SENATE BILL NO. 63

January 26, 1999, Introduced by Senators BULLARD, SIKKEMA, NORTH, PETERS, GOSCHKA, STILLE, ROGERS, JAYE, SHUGARS, DUNASKISS, MCCOTTER and HAMMERSTROM and referred to the Committee on Finance.

A bill to amend 1975 PA 228, entitled

"Single business tax act,"

by amending section 73 (MCL 208.73), as amended by 1995 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73. (1) An annual or final return shall be filed with

2 the department in the form and content prescribed by the depart-

3 ment by the last day of the fourth month after the end of the

4 taxpayer's tax year. Any final liability shall be remitted with

5 this return. A person whose apportioned or allocated gross

6 receipts plus the adjustments provided in section 23b(a) ~~, (b),~~

7 ~~and (c)~~ TO (G) are less than the following amount for the appro-

8 priate year need not file a return or pay the tax provided under

9 this act:

10 (a) $40,000.00 for tax years beginning before January 1,

11 1991.

1   (b) $60,000.00 for tax years beginning after December 31,

2 1990 and before January 1, 1992.

3   (c) $100,000.00 for tax years beginning after December 31,

4 1991 and before January 1, 1994.

5   (d) $137,500.00 for tax years beginning after December 31,

6 1993 and before January 1, 1995.

7   (e) $250,000.00 for tax years beginning after December 31,

8 1994 AND BEFORE JANUARY 1, 1999.

9   (F) $500,000.00 FOR TAX YEARS BEGINNING AFTER DECEMBER 31,

10 1998.

11   (2) For a person whose apportioned or allocated gross

12 receipts plus the adjustments provided in section 23b(a) ~~, (b),~~

13 ~~and (c)~~ TO (G), are for a tax year less than 12 months, the

14 amount in subsection (1) shall be multiplied by a fraction, the

15 numerator of which is the number of months in the tax year and

16 the denominator of which is 12.

17   (3) The commissioner upon application of the taxpayer and

18 for good cause shown may extend the date for filing the annual

19 return. Interest at the rate of 9% per annum shall be added to

20 the amount of the tax unpaid for the period of the extension.

21 The commissioner shall require a tentative return and payment of

22 an estimated tax.

23   (4) If a taxpayer is granted an extension of time within

24 which to file the federal income tax return for any taxable year,

25 the filing of a copy of the request for extension together with a

26 tentative return and payment of an estimated tax with the

27 commissioner by the due date provided in subsection (1) shall

1 automatically extend the due date for the filing of a final

2 return under this act for an equivalent period plus 60 days.

3 Interest at the rate of 9% per annum shall be added to the amount

4 of the tax unpaid for the period of the extension.

5   (5) For tax years that end after July 6, 1994, an affiliated

6 group as defined in this act, a controlled group of corporations

7 as defined in section 1563 of the internal revenue code and fur-

8 ther described in 26 C.F.R. 1.414(b)-1 and 1.414(c)-1 to

9 1.414(c)-5, or an entity under common control as defined in the

10 internal revenue code shall consolidate the gross receipts of the

11 members of the affiliated group, member corporations of the con-

12 trolled group, or entities under common control that have appor-

13 tioned or allocated gross receipts, plus the adjustments provided

14 in section 23b(a) ~~, (b), and (c)~~ TO (G), of $100,000.00 or more

15 to determine if the group or entity shall pay a tax or file a

16 return as provided under subsection (1). An individual member of

17 an affiliated group or controlled group of corporations or an

18 entity under common control is not required to file a return or

19 pay the tax under this act if that member or entity has appor-

20 tioned or allocated gross receipts, plus the adjustments provided

21 in section 23b(a) ~~, (b), and (c)~~ TO (G), of less than

22 $100,000.00.