

HOUSE BILL No. 4310

March 7, 2017, Introduced by Reps. Dianda, Robinson, Chirkun, Gay-Dagnogo, Lasinski, Green, Ellison, Camilleri, Cochran, Peterson, LaGrand and Lucido and referred to the Committee on Tax Policy.

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2016 PA 431.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) Subject to subsection (2), the following are
2 exempt from the tax under this act:

3 (a) A sale of tangible personal property not for resale to a
4 nonprofit school, nonprofit hospital, or nonprofit home for the
5 care and maintenance of children or aged persons operated by an
6 entity of government, a regularly organized church, religious, or
7 fraternal organization, a veterans' organization, or a corporation
8 incorporated under the laws of this state, if the income or benefit
9 from the operation does not inure, in whole or in part, to an
10 individual or private shareholder, directly or indirectly, and if

1 the activities of the entity or agency are carried on exclusively
2 for the benefit of the public at large and are not limited to the
3 advantage, interests, and benefits of its members or any restricted
4 group. A sale of tangible personal property to a parent cooperative
5 preschool is exempt from taxation under this act. As used in this
6 subdivision, "parent cooperative preschool" means a nonprofit,
7 nondiscriminatory educational institution, maintained as a
8 community service and administered by parents of children currently
9 enrolled in the preschool, that provides an educational and
10 developmental program for children younger than compulsory school
11 age, that provides an educational program for parents, including
12 active participation with children in preschool activities, that is
13 directed by qualified preschool personnel, and that is licensed
14 pursuant to 1973 PA 116, MCL 722.111 to 722.128.

15 (b) A sale of tangible personal property not for resale to a
16 regularly organized church or house of religious worship, except
17 the following:

18 (i) Sales in activities that are mainly commercial
19 enterprises.

20 (ii) Sales of vehicles licensed for use on public highways
21 other than a passenger van or bus with a manufacturer's rated
22 seating capacity of 10 or more that is used primarily for the
23 transportation of persons for religious purposes.

24 (c) The sale of food to bona fide enrolled students by a
25 school or other educational institution not operated for profit.

26 (d) The sale of a vessel designated for commercial use of
27 registered tonnage of 500 tons or more, if produced upon special

1 order of the purchaser, and bunker and galley fuel, provisions,
2 supplies, maintenance, and repairs for the exclusive use of the
3 vessel engaged in interstate commerce.

4 (e) A sale of tangible personal property to persons engaged in
5 a business enterprise and using or consuming the tangible personal
6 property in the tilling, planting, draining, caring for, or
7 harvesting of the things of the soil; in the breeding, raising, or
8 caring for livestock, poultry, or horticultural products, including
9 transfers of livestock, poultry, or horticultural products for
10 further growth; or in the direct gathering of fish, by net, line,
11 or otherwise only by an owner-operator of the business enterprise,
12 not including a charter fishing business enterprise. This exemption
13 includes machinery that is capable of simultaneously harvesting
14 grain or other crops and biomass and machinery used for the purpose
15 of harvesting biomass. This exemption includes agricultural land
16 tile, which means fired clay or perforated plastic tubing used as
17 part of a subsurface drainage system for land, and subsurface
18 irrigation pipe, if the land tile or irrigation pipe is used in the
19 production of agricultural products as a business enterprise. This
20 exemption includes a portable grain bin, which means a structure
21 that is used or is to be used to shelter grain and that is designed
22 to be disassembled without significant damage to its component
23 parts. This exemption also includes grain drying equipment and the
24 fuel or energy source that powers that equipment for agricultural
25 purposes. This exemption also includes tangible personal property
26 affixed to or to be affixed to and directly used in the operation
27 of either a portable grain bin or grain drying equipment. This

1 exemption includes a sale of agricultural land tile, subsurface
2 irrigation pipe, portable grain bins, and grain drying equipment to
3 a person in the business of constructing, altering, repairing, or
4 improving real estate for others to the extent that it is affixed
5 to or made a structural part of real estate and is used for a
6 purpose exempt under this subsection. This exemption does not
7 include transfers of food, fuel, clothing, or any similar tangible
8 personal property for personal living or human consumption. Except
9 for agricultural land tile, subsurface irrigation pipe, portable
10 grain bins, and grain drying equipment, this exemption does not
11 include tangible personal property permanently affixed and becoming
12 a structural part of real estate. As used in this subdivision,
13 "biomass" means crop residue used to produce energy or agricultural
14 crops grown specifically for the production of energy.

15 (f) The sale of a copyrighted motion picture film or a
16 newspaper or periodical admitted under federal postal laws and
17 regulations effective September 1, 1985 as second-class mail matter
18 or as a controlled circulation publication or qualified to accept
19 legal notices for publication in this state, as defined by law, or
20 any other newspaper or periodical of general circulation,
21 established not less than 2 years, and published not less than once
22 a week. Tangible personal property used or consumed in producing a
23 copyrighted motion picture film, a newspaper published more than 14
24 times per year, or a periodical published more than 14 times per
25 year, and not becoming a component part of that film, newspaper, or
26 periodical is subject to the tax. Tangible personal property used
27 or consumed in producing a newspaper published 14 times or less per

1 year or a periodical published 14 times or less per year and that
2 portion or percentage of tangible personal property used or
3 consumed in producing an advertising supplement that becomes a
4 component part of a newspaper or periodical is exempt from the tax
5 under this subdivision. For purposes of this subdivision, tangible
6 personal property that becomes a component part of a newspaper or
7 periodical and consequently not subject to tax includes an
8 advertising supplement inserted into and circulated with a
9 newspaper or periodical that is otherwise exempt from tax under
10 this subdivision, if the advertising supplement is delivered
11 directly to the newspaper or periodical by a person other than the
12 advertiser, or the advertising supplement is printed by the
13 newspaper or periodical.

14 (g) A sale of tangible personal property to persons licensed
15 to operate commercial radio or television stations if the property
16 is used in the origination or integration of the various sources of
17 program material for commercial radio or television transmission.
18 This subdivision does not include a vehicle licensed and titled for
19 use on public highways or property used in the transmission to or
20 receiving from an artificial satellite.

21 (h) The sale of a prosthetic device, durable medical
22 equipment, or mobility enhancing equipment.

23 (i) The sale of a vehicle not for resale to a Michigan
24 nonprofit corporation organized exclusively to provide a community
25 with ambulance or fire department services.

26 (j) Before October 1, 2012, a sale of tangible personal
27 property to inmates in a penal or correctional institution

1 purchased with scrip or its equivalent issued and redeemed by the
2 institution.

3 (k) A sale of textbooks sold by a public or nonpublic school
4 to or for the use of students enrolled in any part of a
5 kindergarten through twelfth grade program.

6 (l) A sale of tangible personal property installed as a
7 component part of a water pollution control facility for which a
8 tax exemption certificate is issued pursuant to part 37 of the
9 natural resources and environmental protection act, 1994 PA 451,
10 MCL 324.3701 to 324.3708, or an air pollution control facility for
11 which a tax exemption certificate is issued pursuant to part 59 of
12 the natural resources and environmental protection act, 1994 PA
13 451, MCL 324.5901 to 324.5908.

14 (m) The sale or lease of the following to an industrial
15 laundry after December 31, 1997:

16 (i) Textiles and disposable products including, but not
17 limited to, soap, paper, chemicals, tissues, deodorizers and
18 dispensers, and all related items such as packaging, supplies,
19 hangers, name tags, and identification tags.

20 (ii) Equipment, whether owned or leased, used to repair and
21 dispense textiles including, but not limited to, roll towel
22 cabinets, slings, hardware, lockers, mop handles and frames, and
23 carts.

24 (iii) Machinery, equipment, parts, lubricants, and repair
25 services used to clean, process, and package textiles and related
26 items, whether owned or leased.

27 (iv) Utilities such as electric, gas, water, or oil.

1 (v) Production washroom equipment and mending and packaging
2 supplies and equipment.

3 (vi) Material handling equipment including, but not limited
4 to, conveyors, racks, and elevators and related control equipment.

5 (vii) Wastewater pretreatment equipment and supplies and
6 related maintenance and repair services.

7 (n) A sale of tangible personal property to a person holding a
8 direct payment permit under section 8 of the use tax act, 1937 PA
9 94, MCL 205.98.

10 (O) **THE SALE OF UROLOGICAL SUPPLIES, INCONTINENCE PRODUCTS,
11 AND FEMININE HYGIENE PRODUCTS. AS USED IN THIS SUBDIVISION:**

12 (i) **"FEMININE HYGIENE PRODUCTS" MEANS TAMPONS; SANITARY
13 NAPKINS; FEMININE WIPES, CREAMS, AND WASHES; AND OTHER SIMILAR
14 TANGIBLE PERSONAL PROPERTY.**

15 (ii) **"INCONTINENCE PRODUCTS" MEANS DIAPERS, WATERPROOF PANTS,
16 PROTECTIVE UNDERWEAR, INCONTINENCE PADS, AND OTHER SIMILAR TANGIBLE
17 PERSONAL PROPERTY.**

18 (iii) **"UROLOGICAL SUPPLIES" MEANS SUPPLIES USED TO MANAGE
19 URINARY OR BLADDERS FUNCTIONS, WHETHER THEY ARE CONTROLLED OR
20 UNCONTROLLED, SUCH AS CATHETER KITS, DISPOSABLE AND REUSABLE LEG
21 BAGS, LEG BAG STRAPS, AND OTHER SIMILAR TANGIBLE PERSONAL PROPERTY.**

22 (2) The tangible personal property under subsection (1) is
23 exempt only to the extent that that property is used for the exempt
24 purpose if one is stated in subsection (1). The exemption is
25 limited to the percentage of exempt use to total use determined by
26 a reasonable formula or method approved by the department.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. It is the intent of the legislature to
3 annually appropriate sufficient funds from the state general fund
4 to the state school aid fund created in section 11 of article IX of
5 the state constitution of 1963 to fully compensate for any loss of
6 revenue to the state school aid fund resulting from the enactment
7 of this amendatory act.