

2011 MICHIGAN Schedule of Apportionment MI-1040H

Issued under authority of Public Act 281 of 1967.

Type or print in blue or black ink. Print numbers like this: 0123456789 - NOT like this: 0 1 4 7
 Attach to the MI-1040. Read the instructions on page 2 before completing this form.

Attachment 09

| | | | |
|-------------------------|------|-----------|--|
| Your First Name | M.I. | Last Name | Your Social Security Number (Example: 123-45-6789) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> |
| Name of Business Entity | | | Federal Employer Identification Number (FEIN) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> |

PART 1: COMPUTATION OF APPORTIONMENT PERCENTAGE

PROPERTY FACTOR*

Complete if filer has property (regardless of whether filer has Michigan property).

| | | | |
|--|----|----|--|
| 1. Average value of Michigan property | 1. | 00 | |
| 2. Multiply Michigan rentals by 8 | 2. | 00 | |
| 3. Total value of Michigan property. Add lines 1 and 2 | 3. | 00 | |
| 4. Average value of total property | 4. | 00 | |
| 5. Multiply total rentals by 8 | 5. | 00 | |
| 6. Total property. Add lines 4 and 5 | 6. | 00 | |
| 7. Percentage. Divide line 3 by line 6 | 7. | % | |

PAYROLL FACTOR

Complete if filer has payroll (regardless of whether filer has Michigan payroll).

| | | | |
|---|-----|----|--|
| 8. Michigan payroll | 8. | 00 | |
| 9. Total payroll | 9. | 00 | |
| 10. Percentage. Divide line 8 by line 9 | 10. | % | |

SALES FACTOR**

| | | | |
|---|-----|----|--|
| 11. Michigan sales (see instructions regarding throwback sales) | 11. | 00 | |
| 12. Total sales | 12. | 00 | |
| 13. Percentage. Divide line 11 by line 12 | 13. | % | |
| PERCENTAGE | | | |
| 14. Total percentage. Add lines 7, 10 and 13 | 14. | % | |
| 15. Apportionment percentage. Divide line 14 by 3 | 15. | % | |

If you have less than 3 factors, divide by number of factor(s). Number of factors are those factors (property, payroll or sales) that have denominators (lines 6, 9 or 12, respectively) greater than zero.

* Property owned is to be valued at original cost. Annual rental expenses for the use of real and tangible personal property less any annual subrental receipts are to be multiplied by 8 and included in the property factors.

** Sales factor includes all business receipts. Nonbusiness income must be allocated. SEE INSTRUCTIONS.

PART 2: COMPUTATION OF INCOME ATTRIBUTABLE TO ANOTHER STATE(S)

| | | | |
|--|-----|----|--|
| 16. Business income included in adjusted gross income that is subject to apportionment (include ordinary and portfolio income, and all other business income) | 16. | 00 | |
| 17. Multiply the amount on line 16 by the percentage on line 15 | 17. | 00 | |
| 18. Income or loss attributable to another state(s). Subtract amount on line 17 from line 16. Enter here and on Michigan Schedule 1, line 11 or line 4 (loss). Nonresidents and part-year residents include this amount on the appropriate line in column C of the Schedule NR | 18. | 00 | |

Instructions for Form MI-1040H, Schedule of Apportionment

Business income from business activity that is taxable both within and outside Michigan is apportioned to Michigan by multiplying the income by a fraction determined as follows:

$$\frac{\text{Property Factor} + \text{Payroll Factor} + \text{Sales Factor}}{3}$$

Use the factors of the business entity having the multistate activity. A separate MI-1040H must be completed for each taxable entity or sole proprietorship with multistate business activity. The Michigan Income Tax Act does not recognize unitary combined methods. Income and apportionment factors of separate taxable entities may not be combined on this form. The Michigan income tax statute uses the standards prescribed by federal Public Law (P.L.) 86-272 to determine if a taxpayer's income is taxable in another state.

A taxpayer's income is taxable in another state if:

1. In that state the taxpayer is subject to a net income tax; a franchise tax measured by net income; a franchise tax for the privilege of doing business; a corporate stock tax; or
2. That state has jurisdiction to subject the taxpayer to a net income tax regardless of whether the state does or does not.

Property Factor

Complete if filer has property regardless of whether filer has Michigan property.

The average value of the **real** and **tangible** personal property owned or rented and **used** in Michigan during the tax year is divided by the average value of **all** the real and tangible personal property owned or rented and used during the year. Do not include idle property or construction in progress. Exclude all real and tangible personal property used to produce nonbusiness income.

“Tangible personal property” means machinery, tools, implements, equipment, goods, wares and merchandise.

Property owned is valued at its original cost.

Property rented is valued at eight times the “net annual rental rate” which is the annual rental rate paid less any rental rate received from subrentals.

Payroll Factor

Complete if filer has payroll regardless of whether filer has Michigan payroll.

The amount paid for compensation in Michigan during the tax year is divided by the total compensation paid everywhere during the tax year.

For purposes of apportionment, “compensation” means wages as defined in Section 3401 of the Internal Revenue Code (IRC) and other payments as provided in Section 3402 of the IRC. Exclude all amounts paid for services that were performed to produce nonbusiness income.

Compensation is paid in Michigan if:

1. The individual's service is performed entirely in Michigan, or
2. The individual's service is performed both in Michigan and in another state(s), but the service performed outside Michigan is incidental to the individual's service in Michigan, or
3. Some of the service is performed in Michigan and
 - a) The base of operations or the place from which the service is directed or controlled is in Michigan, or
 - b) The base of operations or place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in Michigan.

Sales Factor

Complete if filer has sales regardless of whether filer has Michigan sales.

Divide the total sales in Michigan during the tax year by the total sales everywhere during the tax year.

“Sales” includes gross receipts from sales of tangible property, rental of property and providing of services that constitute business activity. Exclude all receipts of nonbusiness income.

Note: Throwback sales for individual income tax follow federal P.L. 86-272 standards. The business must have physical presence in the other state or activity beyond solicitation of sales in order to exclude sales into another state or country from the numerator. The Michigan income tax act definition of “state” includes a foreign country. Therefore, foreign sales are considered Michigan sales unless the business entity is taxable in the foreign country.

Sales of tangible personal property are in this state if:

1. The property is shipped or delivered to a purchaser (other than the United States government) within Michigan regardless of the free on board (F.O.B.) point or other conditions of the sale, or
2. The property is shipped from an office, store, warehouse, factory or other place of storage in Michigan and the purchaser is the United States government or the taxpayer is not taxable in the state of the purchaser.

Sales (other than of tangible personal property) are in Michigan if:

1. The business activity is performed in Michigan, or
2. The business activity is performed both in Michigan and in another state(s), but based on cost of performance, a greater proportion of the business activity is performed in Michigan.

There are special formulas for transportation companies and other authorized taxpayers. Those formulas are identified in Chapter 3 of the Income Tax Act.