

**SUBSTITUTE FOR
HOUSE BILL NO. 4554**

A bill to amend 1937 PA 94, entitled
"Use tax act,"
by amending section 21 (MCL 205.111), as amended by 2023 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) Except as otherwise provided in this section, all
2 money received and collected under this act must be deposited by
3 the department of treasury in the state treasury to the credit of
4 the general fund, to be disbursed only by appropriations by the
5 legislature.

6 (2) The collections from the use tax imposed at the additional
7 rate of 2% approved by the electors on March 15, 1994 must be
8 deposited in the state school aid fund.

9 (3) In addition to the money deposited in the state school aid

1 fund under subsection (2), from the money received and collected
2 under this act for the state share, an amount equal to the sum of
3 the following, as determined by the department, must be deposited
4 in the state school aid fund:

5 (a) All revenue lost under the state education tax act, 1993
6 PA 331, MCL 211.901 to 211.906, as a result of the exemption of
7 personal property under sections 9m, 9n, and 9o of the general
8 property tax act, 1893 PA 206, MCL 211.9m, 211.9n, and 211.9o.

9 (b) All revenue lost from basic school operating mills as a
10 result of the exemption of personal property under sections 9m, 9n,
11 and 9o of the general property tax act, 1893 PA 206, MCL 211.9m,
12 211.9n, and 211.9o.

13 (c) All revenue lost to the state school aid fund as a result
14 of the exemption under section 4(1)(gg).

15 (d) All revenue lost to the state school aid fund as a result
16 of the exemption under section 4cc. A person that claims an
17 exemption under section 4cc shall report the purchase price of the
18 data center equipment as defined in section 4cc and any other
19 information necessary to determine the amount of revenue lost to
20 the state school aid fund as a result of the exemption under
21 section 4cc annually on a form at the time and in a manner
22 prescribed by the department. The report required under this
23 subdivision must not include any remittance for tax and does not
24 constitute a return or otherwise alleviate the person's obligations
25 under section 6.

26 (e) All revenue lost to the state school aid fund as a result
27 of the exclusion under section 2(1)(f)(xv).

28 (4) Money received and collected under this act for the local
29 community stabilization share is not state funds, must not be

1 credited to the state treasury, and must be transmitted to the
2 authority for deposit in the treasury of the authority, to be
3 disbursed by the authority only as authorized under the local
4 community stabilization authority act, 2014 PA 86, MCL 123.1341 to
5 123.1362. The local community stabilization share is a local tax,
6 not a state tax, and money received and collected for the local
7 community stabilization share is money of the authority and not
8 money of this state.

9 (5) Beginning October 1, 2016 and the first day of each
10 calendar quarter thereafter, from the money received and collected
11 under this act for the state share, an amount equal to the
12 collections for the calendar quarter that is 2 calendar quarters
13 immediately preceding the current calendar quarter of the tax
14 imposed under this act at the additional rate of 2% approved by the
15 electors on March 15, 1994 from the use, storage, or consumption of
16 aviation fuel must be distributed as follows:

17 (a) An amount equal to 35% of the collections of the tax
18 imposed at a rate of 2% on the use, storage, or consumption of
19 aviation fuel must be deposited in the state aeronautics fund and
20 must be expended, on appropriation, only for those purposes
21 authorized in the aeronautics code of the state of Michigan, 1945
22 PA 327, MCL 259.1 to 259.208.

23 (b) An amount equal to 65% of the collections of the tax
24 imposed at a rate of 2% on the use, storage, or consumption of
25 aviation fuel must be deposited in the qualified airport fund and
26 must be expended, on appropriation, only for those purposes
27 authorized under section 35 of the aeronautics code of the state of
28 Michigan, 1945 PA 327, MCL 259.35.

29 (6) The department shall, on an annual basis, reconcile the

1 amounts distributed under subsection (5) during each fiscal year
2 with the amounts actually collected for a particular fiscal year
3 and shall make any necessary adjustments, positive or negative, to
4 the amounts to be distributed for the next successive calendar
5 quarter that begins January 1. The state treasurer or the state
6 treasurer's designee shall annually provide to the operator of each
7 qualified airport a report of the reconciliation performed under
8 this subsection. The reconciliation report is subject to the
9 confidentiality restrictions and penalties provided in section
10 28(1)(f) of 1941 PA 122, MCL 205.28.

11 **(7) Beginning with the fiscal year ending September 30, 2024**
12 **and each fiscal year thereafter, from the money received and**
13 **collected under this act for the state share, \$75,000,000.00 must**
14 **be deposited into the local government reimbursement fund created**
15 **in section 3a of the Michigan trust fund act, 2000 PA 489, MCL**
16 **12.253a.**

17 (8) ~~(7)~~—As used in this section:

18 (a) "Aviation fuel" means fuel as that term is defined in
19 section 4 of the aeronautics code of the state of Michigan, 1945 PA
20 327, MCL 259.4.

21 (b) "Qualified airport" means that term as defined in section
22 109 of the aeronautics code of the state of Michigan, 1945 PA 327,
23 MCL 259.109.

24 (c) "Qualified airport fund" means the qualified airport fund
25 created in section 34(2) of the aeronautics code of the state of
26 Michigan, 1945 PA 327, MCL 259.34.

27 (d) "State aeronautics fund" means the state aeronautics fund
28 created in section 34(1) of the aeronautics code of the state of
29 Michigan, 1945 PA 327, MCL 259.34.

1 (e) "State school aid fund" means the state school aid fund
2 established in section 11 of article IX of the state constitution
3 of 1963.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 102nd Legislature are
6 enacted into law:

7 (a) Senate Bill No. 331.

8 (b) House Bill No. 4553.