

# HOUSE BILL No. 4560

April 10, 2003, Introduced by Rep. Zelenko and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled  
"Income tax act of 1967,"  
by amending section 315 (MCL 206.315).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 315. (1) Every person, other than a corporation,  
2 required to make a return for any taxable period under the  
3 internal revenue code, except as otherwise ~~herein~~ specifically  
4 provided **in this act**, if his **or her** adjusted gross income is in  
5 excess of the personal exemptions allowed by this act shall  
6 render on or before the fifteenth day of the fourth month  
7 following the close of that taxable period to the department a  
8 return setting forth **all of the following**:

9       (a) The amount of adjusted gross income on the return made  
10 to the United States internal revenue service for federal income  
11 tax purposes and as provided in the definitions contained in this

1 act and the rules issued ~~thereunder~~ **under this act.**

2 (b) The personal and dependency exemptions as allowed by  
3 this act.

4 (c) The amount of tax due under this act, less credits  
5 claimed against the tax.

6 (d) Other information for the purposes of carrying out this  
7 act as may be prescribed by the ~~commissioner~~ **department.**

8 (e) The balance of the tax shown to be due on the return is  
9 due and shall be paid by the date fixed for filing the return  
10 unless the balance is less than \$1.00, in which event payment is  
11 not required.

12 (2) A nonresident member who has income in this state from 1  
13 or more flow-through entities may elect to be included in the  
14 composite income tax return of a flow-through entity of which the  
15 nonresident member is a member.

16 (3) A flow-through entity may file a composite income tax  
17 return on behalf of electing nonresident members and report and  
18 pay the tax due based on the electing nonresident members' shares  
19 of income available for distribution from the flow-through entity  
20 for doing business in, or deriving income from, sources within  
21 this state.

22 (4) A nonresident member that has been included in a  
23 composite income tax return and also files an individual income  
24 tax return for the same taxable period may claim a credit against  
25 the tax imposed by this act on that individual income tax return  
26 for the amount of taxes paid on behalf of the nonresident member  
27 by the flow-through entity on that composite income tax return.

1           (5) A composite income tax return is due on or before each  
2 April 15 and shall report the information required by the  
3 department for the immediately preceding calendar year.

4           Enacting section 1. This amendatory act takes effect on  
5 October 1, 2003.

6           Enacting section 2. This amendatory act does not take  
7 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4561  
8 (request no. 03228'03) of the 92nd Legislature is enacted into  
9 law.