit will be disallowed.)

Historic Preservation Credit

The Historic Preservation Credit provides tax incentives for homeowners, commercial property owners, and businesses to rehabilitate historic resources located in Michigan. Rehabilitation projects must be certified by the State Historic Preservation Office. Questions may be directed to the State Historic Preservation Office (SHPO) at (517) 373-1630. For additional information, visit the SHPO Web site at www.michigan.gov/shpo.

Complete the *MBT Election of Refund or Carryforward of Credits* (Form 4584) to claim this credit and elect a refund of 90 percent of the balance or carryforward of the resulting overpayment.

Line 3: A taxpayer claiming a refundable Historic Preservation Credit on line 3 should complete Form 4596 in the following order:

- 1) Skip lines 3, 5, and 7. Complete lines 4, 6, and 8 through 18.
- 2) After calculating line 18, complete Form 4584 to calculate the refundable Historic Preservation Credit amount.
- 3) On Form 4596, line 3, enter the credit amount from Form 4584, line 27b.
- 4) Complete lines 5 and 7 and remaining lines 19 through 30, as applicable.

MEGA Photovoltaic Technology Credit

The MEGA Photovoltaic Technology Credit is available to a qualified taxpayer that enters into an agreement with MEGA to construct and operate a new facility in Michigan which serves to develop and manufacture photovoltaic energy, photovoltaic systems, or other photovoltaic technology. This credit is available to an insurance company as an assignee only. Photovoltaic energy, systems, or technology rely on solar power. The credit is available for 25 percent of the taxpayer's capital investment in the new facility during the tax year.

The credit generally must be taken in equal installments over a two-year period beginning in the tax year in which the certificate is issued. A taxpayer may make an irrevocable assignment of all or a portion of the credit or may convey the right to the assignment on a form provided by MEGA, which will then issue assignment certificates to the assignee(s).

A taxpayer or assignee that claims a credit and subsequently fails to meet the requirements of the act or any other conditions established by MEGA in the agreement may, as determined by MEGA, have its credit reduced or terminated or have a percentage of the credit previously claimed added back to the tax liability of the taxpayer in the tax year that the taxpayer or assignee fails to comply. Credit recapture is reported on Form 4587.

A taxpayer certified to take the polycrystalline silicon credit under MCL 208.1432 is disqualified from taking this credit.

Line 4: Approved businesses receive a certificate from MEGA each year showing the total amount of tax credit allowed. To claim this credit, attach a copy of the assignment certificate received from MEGA. (If the certificate is not attached, the credit will be disallowed.)

Brownfield Redevelopment Credit

The Brownfield Redevelopment Credit encourages businesses to make investment on eligible Michigan property that was used or is currently used for commercial, industrial, public, or residential purposes and is either a facility (environmentally contaminated property), functionally obsolete, or blighted.

Prior to April 8, 2008, any portion of the credit and prior year carryforwards that exceeded the tax liability for the tax year was not refunded but could be carried forward to offset tax liability in subsequent tax years for ten years or until used up, whichever occurs first. Beginning on or after April 8, 2008, if this credit for the tax year exceeds the qualified taxpayer's tax liability for that tax year, the qualified taxpayer can elect to have the excess refunded at the rate of 85 percent of the excess for the tax year and forgo the remaining 15 percent of the credit and any carryforward. Complete Form 4584 to claim this credit and elect a refund or carryforward of the resulting overpayment.

The administration of the Brownfield Redevelopment Credit program is assigned to MEGA. For more information on the approval process, contact the MEDC at (517) 373-9808.

Line 5: A taxpayer claiming a refundable Brownfield Redevelopment Credit on line 5 should complete Form 4596 in the following order:

- 1) Skip lines 5 and 7. Complete lines 6 and 8 through 21.
- 2) After calculating line 21, complete Form 4584 to calculate the refundable Brownfield Redevelopment Credit amount.
- 3) On Form 4596, line 5, enter the credit amount from Form 4584, line 70a.
- 4) Complete line 7 and remaining lines 22 through 30, as applicable.

Film Production Credit

This credit is available to an insurance company as an assignee only.

The Michigan Film Office, with the concurrence of the State Treasurer, may enter into an agreement with an eligible production company providing the company with a refundable credit against MBT tax liability or against taxes withheld under Chapter 7 of the Michigan Individual Income Tax Act of 1967.

The credit is equal to:

- 42 percent of direct production expenditures for a State-certified qualified production in a core community in Michigan,
- 40 percent of direct production expenditures for a State-certified qualified production in part of Michigan other than a core community, and
- 30 percent for qualified personnel expenditures.

A *Post-Production Certificate of Completion* will be issued verifying the amount of the credit to be claimed once the Film Office is satisfied that company expenditures and eligibility are adequately met.

The credit may be assigned in the tax year in which the Post-Production Certificate is received but such assignment is irrevocable.

For more information, contact the Michigan Film Office at (800) 477-3456 or visit the Web site at www.michigan.gov/filmoffice.

Line 6: To claim this credit, attach a copy of the *MBT Film Credit Assignment* (Form 4589) to the return.

PART 2: NONREFUNDABLE CREDITS

SBT Credit Carryforward

With the exception of the Historic Preservation Credit and the Brownfield Redevelopment Credit, any unused SBT credit carryforward can be applied to MBT tax years ending in 2008 and 2009 only. Any unused SBT credit carryforward remaining after 2009 is lost.

The Historic Preservation Credit and Brownfield Redevelopment Credit carryforwards from SBT may be claimed against MBT tax liability for the remaining years the carryforward would have been available under the SBT Act.

Compensation Credit

An insurance company may claim a credit equal to a percentage of compensation in Michigan, not to exceed 65 percent of the insurance company's tax liability for the tax year after claiming the other credits allowed under Chapter 2A of the MBT Act.

Line 9: Enter compensation payments made in the tax year on behalf of or for the benefit of employees, officers, or directors as defined in MCL 208.1107(2). Generally, under this definition, *compensation* includes, but is not limited to, payments that are subject to or specifically exempt or excepted from withholding under Internal Revenue Code (IRC) § 3401 through § 3406.

Compensation also includes fringe benefits and any earnings that are net earnings from self-employment, as defined under IRC § 402, of the taxpayer or partner or LLC member of the taxpayer. Wages, salaries, fees, bonuses, commissions, and other payments made in the tax year on behalf of or for the benefit of employees, officers, or directors as well as self-employment earnings must be reported on a cash basis.

Payments made to a pension plan, retirement or profit sharing plan, employee insurance plans, and payments under health and welfare benefit plans as well as the administration fees paid for the administration of the health and welfare benefit plan are compensation. Compensation also includes certain payments made by licensed taxpayers that are statutorily identified. These compensation payments are calculated on a cash or accrual basis consistent with the taxpayer's method of accounting for federal income taxes. The statute provides for certain exclusions from compensation including employee

discounts on merchandise and services, payments for state and federal unemployment compensation and federal insurance contributions, and payments made to independent contractors.

Expense incurred for the benefit of the taxpayer rather than for the benefit of employees of the taxpayer is not compensation. Noncompensation expenses might include payments reported on a Form 1099 to an employee for the rental of a building or for interest income.

This credit is calculated against the taxpayer's Michigan compensation.

Compensation is "in this state" if (a) the individual's service is performed entirely within Michigan, or (b) the individual's service is performed both within Michigan and outside Michigan, but the services performed outside Michigan are incidental to the individual's service within Michigan.

Example 1: Sales Co. employs Salesperson whose territory includes both Detroit, Michigan, and Toledo, Ohio. Salesperson calls on customers located in both Michigan and Ohio. The compensation paid to Salesperson is not "compensation in this state" because Salesperson's activity is not limited solely to Michigan, and calling on customers in Ohio is not incidental to Salesperson's activity in Michigan.

Example 2: Manufacturer employs Engineer at its Michigan facility. Several times a year, Engineer travels out of state to meet with suppliers. Although Engineer performs services both within Michigan and outside Michigan, Engineer's out-of-state services are incidental to Engineer's services within Michigan. The compensation paid to Engineer is "compensation in this state."

Renaissance Zone Credit

The Renaissance Zone Credit encourages businesses and individuals to move into a designated Zone to help revitalize the area by providing a credit for businesses located and conducting business activity within the Zone.

Line 17: Complete and attach the *MBT Renaissance Zone Credit Schedule* (Form 4595) to claim this credit.

For more information on Renaissance Zones, contact the MEDC at (517) 373-9808 or visit their Web site at michiganadvantage.org/MIAdvantage/Taxes-and-Incentives. For information on the MBT credit, contact the Michigan Department of Treasury, Customer Contact Division, MBT Unit, at (517) 636-4657.

Historic Preservation Credit

The Historic Preservation Credit provides tax incentives for homeowners, commercial property owners, and businesses to rehabilitate historic resources located in Michigan. Rehabilitation projects must be certified by SHPO.

Line 19: Complete Form 4584 to claim this credit and elect a refund or carryforward of the resulting overpayment, if any.

Line 20: Recapture from Form 4584, line 2. If the resource is sold or the certification of completed rehabilitation or preapproval letter is revoked less than five years after the historic resource is placed in service, a percentage of the credit may be subject to recapture.

100 percent	If less than 1 year
80 percent	If at least 1 year, but less than 2 years
60 percent	If at least 2 years, but less than 3 years
40 percent	If at least 3 years, but less than 4 years
20 percent	If at least 4 years, but less than 5 years

Questions regarding federal and State certification may be directed to SHPO at (517) 373-1630. For additional information, visit the SHPO Web site at www.michigan.gov/shpo. Information about Federal Historic Preservation Tax Incentives is available at www2.cr.nps.gov.

Brownfield Redevelopment Credit

The Brownfield Redevelopment Credit encourages businesses to make investment on eligible Michigan property that was used or is currently used for commercial, industrial, public, or residential purposes and is either a facility (environmentally contaminated property), functionally obsolete, or blighted.

Line 22: Complete Form 4584 to claim this credit and elect a refund or carryforward of the resulting overpayment.

The administration of the Brownfield Redevelopment Credit program is assigned to MEGA. For more information on the approval process, contact the MEDC at (517) 373-9808.

Film Infrastructure Credit

This credit is available to an insurance company as an assignee only.

An eligible taxpayer may claim a credit for investment in a qualified film and digital media infrastructure project equal to 25 percent of the base investment expenditures for the project, provided the taxpayer enters into an agreement with the Michigan Film Office. This agreement requires the concurrence of the State Treasurer and may be entered into until September 30, 2015. The credit is reduced by the amount of any Brownfield Redevelopment Credit claimed under Section 437 of the MBT Act for the same base investment. If the credit exceeds the taxpayer's tax liability for the tax year, the excess may be carried forward to offset tax liability in subsequent years for a maximum of ten years. The Film Office may not authorize total credits greater than \$20,000,000 in any tax year.

To qualify, a taxpayer must invest and expend at least \$100,000 for a qualified film and digital media infrastructure project in Michigan before January 1, 2009, or at least \$250,000 after December 31, 2008. The agreement with the Film Office will expire if construction does not begin within 180 days after the date of the agreement.

No claim for a credit may be filed until at least 25 percent of the base investment in the project has been expended. Once the Film Office finds the taxpayer has complied with the agreement terms and is satisfied that investment expenditures and eligibility are adequately met, the Film Office will issue an *Investment Expenditure Certificate* stating the amount of the credit. The certificate received must be attached to the return.

The credit may be assigned in the tax year in which the *Investment Expenditure Certificate* is received but any such

assignment is irrevocable. Form 4589 must be attached to the return on which the credit is claimed.

An assigned credit amount must be claimed against the assignee's MBT liability during the assignee's tax year in which the credit was assigned.

NOTE: To qualify for the credit, a taxpayer must not be delinquent in a tax or other obligation owed to Michigan nor be owned or under common control of an entity that is delinquent. A credit cannot be claimed for any direct expenditure for which a Film Production Credit was claimed against either an MBT or withholding tax liability. The credit shall be reduced by any credit claimed under section 437 (Brownfield) for the same base investment.

If the taxpayer originally awarded this credit sells or otherwise disposes of any tangible assets, the cost of which were included in the base investment, that taxpayer must recapture part of the credit in the year of disposition. The recapture amount is equal to 25 percent of the gross proceeds or benefit derived from the sale or disposition of tangible assets, the cost of which were paid for or accrued after 2007, adjusted by the amount of the apportioned gain or loss. Credit recapture is reported on Form 4587.

For more information, contact the Michigan Film Office at 1-800-477-3456 or visit the Web site at www.michiganfilmoffice.org.

Include completed Form 4596 as part of the tax return filing.