

HOUSE BILL No. 5248

August 19, 2009, Introduced by Reps. McMillin and Lund and referred to the Committee on Families and Children's Services.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 367 (MCL 206.367), as added by 2008 PA 79; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 367. (1) ~~An~~ **FOR TAX YEARS THAT BEGIN BEFORE APRIL 1,**
2 **2009, AN** eligible production company may claim a credit for a state
3 certified qualified production against the tax deducted and
4 withheld under this chapter equal to the amount of the credit the
5 eligible production company is eligible to claim for the state
6 certified qualified production under section 455 of the Michigan
7 business tax act, 2007 PA 36, MCL 208.1455. An eligible production
8 company shall not claim a credit under this section for any of the
9 following:

10 (a) A credit or portion of a credit the eligible production

1 company claims under section 455 of the Michigan business tax act,
2 2007 PA 36, MCL 208.1455.

3 (b) A credit or portion of a credit that another taxpayer
4 claims under this section or under section 455 of the Michigan
5 business tax act, 2007 PA 36, MCL 208.1455.

6 (2) The credit allowed under this section shall not exceed the
7 tax liability of the eligible production company under this act for
8 the tax year. The credit under this section shall be claimed after
9 all other credits under this act.

10 (3) The amount of the credit under this section shall be
11 reduced by a credit application and redemption fee equal to 0.5% of
12 the credit claimed, which shall be paid by the taxpayer claiming
13 the credit and be deposited by the department in the Michigan film
14 promotion fund.

15 (4) To the extent not withheld by a professional services
16 corporation or professional employer organization, payments to the
17 professional services corporation or professional employer
18 organization for the services of a performing artist or a crew
19 member that qualify for the credit under this section or section
20 455 of the Michigan business tax act, 2007 PA 36, MCL 208.1455, are
21 subject to withholding by the eligible production company as
22 provided under section 351.

23 (5) As used in this section, "eligible production company",
24 "Michigan film promotion fund", and "state certified qualified
25 production" mean those terms as defined under section 455 of the
26 Michigan business tax act, 2007 PA 36, MCL 208.1455.

27 Enacting section 1. Section 367 of the income tax act of 1967,

1 1967 PA 281, MCL 206.367, is repealed effective December 31, 2009.