

# HOUSE BILL No. 5489

February 5, 1992, Introduced by Reps. Gagliardi, Palamara, Bartnik, Porreca, DeMars, Pitoniak, Scott, Dobronski, Leland, Profit, Wozniak, Byrum, Anthony and Olshove and referred to the Committee on Taxation.

A bill to amend section 30 of Act No. 281 of the Public Acts of 1967, entitled  
"Income tax act of 1967,"  
as amended by Act No. 516 of the Public Acts of 1988, being section 206.30 of the Michigan Compiled Laws; and to add section 265.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30 of Act No. 281 of the Public Acts of  
2 1967, as amended by Act No. 516 of the Public Acts of 1988, being  
3 section 206.30 of the Michigan Compiled Laws, is amended and sec-  
4 tion 265 is added to read as follows:

5 Sec. 30. (1) "Taxable income" MEANS, for a person other  
6 than a corporation, estate, or trust, ~~means~~ adjusted gross  
7 income as defined in the internal revenue code subject to the  
8 following adjustments:

1 (a) Add gross interest income and dividends derived from  
2 obligations or securities of states other than Michigan, in the  
3 same amount that has been excluded from ~~federal~~ adjusted gross  
4 income less related expenses not deducted in computing ~~federal~~  
5 adjusted gross income because of section 265(a)(1) of the inter-  
6 nal revenue code.

7 (b) Add taxes on or measured by income to the extent the  
8 taxes have been deducted in arriving at ~~federal~~ adjusted gross  
9 income.

10 (c) Add losses on the sale or exchange of obligations of the  
11 United States government, the income of which this state is pro-  
12 hibited from subjecting to a net income tax, to the extent that  
13 the loss has been deducted in arriving at ~~federal~~ adjusted  
14 gross income.

15 (d) Deduct, to the extent included in ~~federal~~ adjusted  
16 gross income, income derived from obligations, or the sale or  
17 exchange of obligations, of the United States government that  
18 this state is prohibited by law from subjecting to a net income  
19 tax, reduced by any interest on indebtedness incurred in carrying  
20 the obligations and by any expenses incurred in the production of  
21 that income to the extent that the expenses, including amorti-  
22 zable bond premiums, were deducted in arriving at ~~federal~~  
23 adjusted gross income.

24 (e) Deduct, to the extent included in ~~federal~~ adjusted  
25 gross income, compensation, including retirement benefits,  
26 received for services in the armed forces of the United States.

1 (f) Deduct THE FOLLOWING to the extent included in adjusted  
2 gross income:

3 (i) Retirement or pension benefits received from a public  
4 retirement system of or created by this state or a political sub-  
5 division of this state.

6 (ii) ~~Any retirement~~ RETIREMENT or pension benefits  
7 received from a public retirement system of or created by another  
8 state or any of its political subdivisions if the income tax laws  
9 of the other state permit a similar deduction or exemption or a  
10 reciprocal deduction or exemption of a retirement or pension ben-  
11 efit received from a public retirement system of or created by  
12 this state or any of the political subdivisions of this state.

13 (iii) Social security benefits as defined in section 86 of  
14 the internal revenue code.

15 (iv) Retirement or pension benefits from any other retire-  
16 ment or pension system as follows:

17 (A) For a single return, the sum of not more than  
18 \$7,500.00.

19 (B) For a joint return, the sum of not more than  
20 \$10,000.00.

21 (v) The amount determined to be the section 22 amount eligi-  
22 ble for the elderly and permanently and totally disabled credit  
23 provided in section 22 of the internal revenue code.

24 (g) Adjustments resulting from the application of section  
25 271.

26 (h) Adjustments with respect to estate and trust income as  
27 provided in section 36.

1 (i) Adjustments resulting from the allocation and  
2 apportionment provisions of chapter 3.

3 (j) Deduct political contributions as ~~defined~~ DESCRIBED in  
4 section 4 of THE MICHIGAN CAMPAIGN FINANCE ACT, Act No. 388 of  
5 the Public Acts of 1976, being section 169.204 of the Michigan  
6 Compiled Laws, or section 301 of title III of the federal elec-  
7 tion campaign act of 1971, Public Law 92-225, 2 U.S.C. 431, not  
8 in excess of \$50.00 per annum, or \$100.00 per annum for a joint  
9 return.

10 (k) Deduct, to the extent included in adjusted gross income,  
11 wages not deductible under section 280C of the internal revenue  
12 code.

13 (l) Deduct the following payments made by the taxpayer in  
14 the tax year:

15 (i) The amount of payment made under an advance tuition pay-  
16 ment contract as provided in the Michigan education trust act,  
17 Act No. 316 of the Public Acts of 1986, being sections 390.1421  
18 to 390.1444 of the Michigan Compiled Laws.

19 (ii) The amount of payment made under a contract with a pri-  
20 vate sector investment manager that meets all of the following  
21 criteria:

22 (A) The contract is certified and approved by the board of  
23 directors of the Michigan education trust to provide equivalent  
24 benefits and rights to purchasers and beneficiaries as an advance  
25 tuition payment contract as described in subparagraph (i).

26 (B) The contract applies only for a state institution of  
27 higher education as defined in the Michigan education trust act,

1 Act No. 316 of the Public Acts of 1986, or a community or junior  
2 college in Michigan.

3 (C) The contract provides for enrollment by the contract's  
4 qualified beneficiary in not less than 4 years after the date on  
5 which the contract is entered into.

6 (D) The contract is entered into AFTER either OF THE  
7 FOLLOWING:

8 (I) ~~After the~~ THE purchaser has had his or her offer to  
9 enter into an advance tuition payment contract rejected by the  
10 board OF DIRECTORS OF THE MICHIGAN EDUCATION TRUST, if the board  
11 determines that the trust cannot accept an unlimited number of  
12 enrollees upon an actuarially sound basis.

13 (II) ~~After the~~ THE board OF DIRECTORS OF THE MICHIGAN EDU-  
14 CATION TRUST determines that the trust can accept an unlimited  
15 number of enrollees upon an actuarially sound basis.

16 (m) If an advance tuition payment contract under the  
17 Michigan education trust act, Act No. 316 of the Public Acts of  
18 1986, or another contract for which the payment was deductible  
19 under subdivision (l) is terminated and the qualified beneficiary  
20 under that contract does not attend a university, college, junior  
21 or community college, or other institution of higher education,  
22 add the amount of a refund received by the taxpayer as a result  
23 of that termination ~~which amount shall be the lesser of the~~  
24 ~~amount of the refund~~ or the amount of the deduction taken under  
25 subdivision (l) for payment made under that contract, WHICHEVER  
26 IS LESS.

1       (n) Deduct from the taxable income of a purchaser the amount  
2 included as income to the purchaser under the internal revenue  
3 code after the advance tuition payment contract entered into  
4 under the Michigan education trust act, Act No. 316 of the Public  
5 Acts of 1986, is terminated because the qualified beneficiary  
6 attends an institution of postsecondary education other than  
7 either a state institution of higher education or an institution  
8 of postsecondary education located outside this state with which  
9 a state institution of higher education has reciprocity.

10       (o) Add, to the extent deducted in determining ~~federal~~  
11 adjusted gross income, the net operating loss deduction under  
12 section 172 of the internal revenue code.

13       (p) Deduct a net operating loss deduction for the taxable  
14 year as defined in section 172 of the internal revenue code  
15 subject to the modifications under section 172(b)(2) of the  
16 internal revenue code and subject to the allocation and appor-  
17 tionment provisions of chapter 3 of this act for the taxable year  
18 in which the loss was incurred.

19       (q) For a tax year beginning after 1986, deduct, to the  
20 extent included in adjusted gross income, benefits from a dis-  
21 criminatory self-insurance medical expense reimbursement plan.

22       (R) FOR THE 1992 TO 1993 TAX YEARS, DEDUCT THE INTEREST PAID  
23 IN THE TAX YEAR ON A LOAN FOR THE PURCHASE IN THAT TAX YEAR OF A  
24 QUALIFIED PASSENGER AUTOMOBILE. AS USED IN THIS SUBDIVISION,  
25 "QUALIFIED PASSENGER AUTOMOBILE" MEANS THAT TERM AS DEFINED IN  
26 SECTION 265.

1       (2) ~~For a tax year beginning during 1987, a personal~~  
 2 ~~exemption of \$1,600.00; for a tax year beginning during 1988, a~~  
 3 ~~personal exemption of \$1,800.00; for a tax year beginning during~~  
 4 ~~1989, a personal exemption of \$2,000.00; and for a tax year~~  
 5 ~~beginning after 1989, a personal exemption of \$2,100.00 times~~  
 6 THE FOLLOWING PERSONAL EXEMPTIONS MULTIPLIED BY the number of  
 7 personal or dependency exemptions allowable on the taxpayer's  
 8 federal income tax return pursuant to the internal revenue code  
 9 shall be subtracted from taxable income:

- 10       (A) FOR A TAX YEAR BEGINNING DURING 1987..... \$1,600.00.  
 11       (B) FOR A TAX YEAR BEGINNING DURING 1988..... \$1,800.00.  
 12       (C) FOR A TAX YEAR BEGINNING DURING 1989..... \$2,000.00.  
 13       (D) FOR A TAX YEAR BEGINNING AFTER 1989..... \$2,100.00.

14       (3) A single additional exemption of \$1,400.00 for a tax  
 15 year beginning during 1987, \$1,200.00 for a tax year beginning  
 16 during 1988, \$1,000.00 for a tax year beginning during 1989, and  
 17 \$900.00 for a tax year beginning after 1989 is allowed ~~for~~ IN  
 18 each of the following CIRCUMSTANCES:

19       (a) The taxpayer is a paraplegic, a quadriplegic, a hemiple-  
 20 gic, a person who is blind as defined in section 504, or a  
 21 totally and permanently disabled person as defined in section  
 22 522.

23       (b) The taxpayer is a deaf person as defined in section 2 of  
 24 the deaf persons' interpreters act, Act No. 204 of the Public  
 25 Acts of 1982, being section 393.502 of the Michigan Compiled  
 26 Laws.

1 (c) The taxpayer is ~~a person who is~~ 65 years of age or  
2 older.

3 (d) The return includes unemployment compensation that  
4 amounts to 50% or more of adjusted gross income.

5 (4) For a tax year beginning after 1987, an individual with  
6 respect to whom a deduction under section 151 of the internal  
7 revenue code is allowable to another federal taxpayer during the  
8 tax year is not considered to have an allowable federal exemption  
9 for purposes of subsection (2), but may deduct \$500.00 from tax-  
10 able income for a tax year beginning in 1988 and \$1,000.00 for a  
11 tax year beginning after 1988.

12 (5) A nonresident or a part-year resident is allowed that  
13 proportion of an exemption or deduction allowed under subsection  
14 (2), (3), or (4) that the taxpayer's income from Michigan sources  
15 bears to the total income from all sources.

16 (6) For a tax year beginning after 1987, in calculating tax-  
17 able income, a taxpayer shall not subtract from adjusted gross  
18 income the amount of prizes won by the taxpayer under the  
19 McCauley-Traxler-Law-Bowman-McNeely lottery act, Act No. 239 of  
20 the Public Acts of 1972, being sections 432.1 to 432.47 of the  
21 Michigan Compiled Laws.

22 SEC. 265. (1) FOR THE 1992 TO 1993 TAX YEARS, A TAXPAYER  
23 MAY CREDIT \$500.00 AGAINST THE TAX IMPOSED BY THIS ACT FOR THE  
24 TAX YEAR FOR EACH PURCHASE OF A QUALIFIED PASSENGER AUTOMOBILE  
25 MADE DURING THE TAX YEAR.

26 (2) THE CREDIT ALLOWED UNDER THIS SECTION SHALL NOT EXCEED  
27 THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR.



1       (3) AS USED IN THIS SECTION, "QUALIFIED PASSENGER  
2 AUTOMOBILE" MEANS AN AUTOMOBILE THAT MEETS ALL OF THE FOLLOWING  
3 CRITERIA:

4       (A) THE AUTOMOBILE WAS NOT PREVIOUSLY TITLED BEFORE THE SALE  
5 AT RETAIL BY A PERSON CLAIMING AN EXEMPTION UNDER SECTION 4M OF  
6 THE GENERAL SALES TAX ACT, ACT NO. 167 OF THE PUBLIC ACTS OF  
7 1933, BEING SECTION 205.54M OF THE MICHIGAN COMPILED LAWS.

8       (B) THE TAXPAYER CLAIMING THE CREDIT UNDER THIS SECTION  
9 RECEIVED FROM THE SELLER OR MANUFACTURER OF THE AUTOMOBILE A  
10 REBATE EQUAL TO THE TAX LEVIED UNDER THE GENERAL SALES TAX ACT,  
11 ACT NO. 167 OF THE PUBLIC ACTS OF 1933, BEING SECTIONS 205.51 TO  
12 205.78 OF THE MICHIGAN COMPILED LAWS, ON 1/2 OF THE GROSS PRO-  
13 CEEDS OF THE SALE OF THAT AUTOMOBILE AT THE TIME OF PURCHASE OF  
14 THE AUTOMOBILE.

15       (C) THE AUTOMOBILE IS CERTIFIED AS DOMESTIC BY THE UNITED  
16 STATES ENVIRONMENTAL PROTECTION AGENCY.