



# SENATE BILL No. 1211

September 13, 1994, Introduced by Senator BERRYMAN and  
referred to the Committee on Finance

A bill to amend Act No 228 of the Public Acts of 1975,  
entitled  
"Single business tax act,"  
as amended, being sections 208 1 to 208 145 of the Michigan  
Compiled Laws, by adding section 39b

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 228 of the Public Acts of 1975, as  
2 amended, being sections 208 1 to 208 145 of the Michigan Compiled  
3 Laws, is amended by adding section 39b to read as follows  
4 SEC 39B (1) FOR THE 1995 TAX YEAR AND EACH TAX YEAR AFTER  
5 1995, A TAXPAYER THAT IS A QUALIFIED EMPLOYER MAY CLAIM A CREDIT  
6 AGAINST THE TAX IMPOSED BY THIS ACT FOR A TAX YEAR EQUAL TO 40%  
7 OF THE FIRST \$10,000 00 IN WAGES OR COMPENSATION PAID TO EACH  
8 EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS IN THE  
9 TAX YEAR

1       (2) IF THE CREDIT ALLOWED UNDER THIS SECTION FOR THE TAX  
2 YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY THIS  
3 SECTION EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE YEAR, THAT  
4 PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE YEAR SHALL NOT BE  
5 REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN  
6 SUBSEQUENT TAX YEARS FOR 5 YEARS OR UNTIL USED UP, WHICHEVER  
7 OCCURS FIRST

8       (3) IF A QUALIFIED EMPLOYER DISCONTINUES THE EMPLOYMENT OF  
9 AN EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS  
10 AFTER RECEIVING A CREDIT UNDER THIS SECTION FOR WAGES PAID TO  
11 THAT EMPLOYEE, ALL CARRIED FORWARD CREDITS BASED ON WAGES PAID TO  
12 THAT TERMINATED EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR  
13 MENTAL ILLNESS SHALL BE FORFEITED

14       (4) THE DEPARTMENT SHALL MAKE A REPORT TO THE LEGISLATURE ON  
15 THE IMPACT OF THIS SECTION NOT MORE THAN 5 YEARS AFTER THE EFFEC-  
16 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND EVERY  
17 5 YEARS THEREAFTER

18       (5) AS USED IN THIS SECTION

19       (A) "DEVELOPMENTAL DISABILITY" MEANS AN IMPAIRMENT OF GEN-  
20 ERAL INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR THAT MEETS ALL  
21 OF THE FOLLOWING CRITERIA

22       (1) ORIGINATED BEFORE THE PERSON BECAME 22 YEARS OF AGE

23       (11) HAS CONTINUED SINCE ORIGINATION OR CAN BE EXPECTED TO  
24 CONTINUE INDEFINITELY

25       (111) CONSTITUTES A SUBSTANTIAL BURDEN TO THE IMPAIRED  
26 PERSON'S ABILITY TO PERFORM NORMALLY IN SOCIETY

1 (1v) IS ATTRIBUTABLE TO 1 OR MORE OF THE FOLLOWING

2 (A) MENTAL RETARDATION

3 (B) CEREBRAL PALSY

4 (C) EPILEPSY

5 (D) AUTISM

6 (E) ANY OTHER CONDITION FOUND TO BE CLOSELY RELATED TO  
7 MENTAL RETARDATION BECAUSE THE CONDITION PRODUCES A SIMILAR  
8 IMPAIRMENT OR REQUIRES TREATMENT AND SERVICES SIMILAR TO THOSE  
9 REQUIRED FOR A PERSON WHO HAS MENTAL RETARDATION

10 (F) DYSLEXIA RESULTING FROM A CONDITION DESCRIBED IN THIS  
11 SUBPARAGRAPH

12 (B) "INTEGRATED WORK SETTING" MEANS A WORK SETTING WHERE  
13 WORKERS WITH DEVELOPMENTAL DISABILITIES OR MENTAL ILLNESS ARE  
14 PHYSICALLY SITUATED IN THE WORK SETTING TO ENABLE FREQUENT SOCIAL  
15 INTERACTION DURING THE WORK DAY WITH INDIVIDUALS WHO DO NOT HAVE  
16 DEVELOPMENTAL DISABILITIES OR MENTAL ILLNESS AND ARE NOT PAID  
17 CAREGIVERS

18 (C) "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN THE  
19 MENTAL HEALTH CODE, ACT NO 258 OF THE PUBLIC ACTS OF 1974, BEING  
20 SECTIONS 330 1001 TO 330 2106 OF THE MICHIGAN COMPILED LAWS

21 (D) "MENTAL RETARDATION" MEANS SIGNIFICANTLY SUBAVERAGE GEN-  
22 ERAL INTELLECTUAL FUNCTIONING ACCOMPANIED BY SIGNIFICANT DEFICITS  
23 OR IMPAIRMENTS IN ADAPTIVE FUNCTIONING WITH ONSET BEFORE THE AGE  
24 OF 18 AS USED IN THIS SUBDIVISION, "SIGNIFICANTLY SUBAVERAGE  
25 GENERAL INTELLECTUAL FUNCTIONING" MEANS AN IQ OF 70 OR BELOW ON  
26 AN INDIVIDUALLY ADMINISTERED IQ TEST OR FOR INFANTS, A  
27 DETERMINATION BASED ON CLINICAL JUDGMENT

1        (E) "QUALIFIED EMPLOYER" MEANS A TAXPAYER THAT MEETS ALL OF  
2 THE FOLLOWING CRITERIA

3        (1) EMPLOYS AN EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR  
4 MENTAL ILLNESS IN AN INTEGRATED WORK SETTING

5        (11) HAS A TARGETED JOBS TAX CREDIT CERTIFICATION FOR EACH  
6 EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS WHOSE  
7 WAGES ARE USED TO CALCULATE A CREDIT UNDER THIS SECTION

8        (111) PAYS AT LEAST THE MINIMUM WAGE AS DETERMINED UNDER THE  
9 MINIMUM WAGE LAW OF 1964, ACT NO 154 OF THE PUBLIC ACTS OF 1964,  
10 BEING SECTIONS 408 381 TO 408 398 OF THE MICHIGAN COMPILED LAWS,  
11 TO EACH EMPLOYEE WITH A DEVELOPMENTAL DISABILITY OR MENTAL ILL-  
12 NESS WHOSE WAGES ARE USED TO CALCULATE A CREDIT UNDER THIS  
13 SECTION

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