

HOUSE BILL No. 5459

April 17, 2014, Introduced by Reps. Pettalia, McCready, Lauwers and VerHeulen and referred to the Committee on Tax Policy.

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2012 PA 226.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25. (1) All money received and collected under this act
2 shall be deposited by the department in the state treasury to the
3 credit of the general fund, except as otherwise provided in this
4 section.

5 (2) Fifteen percent of the collections of the tax imposed at a
6 rate of 4% shall be distributed to cities, villages, and townships
7 pursuant to the Glenn Steil state revenue sharing act of 1971, 1971
8 PA 140, MCL 141.901 to 141.921.

9 (3) Sixty percent of the collections of the tax imposed at a
10 rate of 4% shall be deposited in the state school aid fund

1 established in section 11 of article IX of the state constitution
2 of 1963 and distributed as provided by law. In addition, all of the
3 collections of the tax imposed at the additional rate of 2%
4 approved by the electors March 15, 1994 shall be deposited in the
5 state school aid fund.

6 (4) Not less than 27.9% of 25% of the collections of the
7 general sales tax imposed at a rate of 4% directly or indirectly on
8 fuels sold to propel motor vehicles upon highways, on the sale of
9 motor vehicles, and on the sale of the parts and accessories of
10 motor vehicles by new and used car businesses, used car businesses,
11 accessory dealer businesses, and gasoline station businesses as
12 classified by the department of treasury shall be deposited each
13 year into the comprehensive transportation fund created in section
14 10b of 1951 PA 51, MCL 247.660b.

15 (5) For the fiscal year ending September 30, 2013 only, an
16 amount equal to 18% of the collections of the tax imposed at a rate
17 of 4% under this act from the sale of motor fuel, as that term is
18 defined in section 4 of the motor fuel tax act, 2000 PA 403, MCL
19 207.1004, shall be distributed as follows:

20 (a) An amount sufficient to match available federal highway
21 funds shall be deposited into the state trunk line fund created in
22 section 11 of 1951 PA 51, MCL 247.661, for the purpose of matching
23 federal aid highway funds as those federal funds are made available
24 to this state, but not less than 39.1% subject to subdivision (c).

25 (b) After the distribution under subdivision (a), any
26 remaining balance, subject to subdivision (c), shall be distributed
27 as follows:

1 (i) 66% to the county road commissions of this state, which
2 distribution shall be administered under section 12 of 1951 PA 51,
3 MCL 247.662.

4 (ii) 34% to the cities and villages of this state, which
5 distribution shall be administered under section 13 of 1951 PA 51,
6 MCL 247.663.

7 (c) Funds distributed under this subsection shall not exceed
8 \$100,000,000.00.

9 (6) For the fiscal year ending September 30, 2013 only and
10 except as otherwise limited in this subsection after the
11 allocations and distributions are made pursuant to subsections (2)
12 and (3), an amount equal to the collections of the tax imposed at a
13 rate of 4% under this act from the sale at retail of aviation fuel
14 and aviation products shall be deposited in the state aeronautics
15 fund and shall be expended, on appropriation, only for those
16 purposes authorized in the aeronautics code of the state of
17 Michigan, 1945 PA 327, MCL 259.1 to 259.208. Not more than
18 \$10,000,000.00 shall be deposited in the state aeronautics fund
19 under this subsection. As used in this subsection, "state
20 aeronautics fund" means the state aeronautics fund created in
21 section 34 of the aeronautics code of the state of Michigan, 1945
22 PA 327, MCL 259.34.

23 **(7) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014 AND EACH**
24 **FISCAL YEAR THEREAFTER, AFTER THE ALLOCATIONS AND DISTRIBUTIONS ARE**
25 **MADE PURSUANT TO SUBSECTIONS (2), (3), AND (4), THE BALANCE OF THE**
26 **COLLECTIONS OF THE GENERAL SALES TAX IMPOSED AT A RATE OF 4%**
27 **DIRECTLY OR INDIRECTLY ON GASOLINE SHALL BE DISTRIBUTED TO THE**

1 STATE TRUNK LINE FUND, COUNTY ROAD COMMISSIONS, AND THE CITIES AND
2 VILLAGES OF THIS STATE, IN THE SAME PERCENTAGES DESCRIBED IN
3 SECTION 10(1)(J) OF 1951 PA 51, MCL 247.660, AND SHALL BE USED FOR
4 THE PURPOSES PROVIDED IN 1951 PA 51, MCL 247.651 TO 247.675. AS
5 USED IN THIS SUBSECTION, "GASOLINE" MEANS THAT TERM AS DEFINED IN
6 SECTION 3 OF THE MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1003.

7 (8) ~~(7)~~—An amount equal to the collections of the tax imposed
8 at a rate of 4% under this act from the sale at retail of computer
9 software as defined in section 1a shall be deposited in the
10 Michigan health initiative fund created in section 5911 of the
11 public health code, 1978 PA 368, MCL 333.5911, and shall be
12 considered in addition to, and is not intended as a replacement for
13 any other money appropriated to the department of community health.
14 The funds deposited in the Michigan health initiative fund on an
15 annual basis shall not be less than \$9,000,000.00 or more than
16 \$12,000,000.00.

17 (9) ~~(8)~~—The balance in the state general fund shall be
18 disbursed only on an appropriation or appropriations by the
19 legislature.