

HOUSE BILL No. 5207

September 21, 2005, Introduced by Reps. Virgil Smith, Huizenga, Gaffney, Lipsey, Sheen, Ball, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Proos, Gosselin, Amos, Vander Veen, Taub, Brandenburg, Rocca, Tobocman, Condino, Marleau and Kolb and referred to the Committee on Tax Policy.

A bill to amend 1975 PA 228, entitled
"Single business tax act,"
(MCL 208.1 to 208.145) by adding section 35e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 35E. AS USED IN SECTION 35D:

(A) "MOTION PICTURE" MEANS A FEATURE-LENGTH FILM DISTRIBUTED
IN 2 OR MORE STATES THAT IS A PRODUCTION FOR WHICH RECORDS ARE NOT
REQUIRED TO BE MAINTAINED WITH RESPECT TO ANY PERFORMER IN THE
PRODUCTION UNDER 18 USC 2257, OR TELEVISION SERIES MADE IN THIS
STATE IN WHOLE OR IN PART FOR THEATRICAL OR TELEVISION VIEWING OR
AS A TELEVISION PILOT. MOTION PICTURE DOES NOT INCLUDE PRODUCTION
OF TELEVISION COVERAGE OF NEWS AND SPORTING EVENTS.

(B) "MOTION PICTURE PRODUCTION COMPANY" MEANS A COMPANY IN THE
BUSINESS OF PRODUCING MOTION PICTURES. HOWEVER, MOTION PICTURE
PRODUCTION COMPANY DOES NOT INCLUDE A COMPANY OWNED, AFFILIATED, OR

1 CONTROLLED, IN WHOLE OR IN PART, BY A COMPANY OR INDIVIDUAL THAT IS
2 IN DEFAULT ON A LOAN MADE BY THE STATE OR A LOAN GUARANTEED BY THE
3 STATE.

4 (C) "OBSCENE MATTER OR AN OBSCENE PERFORMANCE" MEANS MATTER OR
5 A PERFORMANCE THAT MEETS ALL OF THE FOLLOWING CONDITIONS:

6 (i) THE AVERAGE PERSON, APPLYING CONTEMPORARY COMMUNITY
7 STANDARDS, FINDS THAT THE DOMINANT THEME OF THE MATTER OR
8 PERFORMANCE, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST IN
9 SEX.

10 (ii) THE MATTER OR PERFORMANCE DEPICTS OR DESCRIBES, IN A
11 PATENTLY OFFENSIVE WAY, SEXUAL CONDUCT.

12 (iii) THE MATTER OR PERFORMANCE, TAKEN AS A WHOLE, LACKS SERIOUS
13 LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE.

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 93rd Legislature are
16 enacted into law:

17 (a) Senate Bill No.____ or House Bill No. 5206(request no.
18 00228'05 *).

19 (b) Senate Bill No.____ or House Bill No. 5204(request no.
20 00229'05 *).

21 (c) Senate Bill No.____ or House Bill No. 5205(request no.
22 00230'05 *).