

**SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE BILL NO. 521**

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30. (1) "Taxable income" means, for a person other than a
2 corporation, estate, or trust, adjusted gross income as defined in
3 the internal revenue code subject to the following adjustments
4 under this section:

5 (a) Add gross interest income and dividends derived from
6 obligations or securities of states other than Michigan, in the
7 same amount that has been excluded from adjusted gross income less
8 related expenses not deducted in computing adjusted gross income
9 because of section 265(a)(1) of the internal revenue code.

10 (b) Add taxes on or measured by income to the extent the taxes

1 have been deducted in arriving at adjusted gross income.

2 (c) Add losses on the sale or exchange of obligations of the
3 United States government, the income of which this state is
4 prohibited from subjecting to a net income tax, to the extent that
5 the loss has been deducted in arriving at adjusted gross income.

6 (d) Deduct, to the extent included in adjusted gross income,
7 income derived from obligations, or the sale or exchange of
8 obligations, of the United States government that this state is
9 prohibited by law from subjecting to a net income tax, reduced by
10 any interest on indebtedness incurred in carrying the obligations
11 and by any expenses incurred in the production of that income to
12 the extent that the expenses, including amortizable bond premiums,
13 were deducted in arriving at adjusted gross income.

14 (e) Deduct, to the extent included in adjusted gross income,
15 compensation, including retirement benefits, received for services
16 in the armed forces of the United States.

17 (f) Deduct the following to the extent included in adjusted
18 gross income:

19 (i) Retirement or pension benefits received from a federal
20 public retirement system or from a public retirement system of or
21 created by this state or a political subdivision of this state.

22 (ii) Retirement or pension benefits received from a public
23 retirement system of or created by another state or any of its
24 political subdivisions if the income tax laws of the other state
25 permit a similar deduction or exemption or a reciprocal deduction
26 or exemption of a retirement or pension benefit received from a
27 public retirement system of or created by this state or any of the

1 political subdivisions of this state.

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

4 (iv) Before October 1, 1994, retirement or pension benefits
5 from any other retirement or pension system as follows:

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

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

8 (v) After September 30, 1994, retirement or pension benefits
9 not deductible under subparagraph (i) or subdivision (e) from any
10 other retirement or pension system or benefits from a retirement
11 annuity policy in which payments are made for life to a senior
12 citizen, to a maximum of \$30,000.00 for a single return and
13 \$60,000.00 for a joint return. The maximum amounts allowed under
14 this subparagraph shall be reduced by the amount of the deduction
15 for retirement or pension benefits claimed under subparagraph (i) or
16 subdivision (e) and for tax years after the 1996 tax year by the
17 amount of a deduction claimed under subdivision (r). For the 1995
18 tax year and each tax year after 1995, the maximum amounts allowed
19 under this subparagraph shall be adjusted by the percentage
20 increase in the United States consumer price index for the
21 immediately preceding calendar year. The department shall annualize
22 the amounts provided in this subparagraph and subparagraph (iv) as
23 necessary for tax years that end after September 30, 1994. As used
24 in this subparagraph, "senior citizen" means that term as defined
25 in section 514.

26 (vi) The amount determined to be the section 22 amount eligible
27 for the elderly and the permanently and totally disabled credit

1 provided in section 22 of the internal revenue code.

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

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

5 (i) Adjustments resulting from the allocation and
6 apportionment provisions of chapter 3.

7 (j) Deduct political contributions as described in section 4
8 of the Michigan campaign finance act, 1976 PA 388, MCL 169.204, or
9 ~~section 301 of title III of the federal election campaign act of~~
10 ~~1971, Public Law 92-225, 2 U.S.C. 431- 2 USC 431~~, not in excess of
11 \$50.00 per annum, or \$100.00 per annum for a joint return.

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

15 (l) Deduct the following payments made by the taxpayer in the
16 tax year:

17 (i) The amount of payment made under an advance tuition payment
18 contract as provided in the Michigan education trust act, 1986 PA
19 316, MCL 390.1421 to ~~390.1444~~ **390.1442**.

20 (ii) The amount of payment made under a contract with a private
21 sector investment manager that meets all of the following 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 1986 PA 316, MCL 390.1421 to ~~390.1444~~ **390.1442**, or a community or
2 junior 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) The purchaser has had his or her offer to enter into an
9 advance tuition payment contract rejected by the board of directors
10 of the Michigan education trust, if the board determines that the
11 trust cannot accept an unlimited number of enrollees upon an
12 actuarially sound basis.

13 (II) The board of directors of the Michigan education trust
14 determines that the trust can accept an unlimited number of
15 enrollees upon an actuarially sound basis.

16 (m) If an advance tuition payment contract under the Michigan
17 education trust act, 1986 PA 316, MCL 390.1421 to ~~390.1444~~
18 **390.1442**, 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, add
22 the amount of a refund received by the taxpayer as a result of that
23 termination or the amount of the deduction taken under subdivision
24 (l) for payment made under that contract, whichever is less.

25 (n) Deduct from the taxable income of a purchaser the amount
26 included as income to the purchaser under the internal revenue code
27 after the advance tuition payment contract entered into under the

1 Michigan education trust act, 1986 PA 316, MCL 390.1421 to
2 ~~390.1444~~ **390.1442**, is terminated because the qualified beneficiary
3 attends an institution of postsecondary education other than either
4 a state institution of higher education or an institution of
5 postsecondary education located outside this state with which a
6 state institution of higher education has reciprocity.

7 (o) Add, to the extent deducted in determining adjusted gross
8 income, the net operating loss deduction under section 172 of the
9 internal revenue code.

10 (p) Deduct a net operating loss deduction for the taxable year
11 as determined under section 172 of the internal revenue code
12 subject to the modifications under section 172(b)(2) of the
13 internal revenue code and subject to the allocation and
14 apportionment provisions of chapter 3 of this act for the taxable
15 year in which the loss was incurred.

16 (q) For a tax year beginning after 1986, deduct, to the extent
17 included in adjusted gross income, benefits from a discriminatory
18 self-insurance medical expense reimbursement plan.

19 (r) After September 30, 1994 and before the 1997 tax year, a
20 taxpayer who is a senior citizen may deduct, to the extent included
21 in adjusted gross income, interest and dividends received in the
22 tax year not to exceed \$1,000.00 for a single return or \$2,000.00
23 for a joint return. However, for tax years before the 1997 tax
24 year, the deduction under this subdivision shall not be taken if
25 the taxpayer takes a deduction for retirement benefits under
26 subdivision (e) or a deduction under subdivision (f)(i), (ii), (iv),
27 or (v). For tax years after the 1996 tax year, a taxpayer who is a

1 senior citizen may deduct to the extent included in adjusted gross
2 income, interest, dividends, and capital gains received in the tax
3 year not to exceed \$3,500.00 for a single return and \$7,000.00 for
4 a joint return for the 1997 tax year, and \$7,500.00 for a single
5 return and \$15,000.00 for a joint return for tax years after the
6 1997 tax year. For tax years after the 1996 tax year, the maximum
7 amounts allowed under this subdivision shall be reduced by the
8 amount of a deduction claimed for retirement benefits under
9 subdivision (e) or a deduction claimed under subdivision (f) (i),
10 (ii), (iv), or (v). For the 1995 tax year, for the 1996 tax year, and
11 for each tax year after the 1998 tax year, the maximum amounts
12 allowed under this subdivision shall be adjusted by the percentage
13 increase in the United States consumer price index for the
14 immediately preceding calendar year. The department shall annualize
15 the amounts provided in this subdivision as necessary for tax years
16 that end after September 30, 1994. As used in this subdivision,
17 "senior citizen" means that term as defined in section 514.

18 (s) Deduct, to the extent included in adjusted gross income,
19 all of the following:

20 (i) The amount of a refund received in the tax year based on
21 taxes paid under this act.

22 (ii) The amount of a refund received in the tax year based on
23 taxes paid under the city income tax act, 1964 PA 284, MCL 141.501
24 to 141.787.

25 (iii) The amount of a credit received in the tax year based on a
26 claim filed under sections 520 and 522 to the extent that the taxes
27 used to calculate the credit were not used to reduce adjusted gross

1 income for a prior year.

2 (t) Add the amount paid by the state on behalf of the taxpayer
3 in the tax year to repay the outstanding principal on a loan taken
4 on which the taxpayer defaulted that was to fund an advance tuition
5 payment contract entered into under the Michigan education trust
6 act, 1986 PA 316, MCL 390.1421 to ~~390.1444~~ **390.1442**, if the cost
7 of the advance tuition payment contract was deducted under
8 subdivision (l) and was financed with a Michigan education trust
9 secured loan.

10 (u) For the 1998 tax year and each tax year after the 1998 tax
11 year, deduct the amount calculated under section 30d.

12 (v) For tax years that begin on and after January 1, 1994,
13 deduct, to the extent included in adjusted gross income, any
14 amount, and any interest earned on that amount, received in the tax
15 year by a taxpayer who is a Holocaust victim as a result of a
16 settlement of claims against any entity or individual for any
17 recovered asset pursuant to the German act regulating unresolved
18 property claims, also known as Gesetz zur Regelung offener
19 Vermögensfragen, as a result of the settlement of the action
20 entitled In re: Holocaust ~~victims~~ **VICTIM** assets **LITIGATION**, CV-
21 96-4849, ~~CV-96-6161~~ **CV-96-5161**, and CV-97-0461 (E.D. NY), or as a
22 result of any similar action if the income and interest are not
23 commingled in any way with and are kept separate from all other
24 funds and assets of the taxpayer. As used in this subdivision:

25 (i) "Holocaust victim" means a person, or the heir or
26 beneficiary of that person, who was persecuted by Nazi Germany or
27 any Axis regime during any period from 1933 to 1945.

1 (ii) "Recovered asset" means any asset of any type and any
2 interest earned on that asset including, but not limited to, bank
3 deposits, insurance proceeds, or artwork owned by a Holocaust
4 victim during the period from 1920 to 1945, withheld from that
5 Holocaust victim from and after 1945, and not recovered, returned,
6 or otherwise compensated to the Holocaust victim until after 1993.

7 (w) For tax years that begin after December 31, 1999, deduct,
8 to the extent not deducted in determining adjusted gross income,
9 both of the following:

10 (i) The total of all contributions made on and after October 1,
11 2000 by the taxpayer in the tax year to education savings accounts
12 pursuant to the Michigan education savings program act, 2000 PA
13 161, MCL 390.1471 to 390.1486, not to exceed \$5,000.00 for a single
14 return or \$10,000.00 for a joint return per tax year. A deduction
15 under this subparagraph is not allowed for contributions to an
16 education savings account in the tax year in which the initial
17 withdrawal is made from that account or any subsequent year.

18 (ii) The amount under section 30f.

19 (x) For tax years that begin after December 31, 1999, add to
20 the extent not included in adjusted gross income the amount of
21 money withdrawn by the taxpayer in the tax year from education
22 savings accounts if the withdrawal was not a qualified withdrawal
23 as provided in the Michigan education savings program act, 2000 PA
24 161, MCL 390.1471 to 390.1486.

25 (y) For tax years that begin after December 31, 1999, deduct,
26 to the extent included in adjusted gross income, the amount of a
27 distribution from individual retirement accounts that qualify under

1 section 408 of the internal revenue code if the distribution is
2 used to pay qualified higher education expenses as that term is
3 defined in the Michigan education savings program act, 2000 PA 161,
4 MCL 390.1471 to 390.1486.

5 (z) For tax years that begin after December 31, 2000, deduct,
6 to the extent included in adjusted gross income, an amount equal to
7 the qualified charitable distribution made in the tax year by a
8 taxpayer to a charitable organization. The amount allowed under
9 this subdivision shall be equal to the amount deductible by the
10 taxpayer under section 170(c) of the internal revenue code with
11 respect to the qualified charitable distribution in the tax year in
12 which the taxpayer makes the distribution to the qualified
13 charitable organization, reduced by both the amount of the
14 deduction for retirement or pension benefits claimed by the
15 taxpayer under subdivision (f)(i), (ii), (iv), or (v) and by 2 times
16 the total amount of credits claimed under sections 260 and 261 for
17 the tax year. As used in this subdivision, "qualified charitable
18 distribution" means a distribution of assets to a qualified
19 charitable organization by a taxpayer not more than 60 days after
20 the date on which the taxpayer received the assets as a
21 distribution from a retirement or pension plan described in
22 subsection (8)(a). A distribution is to a qualified charitable
23 organization if the distribution is made in any of the following
24 circumstances:

25 (i) To an organization described in section 501(c)(3) of the
26 internal revenue code except an organization that is controlled by
27 a political party, an elected official or a candidate for an

1 elective office.

2 (ii) To a charitable remainder annuity trust or a charitable
3 remainder unitrust as defined in section 664(d) of the internal
4 revenue code; to a pooled income fund as defined in section
5 642(c)(5) of the internal revenue code; or for the issuance of a
6 charitable gift annuity as defined in section 501(m)(5) of the
7 internal revenue code. A trust, fund, or annuity described in this
8 subparagraph is a qualified charitable organization only if no
9 person holds any interest in the trust, fund, or annuity other than
10 1 or more of the following:

11 (A) The taxpayer who received the distribution from the
12 retirement or pension plan.

13 (B) The spouse of an individual described in sub-subparagraph
14 (A).

15 (C) An organization described in section 501(c)(3) of the
16 internal revenue code.

17 (aa) A taxpayer who is a resident tribal member may deduct, to
18 the extent included in adjusted gross income, all nonbusiness
19 income earned or received in the tax year and during the period in
20 which an agreement entered into between the taxpayer's tribe and
21 this state pursuant to section 30c of 1941 PA 122, MCL 205.30c, is
22 in full force and effect. As used in this subdivision:

23 (i) "Business income" means business income as defined in
24 section 4 and apportioned under chapter 3.

25 (ii) "Nonbusiness income" means nonbusiness income as defined
26 in section 14 and, to the extent not included in business income,
27 all of the following:

1 (A) All income derived from wages whether the wages are earned
2 within the agreement area or outside of the agreement area.

3 (B) All interest and passive dividends.

4 (C) All rents and royalties derived from real property located
5 within the agreement area.

6 (D) All rents and royalties derived from tangible personal
7 property, to the extent the personal property is utilized within
8 the agreement area.

9 (E) Capital gains from the sale or exchange of real property
10 located within the agreement area.

11 (F) Capital gains from the sale or exchange of tangible
12 personal property located within the agreement area at the time of
13 sale.

14 (G) Capital gains from the sale or exchange of intangible
15 personal property.

16 (H) All pension income and benefits including, but not limited
17 to, distributions from a 401(k) plan, individual retirement
18 accounts under section 408 of the internal revenue code, or a
19 defined contribution plan, or payments from a defined benefit plan.

20 (I) All per capita payments by the tribe to resident tribal
21 members, without regard to the source of payment.

22 (J) All gaming winnings.

23 (iii) "Resident tribal member" means an individual who meets all
24 of the following criteria:

25 (A) Is an enrolled member of a federally recognized tribe.

26 (B) The individual's tribe has an agreement with this state
27 pursuant to section 30c of 1941 PA 122, MCL 205.30c, that is in

1 full force and effect.

2 (C) The individual's principal place of residence is located
3 within the agreement area as designated in the agreement under sub-
4 subparagraph (B).

5 (BB) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2006, DEDUCT,
6 TO THE EXTENT INCLUDED IN ADJUSTED GROSS INCOME, ALL OR A PORTION
7 OF THE GAIN, AS DETERMINED UNDER THIS SECTION, REALIZED FROM AN
8 INITIAL EQUITY INVESTMENT OF NOT LESS THAN \$100,000.00 MADE BY THE
9 TAXPAYER BEFORE DECEMBER 31, 2009, IN A QUALIFIED BUSINESS, IF AN
10 AMOUNT EQUAL TO THE SUM OF THE TAXPAYER'S BASIS IN THE INVESTMENT
11 AS DETERMINED UNDER THE INTERNAL REVENUE CODE PLUS THE GAIN, OR A
12 PORTION OF THAT AMOUNT, IS REINVESTED IN AN EQUITY INVESTMENT IN A
13 QUALIFIED BUSINESS WITHIN 1 YEAR AFTER THE SALE OR DISPOSITION OF
14 THE INVESTMENT IN THE QUALIFIED BUSINESS. IF THE AMOUNT OF THE
15 SUBSEQUENT INVESTMENT IS LESS THAN THE SUM OF THE TAXPAYER'S BASIS
16 FROM THE PRIOR EQUITY INVESTMENT PLUS THE GAIN FROM THE PRIOR
17 EQUITY INVESTMENT, THE AMOUNT OF A DEDUCTION UNDER THIS SECTION
18 SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE SUM OF THE
19 TAXPAYER'S BASIS FROM THE PRIOR EQUITY INVESTMENT PLUS THE GAIN
20 FROM THE PRIOR EQUITY INVESTMENT AND THE SUBSEQUENT INVESTMENT. AS
21 USED IN THIS SUBDIVISION:

22 (i) "ADVANCED AUTOMOTIVE, MANUFACTURING, AND MATERIALS
23 TECHNOLOGY" MEANS ANY TECHNOLOGY THAT INVOLVES 1 OR MORE OF THE
24 FOLLOWING:

25 (A) MATERIALS WITH ENGINEERED PROPERTIES CREATED THROUGH THE
26 DEVELOPMENT OF SPECIALIZED PROCESS AND SYNTHESIS TECHNOLOGY.

27 (B) NANOTECHNOLOGY, INCLUDING MATERIALS, DEVICES, OR SYSTEMS

1 AT THE ATOMIC, MOLECULAR, OR MACROMOLECULAR LEVEL, WITH A SCALE
2 MEASURED IN NANOMETERS.

3 (C) MICROELECTROMECHANICAL SYSTEMS, INCLUDING DEVICES OR
4 SYSTEMS INTEGRATING MICROELECTRONICS WITH MECHANICAL PARTS AND A
5 SCALE MEASURED IN MICROMETERS.

6 (D) IMPROVEMENTS TO VEHICLE SAFETY, VEHICLE PERFORMANCE,
7 VEHICLE PRODUCTION, OR ENVIRONMENTAL IMPACT, INCLUDING, BUT NOT
8 LIMITED TO, VEHICLE EQUIPMENT AND COMPONENT PARTS.

9 (E) ANY TECHNOLOGY THAT INVOLVES AN ALTERNATIVE ENERGY VEHICLE
10 OR ITS COMPONENTS. "ALTERNATIVE ENERGY VEHICLE" MEANS THAT TERM AS
11 DEFINED IN SECTION 2 OF THE MICHIGAN NEXT ENERGY AUTHORITY ACT,
12 2002 PA 593, MCL 207.822.

13 (F) A NEW TECHNOLOGY, DEVICE, OR SYSTEM THAT ENHANCES OR
14 IMPROVES THE MANUFACTURING PROCESS OF WOOD, TIMBER, OR
15 AGRICULTURAL-BASED PRODUCTS.

16 (G) ADVANCED COMPUTING OR ELECTRONIC DEVICE TECHNOLOGY RELATED
17 TO TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

18 (H) DESIGN, ENGINEERING, TESTING, OR DIAGNOSTICS RELATED TO
19 TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

20 (I) PRODUCT RESEARCH AND DEVELOPMENT RELATED TO TECHNOLOGY
21 DESCRIBED UNDER THIS SUBPARAGRAPH.

22 (ii) "ADVANCED COMPUTING" MEANS ANY TECHNOLOGY USED IN THE
23 DESIGN AND DEVELOPMENT OF 1 OR MORE OF THE FOLLOWING:

24 (A) COMPUTER HARDWARE AND SOFTWARE.

25 (B) DATA COMMUNICATIONS.

26 (C) INFORMATION TECHNOLOGIES.

27 (iii) "ALTERNATIVE ENERGY TECHNOLOGY" MEANS APPLIED RESEARCH OR

1 COMMERCIALIZATION OF NEW OR NEXT GENERATION TECHNOLOGY IN 1 OR MORE
2 OF THE FOLLOWING:

3 (A) ALTERNATIVE ENERGY TECHNOLOGY AS THAT TERM IS DEFINED IN
4 SECTION 2 OF THE MICHIGAN NEXT ENERGY AUTHORITY ACT, 2002 PA 593,
5 MCL 207.822.

6 (B) DEVICES OR SYSTEMS DESIGNED AND USED SOLELY FOR THE
7 PURPOSE OF GENERATING ENERGY FROM AGRICULTURAL CROPS, RESIDUE AND
8 WASTE GENERATED FROM THE PRODUCTION AND PROCESSING OF AGRICULTURAL
9 PRODUCTS, ANIMAL WASTES, OR FOOD PROCESSING WASTES, NOT INCLUDING A
10 CONVENTIONAL GASOLINE OR DIESEL FUEL ENGINE OR A RETROFITTED
11 CONVENTIONAL GASOLINE OR DIESEL FUEL ENGINE.

12 (C) A NEW TECHNOLOGY, PRODUCT, OR SYSTEM THAT PERMITS THE
13 UTILIZATION OF BIOMASS FOR THE PRODUCTION OF SPECIALTY, COMMODITY,
14 OR FOUNDATIONAL CHEMICALS OR OF NOVEL OR ECONOMICAL COMMODITY
15 MATERIALS THROUGH THE APPLICATION OF BIOTECHNOLOGY THAT MINIMIZES,
16 COMPLEMENTS, OR REPLACES RELIANCE ON PETROLEUM FOR THE PRODUCTION.

17 (D) ADVANCED COMPUTING OR ELECTRONIC DEVICE TECHNOLOGY RELATED
18 TO TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

19 (E) DESIGN, ENGINEERING, TESTING, OR DIAGNOSTICS RELATED TO
20 TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

21 (F) PRODUCT RESEARCH AND DEVELOPMENT RELATED TO A TECHNOLOGY
22 DESCRIBED UNDER THIS SUBPARAGRAPH.

23 (iv) "COMPETITIVE EDGE TECHNOLOGY" MEANS 1 OR MORE OF THE
24 FOLLOWING:

25 (A) ADVANCED AUTOMOTIVE, MANUFACTURING, AND MATERIALS
26 TECHNOLOGY.

27 (B) ALTERNATIVE ENERGY TECHNOLOGY.

1 (C) HOMELAND SECURITY AND DEFENSE TECHNOLOGY.

2 (D) LIFE SCIENCES TECHNOLOGY.

3 (v) "ELECTRONIC DEVICE TECHNOLOGY" MEANS ANY TECHNOLOGY THAT
4 INVOLVES MICROELECTRONICS, SEMICONDUCTORS, ELECTRONIC EQUIPMENT,
5 AND INSTRUMENTATION, RADIO FREQUENCY, MICROWAVE, AND MILLIMETER
6 ELECTRONICS; OPTICAL AND OPTIC-ELECTRICAL DEVICES; OR DATA AND
7 DIGITAL COMMUNICATIONS AND IMAGING DEVICES.

8 (vi) "HOMELAND SECURITY AND DEFENSE TECHNOLOGY" MEANS
9 TECHNOLOGY THAT ASSISTS IN THE ASSESSMENT OF THREATS OR DAMAGE TO
10 THE GENERAL POPULATION AND CRITICAL INFRASTRUCTURE, PROTECTION OF,
11 DEFENSE AGAINST, OR MITIGATION OF THE EFFECTS OF FOREIGN OR
12 DOMESTIC THREATS, DISASTERS, OR ATTACKS, OR SUPPORT FOR CRISIS OR
13 RESPONSE MANAGEMENT, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF
14 THE FOLLOWING:

15 (A) SENSORS, SYSTEMS, PROCESSES, OR EQUIPMENT FOR
16 COMMUNICATIONS, IDENTIFICATION AND AUTHENTICATION, SCREENING,
17 SURVEILLANCE, TRACKING, AND DATA ANALYSIS.

18 (B) ADVANCED COMPUTING OR ELECTRONIC DEVICE TECHNOLOGY
19 RELATED TO TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

20 (C) AVIATION TECHNOLOGY INCLUDING, BUT NOT LIMITED TO,
21 AVIONICS, AIRFRAME DESIGN, SENSORS, EARLY WARNING SYSTEMS, AND
22 SERVICES RELATED TO THE TECHNOLOGY DESCRIBED IN THIS SUBPARAGRAPH.

23 (D) DESIGN, ENGINEERING, TESTING, OR DIAGNOSTICS RELATED TO
24 TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

25 (E) PRODUCT RESEARCH AND DEVELOPMENT RELATED TO TECHNOLOGY
26 DESCRIBED UNDER THIS SUBPARAGRAPH.

27 (vii) "LIFE SCIENCES TECHNOLOGY" MEANS ANY TECHNOLOGY DERIVED

1 FROM LIFE SCIENCES INTENDED TO IMPROVE HUMAN HEALTH OR THE
2 OVERALL QUALITY OF HUMAN LIFE, INCLUDING, BUT NOT LIMITED TO,
3 SYSTEMS, PROCESSES, OR EQUIPMENT FOR DRUG OR GENE THERAPIES,
4 BIOSENSORS, TESTING, MEDICAL DEVICES OR INSTRUMENTATION WITH A
5 THERAPEUTIC OR DIAGNOSTIC VALUE, A PHARMACEUTICAL OR OTHER PRODUCT
6 THAT REQUIRES UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVAL
7 OR REGISTRATION PRIOR TO ITS INTRODUCTION IN THE MARKETPLACE AND IS
8 A DRUG OR MEDICAL DEVICE AS DEFINED BY THE FEDERAL FOOD, DRUG, AND
9 COSMETIC ACT, 21 USC 301 TO 399, OR 1 OR MORE OF THE FOLLOWING:

10 (A) ADVANCED COMPUTING OR ELECTRONIC DEVICE TECHNOLOGY RELATED
11 TO TECHNOLOGY DESCRIBED UNDER THIS SUBPARAGRAPH.

12 (B) DESIGN, ENGINEERING, TESTING, OR DIAGNOSTICS RELATED TO
13 TECHNOLOGY OR THE COMMERCIAL MANUFACTURING OF TECHNOLOGY DESCRIBED
14 UNDER THIS SUBPARAGRAPH.

15 (C) PRODUCT RESEARCH AND DEVELOPMENT RELATED TO TECHNOLOGY
16 DESCRIBED UNDER THIS SUBPARAGRAPH.

17 (viii) "LIFE SCIENCES" MEANS SCIENCE FOR THE EXAMINATION OR
18 UNDERSTANDING OF LIFE OR LIFE PROCESSES, INCLUDING, BUT NOT LIMITED
19 TO, ALL OF THE FOLLOWING:

20 (A) BIOENGINEERING.

21 (B) BIOMEDICAL ENGINEERING.

22 (C) GENOMICS.

23 (D) PROTEOMICS.

24 (E) MOLECULAR AND CHEMICAL ECOLOGY.

25 (F) BIOTECHNOLOGY, INCLUDING ANY TECHNOLOGY THAT USES LIVING
26 ORGANISMS, CELLS, MACROMOLECULES, MICROORGANISMS, OR SUBSTANCES
27 FROM LIVING ORGANISMS TO MAKE OR MODIFY A PRODUCT FOR USEFUL

1 PURPOSES. BIOTECHNOLOGY OR LIFE SCIENCES DO NOT INCLUDE ANY OF THE
2 FOLLOWING:

3 (I) ACTIVITIES PROHIBITED UNDER SECTION 2685 OF THE PUBLIC
4 HEALTH CODE, 1978 PA 368, MCL 333.2685.

5 (II) ACTIVITIES PROHIBITED UNDER SECTION 2688 OF THE PUBLIC
6 HEALTH CODE, 1978 PA 368, MCL 333.2688.

7 (III) ACTIVITIES PROHIBITED UNDER SECTION 2690 OF THE PUBLIC
8 HEALTH CODE, 1978 PA 368, MCL 333.2690.

9 (IV) ACTIVITIES PROHIBITED UNDER SECTION 16274 OF THE PUBLIC
10 HEALTH CODE, 1978 PA 368, MCL 333.16274.

11 (V) STEM CELL RESEARCH WITH HUMAN EMBRYONIC TISSUE.

12 (ix) "QUALIFIED BUSINESS" MEANS A BUSINESS THAT COMPLIES WITH
13 ALL OF THE FOLLOWING:

14 (A) THE BUSINESS IS A SEED OR EARLY STAGE BUSINESS AS DEFINED
15 IN SECTION 3 OF THE MICHIGAN EARLY STAGE VENTURE INVESTMENT ACT OF
16 2003, 2003 PA 296, MCL 125.2233.

17 (B) THE BUSINESS HAS ITS HEADQUARTERS IN THIS STATE, IS
18 DOMICILED IN THIS STATE, OR HAS A MAJORITY OF ITS EMPLOYEES WORKING
19 A MAJORITY OF THEIR TIME IN THIS STATE.

20 (C) THE BUSINESS HAS A PREINVESTMENT VALUATION OF LESS THAN
21 \$10,000,000.00.

22 (D) THE BUSINESS HAS BEEN IN EXISTENCE LESS THAN 5 YEARS. THIS
23 SUB-SUBPARAGRAPH DOES NOT APPLY TO A BUSINESS, THE BUSINESS
24 ACTIVITY OF WHICH IS DERIVED FROM RESEARCH AT AN INSTITUTION OF
25 HIGHER EDUCATION LOCATED WITHIN THIS STATE OR AN ORGANIZATION
26 EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501C(3) OF THE INTERNAL
27 REVENUE CODE AND THAT IS LOCATED WITHIN THIS STATE.

1 (E) THE BUSINESS IS ENGAGED ONLY IN COMPETITIVE EDGE
2 TECHNOLOGY.

3 (F) THE BUSINESS IS CERTIFIED BY THE MICHIGAN STRATEGIC FUND
4 AS MEETING THE REQUIREMENTS OF SUB-SUBPARAGRAPHS (A) TO (E) AT THE
5 TIME OF EACH PROPOSED INVESTMENT.

6 (2) The following personal exemptions multiplied by the number
7 of personal or dependency exemptions allowable on the taxpayer's
8 federal income tax return pursuant to the internal revenue code
9 shall be subtracted in the calculation that determines taxable
10 income:

11 (a) For a tax year beginning during 1987 \$ 1,600.00.
12 (b) For a tax year beginning during 1988 \$ 1,800.00.
13 (c) For a tax year beginning during 1989 \$ 2,000.00.
14 (d) For a tax year beginning after 1989 and
15 before 1995 \$ 2,100.00.
16 (e) For a tax year beginning during 1995
17 or 1996 \$ 2,400.00.
18 (f) Except as otherwise provided in subsection (7),
19 for a tax year beginning after 1996 \$ 2,500.00.

20 (3) A single additional exemption determined as follows shall
21 be subtracted in the calculation that determines taxable income in
22 each of the following circumstances:

23 (a) For tax years beginning after 1989 and before 2000,
24 \$900.00 in each of the following circumstances:

25 (i) The taxpayer is a paraplegic, a quadriplegic, a hemiplegic,
26 a person who is blind as defined in section 504, or a person who is
27 totally and permanently disabled as defined in section 522.

1 (ii) The taxpayer is a deaf person as defined in section 2 of
2 the deaf persons' interpreters act, 1982 PA 204, MCL 393.502.

3 (iii) The taxpayer is 65 years of age or older.

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

6 (b) For tax years beginning after 1999, \$1,800.00 for each
7 taxpayer and every dependent of the taxpayer who is 65 years of age
8 or older. When a dependent of a taxpayer files an annual return
9 under this act, the taxpayer or dependent of the taxpayer, but not
10 both, may claim the additional exemption allowed under this
11 subdivision. As used in this subdivision and subdivision (c),
12 "dependent" means that term as defined in section 30e.

13 (c) For tax years beginning after 1999, \$1,800.00 for each
14 taxpayer and every dependent of the taxpayer who is a deaf person
15 as defined in section 2 of the deaf persons' interpreters act, 1982
16 PA 204, MCL 393.502; a paraplegic, a quadriplegic, or a hemiplegic;
17 a person who is blind as defined in section 504; or a person who is
18 totally and permanently disabled as defined in section 522. When a
19 dependent of a taxpayer files an annual return under this act, the
20 taxpayer or dependent of the taxpayer, but not both, may claim the
21 additional exemption allowed under this subdivision.

22 (d) For tax years beginning after 1999, \$1,800.00 if the
23 taxpayer's return includes unemployment compensation that amounts
24 to 50% or more of adjusted gross income.

25 (4) For a tax year beginning after 1987, an individual with
26 respect to whom a deduction under section 151 of the internal
27 revenue code is allowable to another federal taxpayer during the

1 tax year is not considered to have an allowable federal exemption
2 for purposes of subsection (2), but may subtract \$500.00 in the
3 calculation that determines taxable income for a tax year beginning
4 in 1988, \$1,000.00 for a tax year beginning after 1988 and before
5 2000, and \$1,500.00 for a tax year beginning after 1999.

6 (5) A nonresident or a part-year resident is allowed that
7 proportion of an exemption or deduction allowed under subsection
8 (2), (3), or (4) that the taxpayer's portion of adjusted gross
9 income from Michigan sources bears to the taxpayer's total adjusted
10 gross income.

11 (6) For a tax year beginning after 1987, in calculating
12 taxable income, a taxpayer shall not subtract from adjusted gross
13 income the amount of prizes won by the taxpayer under the McCauley-
14 Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to
15 432.47.

16 (7) For each tax year after the 1997 tax year, the personal
17 exemption allowed under subsection (2) shall be adjusted by
18 multiplying the exemption for the tax year beginning in 1997 by a
19 fraction, the numerator of which is the United States consumer
20 price index for the state fiscal year ending in the tax year prior
21 to the tax year for which the adjustment is being made and the
22 denominator of which is the United States consumer price index for
23 the 1995-96 state fiscal year. The resultant product shall be
24 rounded to the nearest \$100.00 increment. The personal exemption
25 for the tax year shall be determined by adding \$200.00 to that
26 rounded amount. As used in this section, "United States consumer
27 price index" means the United States consumer price index for all

1 urban consumers as defined and reported by the United States
2 department of labor, bureau of labor statistics. For each year
3 after the 2000 tax year, the exemptions allowed under subsection
4 (3) shall be adjusted by multiplying the exemption amount under
5 subsection (3) for the tax year beginning in 2000 by a fraction,
6 the numerator of which is the United States consumer price index
7 for the state fiscal year ending the tax year prior to the tax year
8 for which the adjustment is being made and the denominator of which
9 is the United States consumer price index for the 1998-1999 state
10 fiscal year. The resultant product shall be rounded to the nearest
11 \$100.00 increment.

12 (8) As used in subsection (1)(f), "retirement or pension
13 benefits" means distributions from all of the following:

14 (a) Except as provided in subdivision (d), qualified pension
15 trusts and annuity plans that qualify under section 401(a) of the
16 internal revenue code, including all of the following:

17 (i) Plans for self-employed persons, commonly known as Keogh or
18 HR 10 plans.

19 (ii) Individual retirement accounts that qualify under section
20 408 of the internal revenue code if the distributions are not made
21 until the participant has reached 59-1/2 years of age, except in
22 the case of death, disability, or distributions described by
23 section 72(t)(2)(A)(iv) of the internal revenue code.

24 (iii) Employee annuities or tax-sheltered annuities purchased
25 under section 403(b) of the internal revenue code by organizations
26 exempt under section 501(c)(3) of the internal revenue code, or by
27 public school systems.

1 (iv) Distributions from a 401(k) plan attributable to employee
2 contributions mandated by the plan or attributable to employer
3 contributions.

4 (b) The following retirement and pension plans not qualified
5 under the internal revenue code:

6 (i) Plans of the United States, state governments other than
7 this state, and political subdivisions, agencies, or
8 instrumentalities of this state.

9 (ii) Plans maintained by a church or a convention or
10 association of churches.

11 (iii) All other unqualified pension plans that prescribe
12 eligibility for retirement and predetermine contributions and
13 benefits if the distributions are made from a pension trust.

14 (c) Retirement or pension benefits received by a surviving
15 spouse if those benefits qualified for a deduction prior to the
16 decedent's death. Benefits received by a surviving child are not
17 deductible.

18 (d) Retirement and pension benefits do not include:

19 (i) Amounts received from a plan that allows the employee to
20 set the amount of compensation to be deferred and does not
21 prescribe retirement age or years of service. These plans include,
22 but are not limited to, all of the following:

23 (A) Deferred compensation plans under section 457 of the
24 internal revenue code.

25 (B) Distributions from plans under section 401(k) of the
26 internal revenue code other than plans described in subdivision

27 (a) (iv) .

1 (C) Distributions from plans under section 403(b) of the
2 internal revenue code other than plans described in subdivision
3 (a) (iii) .

4 (ii) Premature distributions paid on separation, withdrawal, or
5 discontinuance of a plan prior to the earliest date the recipient
6 could have retired under the provisions of the plan.

7 (iii) Payments received as an incentive to retire early unless
8 the distributions are from a pension trust.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 93rd Legislature are
11 enacted into law:

12 (a) Senate Bill No. 533.

13 (b) House Bill No. 5047.

14 (c) House Bill No. 5048.

15 (d) House Bill No. 5109.