

# HOUSE BILL No. 5699

May 29, 2012, Introduced by Reps. McBroom, Hughes, Heise, Bumstead, Horn, MacMaster, Denby, Graves, Cotter, Glardon, Gilbert and Price and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 2011 PA 38.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 51. (1) For receiving, earning, or otherwise acquiring  
2 income from any source whatsoever, there is levied and imposed  
3 under this part upon the taxable income of every person other than  
4 a corporation a tax at the following rates in the following  
5 circumstances:

- 6           (a) Before May 1, 1994, 4.6%.
- 7           (b) After April 30, 1994 and before January 1, 2000, 4.4%.
- 8           (c) For tax years that begin on and after January 1, 2000 and  
9 before January 1, 2002, 4.2%.
- 10          (d) For tax years that begin on and after January 1, 2002 and

1 before January 1, 2003, 4.1%.

2 (e) On and after January 1, 2003 and before July 1, 2004,  
3 4.0%.

4 (f) On and after July 1, 2004 and before October 1, 2007,  
5 3.9%.

6 (g) On and after October 1, 2007 and before ~~January 1, 2013,~~  
7 **OCTOBER 1, 2012**, 4.35%.

8 (h) Beginning on and after ~~January 1, 2013,~~ **OCTOBER 1, 2012**,  
9 4.25%.

10 (2) The following percentages of the net revenues collected  
11 under this section shall be deposited in the state school aid fund  
12 created in section 11 of article IX of the state constitution of  
13 1963:

14 (a) Beginning October 1, 1994 and before October 1, 1996,  
15 14.4% of the gross collections before refunds from the tax levied  
16 under this section.

17 (b) After September 30, 1996 and before January 1, 2000, 23.0%  
18 of the gross collections before refunds from the tax levied under  
19 this section.

20 (c) Beginning January 1, 2000, that percentage of the gross  
21 collections before refunds from the tax levied under this section  
22 that is equal to 1.012% divided by the income tax rate levied under  
23 this section.

24 (3) The department shall annualize rates provided in  
25 subsection (1) as necessary for tax years that end after April 30,  
26 1994. The applicable annualized rate shall be imposed upon the  
27 taxable income of every person other than a corporation for those

1 tax years.

2 (4) The taxable income of a nonresident shall be computed in  
3 the same manner that the taxable income of a resident is computed,  
4 subject to the allocation and apportionment provisions of this  
5 part.

6 (5) A resident beneficiary of a trust whose taxable income  
7 includes all or part of an accumulation distribution by a trust, as  
8 defined in section 665 of the internal revenue code, shall be  
9 allowed a credit against the tax otherwise due under this part. The  
10 credit shall be all or a proportionate part of any tax paid by the  
11 trust under this part for any preceding taxable year that would not  
12 have been payable if the trust had in fact made distribution to its  
13 beneficiaries at the times and in the amounts specified in section  
14 666 of the internal revenue code. The credit shall not reduce the  
15 tax otherwise due from the beneficiary to an amount less than would  
16 have been due if the accumulation distribution were excluded from  
17 taxable income.

18 (6) The taxable income of a resident who is required to  
19 include income from a trust in his or her federal income tax return  
20 under the provisions of 26 USC 671 to 679, shall include items of  
21 income and deductions from the trust in taxable income to the  
22 extent required by this part with respect to property owned  
23 outright.

24 (7) It is the intention of this section that the income  
25 subject to tax of every person other than corporations shall be  
26 computed in like manner and be the same as provided in the internal  
27 revenue code subject to adjustments specifically provided for in

1 this part.

2 (8) As used in this section:

3 (a) "Person other than a corporation" means a resident or  
4 nonresident individual or any of the following:

5 (i) A partner in a partnership as defined in the internal  
6 revenue code.

7 (ii) A beneficiary of an estate or a trust as defined in the  
8 internal revenue code.

9 (iii) An estate or trust as defined in the internal revenue  
10 code.

11 (b) "Taxable income" means taxable income as defined in this  
12 part subject to the applicable source and attribution rules  
13 contained in this part.