

HOUSE BILL No. 4940

September 13, 2011, Introduced by Rep. Gilbert and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 701 (MCL 206.701), as added by 2011 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 701. As used in this part:

2 (a) "Casino" means that term as defined in section 110.

3 (b) "Casino licensee" means a person licensed to operate a
4 casino under the Michigan gaming control and revenue act, 1996 IL
5 1, MCL 432.201 to 432.226.

6 (c) "Eligible production company" means that term as defined
7 under section 455 of the Michigan business tax act, 2007 PA 36, MCL
8 208.1455.

9 (d) "Flow-through entity" means an entity that for the
10 applicable tax year is treated as an S corporation under section

1 1362(a) of the internal revenue code, a general partnership, a
2 limited partnership, a limited liability partnership, ~~a trust,~~ or a
3 limited liability company, that for the applicable tax year is not
4 taxed as a corporation for federal income tax purposes.

5 (e) "Member" means a shareholder of an S corporation, a
6 partner in a general partnership, a limited partnership, or a
7 limited liability partnership, a member of a limited liability
8 company, or a beneficiary of a trust, that is a flow-through
9 entity.

10 (f) "Nonresident" means an individual who is not a resident of
11 or domiciled in this state, a business entity that does not have
12 its commercial domicile in this state, or a trust not organized in
13 this state.

14 **(G) "PARTNERSHIP" MEANS A TAXPAYER THAT IS REQUIRED TO OR HAS**
15 **ELECTED TO FILE AS A PARTNERSHIP FOR FEDERAL INCOME TAX PURPOSES.**

16 **(H) "PUBLICLY TRADED PARTNERSHIP" MEANS THAT TERM AS DEFINED**
17 **UNDER SECTION 7704 OF THE INTERNAL REVENUE CODE.**

18 **(I) ~~(g)~~**"Race meeting licensee" and "track licensee" mean a
19 person to whom a race meeting license or track license is issued
20 pursuant to section 8 of the horse racing law of 1995, 1995 PA 279,
21 MCL 431.308.

22 **(J) ~~(h)~~**"S corporation" means a corporation electing taxation
23 under subchapter S of chapter 1 of subtitle A of the internal
24 revenue code, sections 1361 to 1379 of the internal revenue code.

25 Enacting section 1. This amendatory act takes effect January
26 1, 2012.