

HOUSE BILL No. 4274

February 17, 2009, Introduced by Reps. McMillin and Knollenberg and referred to the Committee on Tax Policy.

A bill to amend 2007 PA 36, entitled
"Michigan business tax act,"
by amending section 513 (MCL 208.1513).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 513. (1) The tax imposed by this act shall be
2 administered by the department of treasury pursuant to 1941 PA 122,
3 MCL 205.1 to 205.31, and this act. If a conflict exists between
4 1941 PA 122, MCL 205.1 to 205.31, and this act, the provisions of
5 this act apply.

6 (2) The department shall promulgate rules to implement this
7 act pursuant to the administrative procedures act of 1969, 1969 PA
8 306, MCL 24.201 to 24.328.

9 (3) The department shall prescribe forms for use by taxpayers

1 and may promulgate rules in conformity with this act for the
2 maintenance by taxpayers of records, books, and accounts, and for
3 the computation of the tax, the manner and time of changing or
4 electing accounting methods and of exercising the various options
5 contained in this act, the making of returns, and the
6 ascertainment, assessment, and collection of the tax imposed under
7 this act.

8 (4) The tax imposed by this act is in addition to all other
9 taxes for which the taxpayer may be liable.

10 (5) The department shall prepare and publish statistics from
11 the records kept to administer the tax imposed by this act that
12 detail the distribution of tax receipts by type of business, legal
13 form of organization, sources of tax base, timing of tax receipts,
14 and types of deductions. The statistics shall not result in the
15 disclosure of information regarding any specific taxpayer.

16 (6) **THE DEPARTMENT SHALL PREPARE A CLEAR AND CONCISE LISTING**
17 **OF EACH CREDIT ALLOWED UNDER THIS ACT AND A DETAILED EXPLANATION OF**
18 **THAT CREDIT. THE DEPARTMENT SHALL MAKE A COPY OF THE LISTING**
19 **AVAILABLE TO THE PUBLIC UPON REQUEST AND SHALL POST THE LISTING ON**
20 **THE DEPARTMENT'S OFFICIAL WEBSITE. BEGINNING MARCH 1, 2009 AND EACH**
21 **MARCH 1 THEREAFTER, THE DEPARTMENT SHALL UPDATE THE LISTING**
22 **REQUIRED UNDER THIS SUBSECTION TO INCLUDE, BASED ON THE REPORT**
23 **REQUIRED UNDER SUBSECTION (7), THE NUMBER OF TAXPAYERS BROKEN DOWN**
24 **BY FIRM AND INDUSTRY CATEGORY THAT CLAIMED EACH CREDIT AND THE**
25 **AMOUNT OF CREDITS AWARDED UNDER EACH OF THOSE CREDITS DURING THE**
26 **IMMEDIATELY PRECEDING YEAR UNDER THIS ACT, AND FOR CREDITS CLAIMED**
27 **UNDER SECTIONS 429, 431, 431A, 431B, 431C, 433, 437, 455, 457, AND**

1 459, THE DEPARTMENT SHALL ALSO INCLUDE THE NAME AND ADDRESS OF EACH
2 TAXPAYER AND THE AMOUNT OF THE CREDIT AWARDED TO THAT TAXPAYER
3 UNDER EACH OF THOSE RESPECTIVE CREDITS DURING THE IMMEDIATELY
4 PRECEDING YEAR.

5 (7) NOT LATER THAN MARCH 1 OF EACH YEAR AFTER 2008, THE
6 DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND BOTH HOUSES OF THE
7 LEGISLATURE AN ANNUAL REPORT CONCERNING THE OPERATION AND
8 EFFECTIVENESS OF EACH CREDIT UNDER THIS ACT AND SHALL POST THE
9 REPORT ON THE DEPARTMENT'S OFFICIAL WEBSITE. THE REQUIREMENTS OF
10 SECTION 28(1)(F) OF 1941 PA 122, MCL 205.28, DO NOT APPLY TO
11 DISCLOSURE OF TAX INFORMATION REQUIRED BY THIS SUBSECTION. THE
12 REPORT SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

13 (A) A BRIEF ASSESSMENT OF THE OVERALL EFFECTIVENESS OF EACH
14 CREDIT UNDER THIS ACT DURING THE IMMEDIATELY PRECEDING CALENDAR
15 YEAR.

16 (B) EXCEPT AS OTHERWISE PROVIDED FOR THOSE CREDITS
17 SPECIFICALLY IDENTIFIED UNDER SUBDIVISION (C), THE TOTAL NUMBER OF
18 TAXPAYERS, BROKEN DOWN BY FIRM SIZE AND INDUSTRY CATEGORIES AS TO
19 BE DETERMINED BY THE DEPARTMENT, THAT CLAIMED EACH CREDIT AND THE
20 AMOUNT OF CREDITS AWARDED UNDER EACH CREDIT TO THOSE TAXPAYERS
21 UNDER THIS ACT DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.

22 (C) THE NAME AND ADDRESS OF EACH TAXPAYER THAT CLAIMED A
23 CREDIT UNDER SECTION 429, 431, 431A, 431B, 431C, 433, 437, 455,
24 457, OR 459, OR ANY COMBINATION OF THOSE CREDITS, UNDER THIS ACT
25 DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR INCLUDING THE AMOUNT
26 OF THE CREDIT AWARDED UNDER EACH SECTION FOR THAT TAXPAYER.