

# HOUSE BILL No. 5440

(As amended, March 3, 2004)

January 27, 2004, Introduced by Reps. Emmons, Hummel, LaJoy, Drolet, Amos, Steil, Nofs, Gaffney, Taub, Stakoe, Newell, Farhat and Pastor and referred to the Committee on Tax Policy.

A bill to amend 1975 PA 228, entitled  
"Single business tax act,"  
by amending section 80 (MCL 208.80), as added by 1985 PA 139.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 80. (1) The tax imposed by this act shall be  
2 administered by the revenue commissioner pursuant to ~~Act No. 122~~  
3 ~~of the Public Acts of 1941, being sections 205.1 to 205.30 of the~~  
4 ~~Michigan Compiled Laws— 1941 PA 122, MCL 205.1 to 205.31, and~~  
5 this act. In case of conflict between ~~Act No. 122 of the Public~~  
6 ~~Acts of 1941— 1941 PA 122, MCL 205.1 to 205.31, and this act, the~~  
7 provisions of this act will apply.

8       (2) <<For the tax year that begins on or after January 1, 2003 and  
9 before January 1, 2004 only, the>> department shall not require a person  
10 who prepares a  
11 tax return under this act on behalf of another person for  
compensation to electronically file that return.

11       (3) ~~—(2)—~~ Rules shall be promulgated under this act pursuant

1 to the administrative procedures act of 1969, ~~Act No. 306 of the~~  
2 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
3 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 to 24.328.

4 (4) ~~—(3)—~~ The department shall prescribe forms for use by  
5 taxpayers and shall promulgate rules in conformity with this act  
6 for the maintenance by taxpayers of records, books, and accounts,  
7 and for the computation of the tax, the manner and time of  
8 changing or electing accounting methods and of exercising the  
9 various options contained in this act, the making of returns, and  
10 the ascertainment, assessment, and collection of the tax imposed  
11 under this act.

12 (5) ~~—(4)—~~ The tax imposed by this act is in addition to all  
13 other taxes for which the taxpayer may be liable. The proceeds  
14 derived from the tax shall be credited to the general fund of the  
15 state to be allocated and distributed as provided by this act.

16 (6) ~~—(5)—~~ The department shall prepare and publish statistics  
17 from the records kept to administer the tax imposed by this act,  
18 detailing the distribution of tax receipts by type of business,  
19 legal form of organization, sources of tax base, timing of tax  
20 receipts, and types of deductions. The statistics shall not  
21 result in the disclosure of information regarding any specific  
22 taxpayer.