



HOUSE BILL No. 4678

March 30, 1995, Introduced by Reprs. Bullard, Profit, Brackenridge, Perricone, Bush, Gustafson, Gernaat, Whyman, Rhead, Law and Dobb and referred to the Committee on Tax Policy.

A bill to amend section 73 of Act No. 228 of the Public Acts of 1975, entitled "Single business tax act," as amended by Act No. 246 of the Public Acts of 1994, being section 208.73 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 73 of Act No. 228 of the Public Acts of
2 1975, as amended by Act No. 246 of the Public Acts of 1994, being
3 section 208.73 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 73. (1) An annual or final return shall be filed with
6 the department in the form and content prescribed by the depart-
7 ment by the last day of the fourth month after the end of the
8 taxpayer's tax year. Any final liability shall be remitted with
9 this return. A person whose apportioned or allocated gross

1 receipts plus the adjustments provided in section 23b(a), (b),
2 and (c) are less than the following amount for the appropriate
3 year need not file a return or pay the tax provided under this
4 act:

5 (a) \$40,000.00 for tax years beginning before January 1,
6 1991.

7 (b) \$60,000.00 for tax years beginning after December 31,
8 1990 and before January 1, 1992.

9 (c) \$100,000.00 for tax years beginning after December 31,
10 1991 and before January 1, 1994.

11 (d) \$137,500.00 for tax years beginning after December 31,
12 1993 and before January 1, 1995.

13 (e) \$250,000.00 for tax years beginning after December 31,
14 1994.

15 (2) For a person whose apportioned or allocated gross
16 receipts plus the adjustments provided in section 23b(a), (b),
17 and (c), are for a tax year less than 12 months, the amount in
18 subsection (1) shall be multiplied by a fraction, the numerator
19 of which is the number of months in the tax year and the denomi-
20 nator of which is 12.

21 (3) The commissioner upon application of the taxpayer and
22 for good cause shown may extend the date for filing the annual
23 return. Interest at the rate of 9% per annum shall be added to
24 the amount of the tax unpaid for the period of the extension.
25 The commissioner shall require a tentative return and payment of
26 an estimated tax.

1 (4) If a taxpayer is granted an extension of time within
2 which to file the federal income tax return for any taxable year,
3 the filing of a copy of the request for extension together with a
4 tentative return and payment of an estimated tax with the commis-
5 sioner by the due date provided in subsection (1) shall automati-
6 cally extend the due date for the filing of a final return under
7 this act for an equivalent period plus 60 days. Interest at the
8 rate of 9% per annum shall be added to the amount of the tax
9 unpaid for the period of the extension.

10 (5) ~~An~~ FOR TAX YEARS THAT BEGIN AFTER JULY 6, 1994, AN
11 affiliated group as defined in this act or a controlled group of
12 corporations or an entity under common control as those terms are
13 defined in the internal revenue code ~~—~~ shall consolidate the
14 gross receipts of the MEMBERS OF THE AFFILIATED GROUP, MEMBER
15 CORPORATIONS OF THE CONTROLLED GROUP, OR entities UNDER COMMON
16 CONTROL THAT HAVE APPORTIONED OR ALLOCATED GROSS RECEIPTS, PLUS
17 THE ADJUSTMENTS PROVIDED IN SECTION 23B(A), (B), AND (C), OF
18 \$100,000.00 OR MORE to determine if ~~a person need not~~ THE GROUP
19 OR ENTITY SHALL pay a tax or file a return as provided under sub-
20 section (1). AN INDIVIDUAL MEMBER OF AN AFFILIATED GROUP OR CON-
21 TROLLED GROUP OF CORPORATIONS OR AN ENTITY UNDER COMMON CONTROL
22 IS NOT REQUIRED TO FILE A RETURN OR PAY THE TAX UNDER THIS ACT IF
23 THAT MEMBER OR ENTITY HAS APPORTIONED OR ALLOCATED GROSS
24 RECEIPTS, PLUS THE ADJUSTMENTS PROVIDED IN SECTION 23B(A), (B),
25 AND (C), OF LESS THAN \$100,000.00.