

AMENDMENTS TO HOUSE BILL NO. 2017

Sponsor: REPRESENTATIVE CONKLIN

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1 Amend Bill, page 1, line 11, by inserting after "definitions"
2 , imposition of tax, reports and payment of tax and consolidated
3 reports; and, in general provisions, further providing for
4 underpayment of estimated tax

5 Amend Bill, page 1, lines 14 through 16, by striking out all
6 of said lines and inserting

7 Section 1. Section 401(3)1(a), (b), (r), (s), (t), 4(c) and
8 (5) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
9 Reform Code of 1971, amended or added October 30, 2017 (P.L.672,
10 No.43), are amended and (3)2(a)(9)(A) is amended by adding a
11 unit, (3)2(a)(16.1) is amended by adding a subclause, (3)1 and
12 (3)2 are amended by adding clauses and the section is amended by
13 adding paragraphs to read:

14 Amend Bill, page 2, line 3, by striking out all of said line
15 and inserting

16 (3) "Taxable income." 1. (a) In case the entire business
17 of the corporation is transacted within this Commonwealth, for
18 any taxable year which begins on or after January 1, 1971,
19 taxable income for the calendar year or fiscal year as returned
20 to and ascertained by the Federal Government, or in the case of
21 a corporation participating in the filing of consolidated
22 returns to the Federal Government or that is not required to
23 file a return with the Federal Government, the taxable income
24 which would have been returned to and ascertained by the Federal
25 Government if separate returns had been made to the Federal
26 Government for the current and prior taxable years, subject,
27 however, to any correction thereof, for fraud, evasion, or error
28 as finally ascertained by the Federal Government.

29 (b) Additional deductions shall be allowed from taxable
30 income on account of any dividends received from any other
31 corporation but only to the extent that such dividends are
32 included in taxable income as returned to and ascertained by the
33 Federal Government. For tax years beginning on or after January
34 1, 1991, additional deductions shall only be allowed for amounts
35 included, under section 78 of the Internal Revenue Code of 1986

(Public Law 99-514, 26 U.S.C. § 78), in taxable income returned to and ascertained by the Federal Government and for the amount of any dividends received from a foreign corporation included in taxable income to the extent such dividends would be deductible in arriving at Federal taxable income if received from a domestic corporation. For tax years beginning after December 31, 2018, the additional deduction with respect to dividends are not permissible for dividends between members of a unitary group.

* * *

(p.1) For taxable years after December 31, 2018, in the case of a corporation that is a member of a unitary business, the term "taxable income" shall mean the combined unitary income of the unitary business, as determined on a water's edge basis.

* * *

Amend Bill, page 3, lines 22 through 26, by striking out all of said lines and inserting

(t) (1) Except as provided in paragraph (2), (3) or (4) for taxable years beginning after December 31, 2014, and in addition to any authority the department has on the effective date of this paragraph to deny a deduction related to a fraudulent or sham transaction, no deduction shall be allowed for an intangible expense or cost, or an interest expense or cost, paid, accrued or incurred directly or indirectly in connection with one or more transactions with an affiliated entity. In calculating taxable income under this paragraph, when the taxpayer is engaged in one or more transactions with an affiliated entity that was subject to tax in this Commonwealth or another state or possession of the United States on a tax base that included the intangible expense or cost, or the interest expense or cost, paid, accrued or incurred by the taxpayer, the taxpayer shall receive a credit against tax due in this Commonwealth in an amount equal to the apportionment factor of the taxpayer in this Commonwealth multiplied by the greater of the following:

(A) the tax liability of the affiliated entity with respect to the portion of its income representing the intangible expense or cost, or the interest expense or cost, paid, accrued or incurred by the taxpayer; or

(B) the tax liability that would have been paid by the affiliated entity under subparagraph (A) if that tax liability had not been offset by a credit.

The credit issued under this paragraph shall not exceed the taxpayer's liability in this Commonwealth attributable to the net income taxed as a result of the adjustment required by this paragraph.

(2) The adjustment required by paragraph (1) shall not apply to a transaction that did not have as the principal purpose the avoidance of tax due under this article and was done at arm's length rates and terms.

1 (3) The adjustment required by paragraph (1) shall not apply
2 to a transaction between a taxpayer and an affiliated entity
3 domiciled in a foreign nation which has in force a comprehensive
4 income tax treaty with the United States providing for the
5 allocation of all categories of income subject to taxation, or
6 the withholding of tax, on royalties, licenses, fees and
7 interest for the prevention of double taxation of the respective
8 nations' residents and the sharing of information.

9 (4) The adjustment required by paragraph (1) shall not apply
10 to a transaction where an affiliated entity directly or
11 indirectly paid, accrued or incurred a payment to a person who
12 is not an affiliated entity, if the payment is paid, accrued or
13 incurred on the intangible expense or cost, or interest expense
14 or cost, and is equal to or less than the taxpayer's
15 proportional share of the transaction. The taxpayer's
16 proportional share shall be based on relative sales, assets,
17 liabilities or another reasonable method.

18 (5) The adjustment required by paragraph (1) shall not apply
19 to a transaction between the taxpayer and an affiliated entity,
20 where all the following conditions are met:

21 (i) the taxpayer and the affiliated entity file a combined
22 report in this State;

23 (ii) the taxpayer's deduction with respect to an intangible
24 expense or cost, or interest expense or cost, is subject to
25 paragraph (1); and

26 (iii) the corresponding income recognized by the affiliated
27 entity with respect to such intangible expense or cost, or
28 interest expense or cost are eliminated pursuant to the
29 definition of combined unitary income set forth in section
30 401(15).

31 2. In case the entire business of any corporation, other
32 than a corporation engaged in doing business as a regulated
33 investment company as defined by the Internal Revenue Code of
34 1986, is not transacted within this Commonwealth, the tax
35 imposed by this article shall be based upon such portion of the
36 taxable income of such corporation for the fiscal or calendar
37 year, as defined in subclause 1 hereof, and may be determined as
38 follows:

39 (a) Division of Income.

40 * * *

41 (9) (A) Except as provided in subparagraph (B):

42 * * *

43 (vi) (a) For taxable years beginning after December 31,
44 2018, all business income of a unitary business shall be
45 apportioned to this State by multiplying the income by the
46 member's sales factor, the numerator of which shall be the
47 member's sales attributable to this State, and the denominator
48 of which shall be the combined sales of all members of the
49 unitary business. In computing the sales of each member for
50 purposes of apportionment, the following sales are excluded from
51 the numerator and denominator:

1 (I) receipts from transactions between or among members of
2 the unitary business that are deferred under 26 CFR 1.1502-13
3 (relating to intercompany transactions); and

4 (II) the taxable income of each member that is excluded from
5 the unitary business pursuant to the definition of water's edge
6 basis.

7 (b) Nonbusiness income of each member of a unitary business
8 shall be allocated as provided in paragraphs (5) through (8) of
9 phrase (a) of subclause 2 of the definition of "taxable income."
10 A member of the unitary business is subject to tax on its
11 apportioned share of all business income of the unitary
12 business, plus its nonbusiness income or loss allocated to this
13 Commonwealth, minus the member's net loss deduction.

14 (c) The Secretary of Revenue has the authority and
15 responsibility to make adjustments to ensure that a corporation
16 does not incur an unfair penalty nor realize an unfair benefit
17 because it is required to compute its combined business income
18 as provided herein. Fairness shall be measured by whether the
19 corporation's income allocated and apportioned to this
20 Commonwealth fairly reflects the corporation's share of the
21 unitary business conducted in this Commonwealth in the taxable
22 year.

23 * * *

24 (16.1) * * *

25 (D) Sales from the licensing of intangible property are in
26 this State if a licensee utilized the property in this State. If
27 the property was used both inside and outside this State, the
28 sale is in this State in proportion to the utilization of the
29 intangible property in this State to the utilization of the
30 intangible property everywhere.

31 * * *

32 (f) For taxable years beginning after December 31, 2018, any
33 member of a unitary group that would otherwise apportion its
34 business income under section 401(3)2(b), (c), (d) or (e) shall
35 determine its apportionment formula using a single sales
36 fraction, as prescribed by the department.

37 * * *

38 4. * * *

39 (c) (1) The net loss deduction shall be the lesser of:

40 (A) (I) For taxable years beginning before January 1, 2007,
41 two million dollars (\$2,000,000);

42 (II) For taxable years beginning after December 31, 2006,
43 the greater of twelve and one-half per cent of taxable income as
44 determined under subclause 1 or, if applicable, subclause 2 or
45 three million dollars (\$3,000,000);

46 (III) For taxable years beginning after December 31, 2008,
47 the greater of fifteen per cent of taxable income as determined
48 under subclause 1 or, if applicable, subclause 2 or three
49 million dollars (\$3,000,000);

50 (IV) For taxable years beginning after December 31, 2009,
51 the greater of twenty per cent of taxable income as determined

under subclause 1 or, if applicable, subclause 2 or three million dollars (\$3,000,000);

(V) For taxable years beginning after December 31, 2013, the greater of twenty-five per cent of taxable income as determined under subclause 1 or, if applicable, subclause 2 or four million dollars (\$4,000,000);

(VI) For taxable years beginning after December 31, 2014, the greater of thirty per cent of taxable income as determined under subclause 1 or, if applicable, subclause 2 or five million dollars (\$5,000,000);

(VII) For taxable years beginning after December 31, 2017, thirty-five per cent of taxable income as determined under subclause 1 or, if applicable, subclause 2;

(VIII) For taxable years beginning after December 31, 2018, forty per cent of taxable income as determined under subclause 1 or, if applicable, subclause 2; or

(B) The amount of the net loss or losses which may be carried over to the taxable year or taxable income as determined under subclause 1 or, if applicable, subclause 2.

(1.1) In no event shall the net loss deduction include more than five hundred thousand dollars (\$500,000), in the aggregate, of net losses from taxable years 1988 through 1994.

(2) (A) A net loss for a taxable year may only be carried over pursuant to the following schedule:

Taxable Year	Carryover
1981	1 taxable year
1982	2 taxable years
1983-1987	3 taxable years
1988	2 taxable years plus 1 taxable year starting with the 1995 taxable year
1989	1 taxable year plus 2 taxable years starting with the 1995 taxable year
1990-1993	3 taxable years starting with the 1995 taxable year
1994	1 taxable year
1995-1997	10 taxable years
1998 and thereafter	20 taxable years

(B) The earliest net loss shall be carried over to the earliest taxable year to which it may be carried under this schedule. The total net loss deduction allowed in any taxable year shall not exceed:

(I) Two million dollars (\$2,000,000) for taxable years beginning before January 1, 2007.

(II) The greater of twelve and one-half per cent of the taxable income as determined under subclause 1 or, if applicable, subclause 2 or three million dollars (\$3,000,000)

1 for taxable years beginning after December 31, 2006.

2 (III) The greater of fifteen per cent of the taxable income
3 as determined under subclause 1 or, if applicable, subclause 2
4 or three million dollars (\$3,000,000) for taxable years
5 beginning after December 31, 2008.

6 (IV) The greater of twenty per cent of the taxable income as
7 determined under subclause 1 or, if applicable, subclause 2 or
8 three million dollars (\$3,000,000) for taxable years beginning
9 after December 31, 2009.

10 (V) The greater of twenty-five per cent of taxable income as
11 determined under subclause 1 or, if applicable, subclause 2 or
12 four million dollars (\$4,000,000) for taxable years beginning
13 after December 31, 2013.

14 (VI) The greater of thirty per cent of taxable income as
15 determined under subclause 1 or, if applicable, subclause 2 or
16 five million dollars (\$5,000,000) for taxable years beginning
17 after December 31, 2014.

18 (VII) Thirty-five per cent of taxable income as determined
19 under subclause 1 or, if applicable, subclause 2 for taxable
20 years beginning after December 31, 2017.

21 (VIII) Forty per cent of taxable income as determined under
22 subclause 1 or, if applicable, subclause 2 for taxable years
23 beginning after December 31, 2018.

24 (3) Any member of a unitary business that has unused net
25 loss from taxable years that began prior to January 1, 2019, or
26 that generate net losses while a member of a unitary business
27 may only use the net loss for taxable years beginning after
28 December 31, 2018, and only to the extent of the member's
29 apportionable share of combined business income and may not be
30 used by other members of the same unitary business.

31 (4) Any net loss realized for a taxable year that begins
32 after December 31, 2018, unused by a corporation which
33 subsequently becomes a member of another unitary business, may
34 only be used by that corporation.

35 * * *

36 (5) "Taxable year." [The] 1. Except as set forth in
37 subclause 2, the taxable year which the corporation, or any
38 consolidated group with which the corporation participates in
39 the filing of consolidated returns, actually uses in reporting
40 taxable income to the Federal Government[.], or which the
41 corporation would have used in reporting taxable income to the
42 Federal Government had it been required to report its taxable
43 income to the Federal Government. With regard to the tax imposed
44 by Article IV of this act (relating to the Corporate Net Income
45 Tax), the terms "annual year," "fiscal year," "annual or fiscal
46 year," "tax year" and "tax period" shall be the same as the
47 corporation's taxable year, as defined in this [paragraph]
48 subclause or subclause 2.

49 2. All members of a unitary business shall have a common
50 taxable year for purposes of computing tax due under this
51 article. The taxable year for such purposes is the common

1 taxable year adopted, in a manner prescribed by the department,
2 by all members of a unitary business. The common taxable year
3 must be used by all members of the unitary business in the year
4 of adoption and all future years unless otherwise permitted by
5 the department.

6 * * *

7 (11) "Tax haven." Means any of the following:

8 (A) A jurisdiction that at the beginning of a taxable year
9 is a tax haven as identified by the Organization for Economic
10 Co-operation and Development.

11 (B) Bermuda.

12 (C) The Cayman Islands.

13 (D) The Bailiwick of Jersey.

14 (E) The Grand Duchy of Luxembourg.

15 (12) "Unitary business." A single economic enterprise that
16 is made up of separate parts of a single corporation, of a
17 commonly controlled group of corporations, or both, that are
18 sufficiently interdependent, integrated and interrelated through
19 their activities so as to provide a synergy and mutual benefit
20 that produces a sharing or exchange of value among them and a
21 significant flow of value to the separate parts. A unitary
22 business includes all those parts and corporations that are
23 included in a unitary business under the Constitution of the
24 United States.

25 (13) "Water's-edge basis." A system of reporting that
26 includes the business income and apportionment factors of
27 certain entities of a unitary business, described as follows:

28 (i) Any member incorporated in the United States or formed
29 under the laws of any state of the United States, the District
30 of Columbia, any territory or possession of the United States or
31 the Commonwealth of Puerto Rico.

32 (ii) Any member, regardless of the place incorporated or
33 formed, if at least twenty per cent of the member's sales factor
34 is within the United States.

35 (iii) Any member which is one of the following:

36 (A) Domestic international sales corporation as described in
37 sections 991, 992, 993 and 994 of the Internal Revenue Code of
38 1986 (Public Law 99-514, 26 U.S.C. §§ 991, 992, 993 and 994).

39 (B) Export trade corporation, as described in sections 970
40 and 971 of the Internal Revenue Code of 1986.

41 (iv) Any member not described in subparagraphs (i), (ii) and
42 (iii) shall include the portion of the member's business income
43 derived from or attributable to sources within the United
44 States, as determined under the Internal Revenue Code of 1986
45 without regard to Federal treaties and its apportionment factors
46 related thereto.

47 (v) Any member that is a "controlled foreign corporation" as
48 defined in section 957 of the Internal Revenue Code of 1986, to
49 the extent the business income of that member is income defined
50 in section 952 of the Internal Revenue Code of 1986, Subpart F
51 income, not excluding lower-tier subsidiaries' distributions of

1 such income which were previously taxed, determined without
2 regard to Federal treaties and the apportionment factors related
3 to that income; any item of income received by a controlled
4 foreign corporation and the apportionment factors related to
5 such income shall be excluded if the corporation establishes to
6 the satisfaction of the Secretary of Revenue that such income
7 was subject to an effective rate of income tax imposed by a
8 foreign country greater than ninety per cent of the maximum rate
9 of tax specified in section 11 of the Internal Revenue Code of
10 1986. The effective rate of income tax determination shall be
11 based upon the methodology set forth under 26 CFR 1.954-1
12 (relating to foreign base company income).

13 (vi) Any member that is not described in subparagraph (i),
14 (ii), (iii), (iv) or (v) and that is doing business in a tax
15 haven. The business income of the combined unitary income and
16 apportionment factors of a corporation doing business in a tax
17 haven shall be excluded if the corporation establishes to the
18 satisfaction of the Secretary of Revenue that the member's
19 income was subject to an effective rate of income tax imposed by
20 a country greater than ninety per cent of the maximum rate of
21 tax specified in section 11 of the Internal Revenue Code of
22 1986.

23 (14) "Commonly controlled group." For a corporation, the
24 corporation is a member of a group of two or more corporations
25 and more than fifty per cent of the voting stock or controlling
26 interest of each member of the group is directly or indirectly
27 owned by a common owner or by common owners, either corporate or
28 noncorporate, or by one or more of the member corporations of
29 the group.

30 (15) "Combined unitary income." The aggregate taxable
31 income or loss of all members of a unitary business, subject to
32 apportionment, except:

33 (i) Income from an intercompany transaction between members
34 of a unitary business shall be deferred in a manner similar to
35 26 CFR 1.1502-13 (relating to intercompany transactions).

36 (ii) Dividends paid by one member of a unitary business to
37 another to the extent those dividends are included in business
38 income of the payee corporation.

39 (iii) Income of the following corporations is not included
40 in the determination of combined business income:

41 (A) any entity subject to taxation under Article VII, VIII,
42 IX or XV;

43 (B) any entity specified in the definition of "institution"
44 in section 701.5 that would be subject to taxation under Article
45 VII, were it doing business in this State, as defined in section
46 701.5;

47 (C) any entity commonly known as a title insurance company
48 that would be subject to taxation under Article VIII, were it
49 incorporated in this State;

50 (D) any entity specified as an insurance company,
51 association or exchange in Article IX that would be subject to

1 taxation under Article IX, were it transacting insurance
2 business in this State;

3 (E) any entity specified in the definition of "institution"
4 in section 1501 that would be subject to taxation under Article
5 XV, were it located, as defined in section 1501, in this State;
6 or

7 (F) any entity that is a small corporation as defined in
8 section 301(s.2).

9 (16) "Member." A corporation that is a member of a unitary
10 business. The term does not include a corporation listed in
11 paragraph (15) (C).

12 Section 2. Section 402 of the act is amended to read:

13 Section 402. Imposition of Tax.--(a) A corporation shall be
14 subject to and shall pay an excise tax for exercising, whether
15 in its own name or through any person, association, business
16 trust, corporation, joint venture, limited liability company,
17 limited partnership, partnership or other entity, any of the
18 following privileges:

19 (1) Doing business in this Commonwealth.

20 (2) Carrying on activities in this Commonwealth, including
21 solicitation which is not protected activity under the act of
22 September 14, 1959 (Public Law 86-272, 15 U.S.C. § 381 et seq.).

23 (3) Having capital or property employed or used in this
24 Commonwealth.

25 (4) Owning property in this Commonwealth.

26 (b) The annual rate of tax on corporate net income imposed
27 by subsection (a) for taxable years beginning for the calendar
28 year or fiscal year on or after the dates set forth shall be as
29 follows:

Taxable Year	Tax Rate
January 1, 1995, [and each taxable year thereafter] <u>through</u> <u>December 31, 2019</u>	9.99%
<u>January 1, 2020,</u> <u>through December</u> <u>31, 2020</u> <u>9.49%</u>
<u>January 1, 2021,</u> <u>through December</u> <u>31, 2021</u> <u>8.99%</u>
<u>January 1, 2022,</u> <u>through December</u> <u>31, 2022</u> <u>8.49%</u>
<u>January 1, 2023, and</u> <u>each taxable year</u> <u>thereafter</u> <u>7.99%</u>

47 (c) An entity subject to taxation under Article VII, VIII,
48 IX or XV shall not be subject to the tax imposed by this
49 article.

50 Section 3. Section 403 of the act is amended by adding
51 subsections to read:

1 Section 403. Reports and Payment of Tax.--* * *

2 (a.1) (1) Each corporation that is a member of a unitary
3 business that consists of two or more corporations, unless
4 excluded by the provisions of this article, shall file as part
5 of a combined annual report. The corporations of the unitary
6 business shall designate one member that is subject to tax under
7 this article to file the combined annual report and to act as
8 agent on behalf of all other members of the unitary business.
9 Each corporation that is a member of a unitary business is
10 liable for its tax liability under this article. The agent is
11 also liable for the aggregate amount of the unitary business'
12 tax liability pursuant to this article.

13 (2) The oath or affirmation of the designated member's
14 president, vice president or other principal officer and of the
15 member's treasurer or assistant treasurer shall constitute the
16 oath or affirmation of each corporation that is a member of that
17 unitary business.

18 (3) The designated member shall transmit to the department
19 upon a form prescribed by the department an annual combined
20 report under oath or affirmation of the member's president, vice
21 president or other principal officer and of the member's
22 treasurer or assistant treasurer.

23 (4) In addition to the information required in subsection
24 (a), the report shall set forth:

25 (i) All corporations included in the unitary business.

26 (ii) All necessary data, both in the aggregate and for each
27 corporation of the unitary business, that sets forth the
28 determination of tax liability for each corporation of the
29 unitary business.

30 (iii) Any other information that the department may require.

31 (a.2) A corporation that is a member of a unitary business
32 of two or more corporations must determine the corporation's
33 business income and apportionment factors on a water's-edge
34 basis.

35 * * *

36 Section 4. Section 404 of the act is amended to read:

37 Section 404. Consolidated Reports.--The department shall not
38 permit any corporation owning or controlling, directly or
39 indirectly, any of the voting capital stock of another
40 corporation or of other corporations, subject to the provisions
41 of this article, to make a consolidated report[, showing the
42 combined net income].

43 Section 5. Section 3003.3(d) of the act is amended and the
44 section is amended by adding a subsection to read:

45 Section 3003.3. Underpayment of Estimated Tax.--* * *

46 (d) Notwithstanding the provisions of [the preceding
47 subsections,] this section, other than as set forth in
48 subsection (d.1), interest with respect to any underpayment of
49 any installment of estimated tax shall not be imposed if the
50 total amount of all payments of estimated tax made on or before
51 the last date prescribed for the payment of such installment

1 equals or exceeds the amount which would have been required to
2 be paid on or before such date if the estimated tax were an
3 amount equal to the tax computed at the rates applicable to the
4 taxable year, including any minimum tax imposed, but otherwise
5 on the basis of the facts shown on the report of the taxpayer
6 for, and the law applicable to, the safe harbor base year,
7 adjusted for any changes to sections 401, 601, 602 and 1101
8 enacted for the taxable year, if a report showing a liability
9 for tax was filed by the taxpayer for the safe harbor base year.
10 If the total amount of all payments of estimated tax made on or
11 before the last date prescribed for the payment of such
12 installment does not equal or exceed the amount required to be
13 paid per the preceding sentence, but such amount is paid after
14 the date the installment was required to be paid, then the
15 period of underpayment shall run from the date the installment
16 was required to be paid to the date the amount required to be
17 paid per the preceding sentence is paid. Provided, that if the
18 total tax for the safe harbor base year exceeds the tax shown on
19 such report by ten per cent or more, the total tax adjusted to
20 reflect the current tax rate shall be used for purposes of this
21 subsection. In the event that the total tax for the safe harbor
22 base year exceeds the tax shown on the report by ten per cent or
23 more, interest resulting from the utilization of such total tax
24 in the application of the provisions of this subsection shall
25 not be imposed if, within forty-five days of the mailing date of
26 each assessment, payments are made such that the total amount of
27 all payments of estimated tax equals or exceeds the amount which
28 would have been required to be paid on or before such date if
29 the estimated tax were an amount equal to the total tax adjusted
30 to reflect the current tax rate. In any case in which the
31 taxable year for which an underpayment of estimated tax may
32 exist is a short taxable year, in determining the tax shown on
33 the report or the total tax for the safe harbor base year, the
34 tax will be reduced by multiplying it by the ratio of the number
35 of installment payments made in the short taxable year to the
36 number of installment payments required to be made for the full
37 taxable year.

38 (d.1) With respect to any underpayment of an installment of
39 estimated corporate net income tax for any tax year that begins
40 in taxable year 2019 or 2020 by a corporation required to file a
41 combined report pursuant to section 403(a.1)(1), interest shall
42 not be imposed if the total amount of all payments of estimated
43 corporate net income tax made on or before the last date
44 prescribed for the payment of such installment equals or exceeds
45 the amount which would have been required to be paid on or
46 before such date if the estimated tax were an amount equal to
47 the combined tax shown on the reports of all the members of the
48 unitary business for the safe harbor base year computed at the
49 rate applicable to the taxable year.

50 Section 6. The following shall apply:

51 (a) Except as provided in subsection (b), the amendment of

1 sections 401, 402, 403, 404 and 3003.3 of the act shall apply to
2 taxable years beginning after December 31, 2018.
3 (b) The amendments of section 401(3)1(r) and (s) and 4 of
4 the act shall apply to taxable years beginning after December
5 31, 2017.
6 Section 7. This act shall take effect July 1, 2018, or
7 immediately, whichever is later.