

SENATE BILL No. 223

February 17, 2005, Introduced by Senators JELINEK, VAN WOERKOM, BIRKHOLZ, SANBORN, CROPSEY, GOSCHKA, ALLEN, STAMAS, HARDIMAN, GARCIA, BROWN and BARCIA and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1975 PA 228, entitled
"Single business tax act,"
by amending section 38e (MCL 208.38e), as amended by 2003 PA 273.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 38e. (1) A taxpayer may claim a credit against the tax
2 imposed by this act equal to the sum of 50% of the qualified
3 expenses defined in subsection (5)(d)(i) and (ii) and 100% of the
4 qualified expenses defined in subsection (5)(d)(iii) paid by the
5 taxpayer in the tax year in each of the following circumstances:

6 (a) Except for apprentices trained under subdivision (b), ~~or~~
7 (c), **OR (D)**, an amount not to exceed \$2,000.00 for each apprentice
8 trained by the taxpayer in the tax year.

9 (b) For companies that have a classification under the North

1 American industrial classification system (NAICS) of 333511,
2 333512, 333513, 333514, or 333515 and for tax years that begin
3 after December 31, 2003, an amount not to exceed \$4,000.00 for each
4 apprentice trained by the taxpayer in the tax year.

5 (c) For companies that have a classification under the North
6 American industrial classification system (NAICS) of 333511,
7 333512, 333513, 333514, or 333515 and for tax years that begin
8 after December 31, 2003, an amount not to exceed \$1,000.00 for each
9 special apprentice trained by the taxpayer in the tax year.

10 (D) FOR COMPANIES THAT HAVE A CLASSIFICATION UNDER THE NORTH
11 AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) OF 311111,
12 311119, 311211, 311212, 311213, 311221, 311222, 311223, 311225,
13 311230, 311313, 311320, 311330, 311340, 311411, 311412, 311421,
14 311422, 311423, 311511, 311512, 311513, 311514, 311520, 311611,
15 311612, 311613, 311615, 311711, 311712, 311813, 311821, 311822,
16 311823, 311911, 311919, 311920, 311930, 311941, 311942, OR 311999
17 AND FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2004, AN AMOUNT NOT
18 TO EXCEED \$4,000.00 FOR EACH APPRENTICE TRAINED BY THE TAXPAYER IN
19 THE TAX YEAR.

20 (2) If the credit allowed under this section exceeds the tax
21 liability of the taxpayer under this act for the tax year, that
22 portion of the credit that exceeds the tax liability shall be
23 refunded.

24 (3) The credit allowed under this section shall be claimed on
25 the annual return required under section 73, or for a taxpayer that
26 is not required to file an annual return, the department shall
27 provide that the credit under this subsection may be claimed on the

1 C-8044 form, a successor form for persons not required to file an
2 annual return, or other simplified form prescribed by the
3 department.

4 (4) For each year that this credit is in effect, the
5 department of labor and economic growth shall prepare a report
6 containing information including, but not limited to, the number of
7 companies taking advantage of the apprenticeship credit, the number
8 of apprentices participating in the program, the number of
9 apprentices who complete a program the costs of which were the
10 basis of a credit under this section, the number of apprentices
11 that were hired by the taxpayer after the apprenticeship training
12 was completed for which the taxpayer claimed a credit under this
13 section for the costs of training that apprentice, information on
14 the employment status of individuals who have completed an
15 apprenticeship to the extent the information is available, and the
16 fiscal impact of the apprenticeship credit. This report shall then
17 be transmitted to the house tax policy and senate finance
18 committees and to the house and senate appropriations committees.
19 This report shall be due no later than the first day of March each
20 year.

21 (5) As used in this section:

22 (a) "Apprentice" means a person who is a resident of this
23 state, is 16 years of age or older but younger than 20 years of
24 age, has not obtained a high school diploma, is enrolled in high
25 school or a general education development (G.E.D.) test preparation
26 program, and is trained by a taxpayer through a program that meets
27 all of the following criteria:

1 (i) The program is registered with the bureau of apprenticeship
2 and training of the United States department of labor.

3 (ii) The program is provided pursuant to an apprenticeship
4 agreement signed by the taxpayer and the apprentice.

5 (iii) The program is filed with a local workforce development
6 board.

7 (iv) The minimum term in hours for the program shall be not
8 less than 4,000 hours.

9 (b) "Enrolled" means currently enrolled or expecting to enroll
10 after a period of less than 3 months during which the program is
11 not in operation and the apprentice is not enrolled.

12 (c) "Local workforce development board" means a board
13 established by the chief elected official of a local unit of
14 government pursuant to the **FORMER** job training partnership act,
15 Public Law 97-300, 96 Stat. 1322, that has the responsibility to
16 ensure that the workforce needs of the employers in the geographic
17 area governed by the local unit of government are met.

18 (d) "Qualified expenses" means all of the following expenses
19 paid by the taxpayer in a tax year that begins after December 31,
20 1996 for expenses used to calculate a credit under subsection
21 (1)(a) and after December 31, 2003 for expenses used to calculate a
22 credit under subsection (1)(b) that were not paid for with funds
23 the taxpayer received or retained that the taxpayer would not
24 otherwise have received or retained and that are used for training
25 an apprentice:

26 (i) Salary and wages paid to an apprentice.

27 (ii) Fringe benefits and other payroll expenses paid for the

1 benefit of an apprentice.

2 (iii) Costs of classroom instruction and related expenses
3 identified as costs for which the taxpayer is responsible under an
4 apprenticeship agreement, including but not limited to tuition,
5 fees, and books for college level courses taken while the
6 apprentice is enrolled in high school.

7 (e) "Special apprentice" means a person who is not an
8 apprentice as defined by ~~section (5)(a)~~ **SUBDIVISION (A)**, is a
9 resident of this state, is 16 years of age or older but younger
10 than 25 years of age, and is trained by a taxpayer through a
11 program that meets all of the criteria under subdivision (a)(i) to
12 (iv) .