

Act No. 189  
Public Acts of 2011  
Approved by the Governor  
October 17, 2011  
Filed with the Secretary of State  
October 18, 2011  
EFFECTIVE DATE: January 1, 2012

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

Introduced by Senator Robertson

# **ENROLLED SENATE BILL No. 671**

AN ACT to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 667 (MCL 206.667), as added by 2011 PA 38.

*The People of the State of Michigan enact:*

Sec. 667. (1) If the apportionment provisions of this part do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the state treasurer may require the following, with respect to all or a portion of the taxpayer's business activity, if reasonable:

- (a) Separate accounting.
- (b) The inclusion of 1 or more additional or alternative factors that will fairly represent the taxpayer's business activity in this state.
- (c) The use of any other method to effectuate an equitable allocation and apportionment of the taxpayer's tax base.
  - (2) An alternate method may be used only if it is approved by the department.
  - (3) The apportionment provisions of this part shall be rebuttably presumed to fairly represent the business activity attributed to the taxpayer in this state, taken as a whole and without a separate examination of the specific elements of the tax base unless it can be demonstrated that the business activity attributed to the taxpayer in this state is out of all appropriate proportion to the actual business activity transacted in this state and leads to a grossly distorted result or would operate unconstitutionally to tax the extraterritorial activity of the taxpayer.
  - (4) The filing of a return or an amended return is not considered a petition for the purposes of subsection (1).

Enacting section 1. This amendatory act takes effect January 1, 2012.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor