

HOUSE BILL No. 5166

June 25, 2009, Introduced by Rep. Miller 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
10 and may promulgate rules in conformity with this act for the

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

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

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

15 (6) THE DEPARTMENT SHALL PREPARE A CLEAR AND CONCISE LISTING
16 OF EACH CREDIT ALLOWED UNDER THIS ACT AND A DETAILED EXPLANATION OF
17 THAT CREDIT. THE DEPARTMENT SHALL MAKE A COPY OF THE LISTING
18 AVAILABLE TO THE PUBLIC UPON REQUEST AND SHALL POST THE LISTING ON
19 THE DEPARTMENT'S OFFICIAL WEBSITE. WITHIN 10 BUSINESS DAYS AFTER
20 THE ANNUAL REPORTS REQUIRED UNDER THIS SECTION, SECTION 455, AND
21 SECTION 10 OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA
22 24, MCL 207.810, ARE SUBMITTED TO THE GOVERNOR AND BOTH HOUSES OF
23 THE LEGISLATURE, RESPECTIVELY, THE DEPARTMENT SHALL POST A COPY OF
24 THOSE REPORTS ON THE DEPARTMENT'S OFFICIAL WEBSITE OR, AT A
25 MINIMUM, PROVIDE A LINK TO THOSE REPORTS ON ITS OFFICIAL WEBSITE.

26 (7) BEGINNING JULY 1, 2010 AND EACH JULY 1 THEREAFTER, THE
27 DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND THE CHAIRPERSONS OF THE

1 SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT HAVE
2 JURISDICTION OVER MATTERS RELATING TO TAXATION AND FINANCE AN
3 ANNUAL REPORT CONCERNING THE OPERATION AND EFFECTIVENESS OF THE
4 CREDITS UNDER SECTIONS 429, 433, 437, 457, AND 459 AND SHALL POST
5 THE REPORT ON THE DEPARTMENT'S OFFICIAL WEBSITE. THE REQUIREMENTS
6 OF SECTION 28(1)(F) OF 1941 PA 122, MCL 205.28, DO NOT APPLY TO
7 DISCLOSURE OF TAX INFORMATION REQUIRED BY THIS SUBSECTION. THE
8 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

9 (A) A BRIEF ASSESSMENT OF THE OVERALL EFFECTIVENESS OF THE
10 CREDITS AVAILABLE UNDER SECTIONS 429, 433, 437, 457, AND 459 IN
11 ATTRACTING MORE BUSINESS TO THIS STATE AND CREATING MORE JOBS IN
12 THIS STATE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.

13 (B) THE NUMBER OF TAXPAYERS, BROKEN DOWN BY BUSINESS SECTOR
14 AND FIRM SIZE IN A MANNER SUCH THAT INDIVIDUAL TAXPAYERS ARE NOT
15 IDENTIFIED, THAT APPLIED FOR EACH CREDIT UNDER SECTIONS 429, 433,
16 437, 457, AND 459.

17 (C) TO THE EXTENT APPLICABLE, THE AMOUNT OF MONEY SPENT BY
18 EACH TAXPAYER IDENTIFIED IN SUBDIVISION (B) TO COMPLY WITH ITS
19 RESPECTIVE AGREEMENTS AND A BREAKDOWN OF THAT SPENDING BY THOSE
20 TAXPAYERS CLASSIFIED AS GOODS, SERVICES, OR SALARIES AND WAGES IN
21 THE IMMEDIATELY PRECEDING CALENDAR YEAR.

22 (D) AN ESTIMATE OF THE NUMBER OF PERSONS EMPLOYED IN THIS
23 STATE BY THE TAXPAYERS IDENTIFIED IN SUBDIVISION (B) THAT QUALIFIED
24 FOR THE CREDIT UNDER SECTION 429, 433, 437, 457, OR 459,
25 RESPECTIVELY, IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

26 (E) THE VALUE OF ALL TAX CREDIT CERTIFICATES OF COMPLETION
27 ISSUED UNDER SECTIONS 429, 433, 437, 457, AND 459 IN THE

1 IMMEDIATELY PRECEDING CALENDAR YEAR.