

**SUBSTITUTE FOR  
HOUSE BILL NO. 5889**

A bill to amend 1933 PA 167, entitled  
"General sales tax act,"  
by amending section 4a (MCL 205.54a), as amended by 2012 PA 126.

**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  
11 the activities of the entity or agency are carried on exclusively

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

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

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

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

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

25 (d) The sale of a vessel designated for commercial use of  
26 registered tonnage of 500 tons or more, if produced upon special  
27 order of the purchaser, and bunker and galley fuel, provisions,

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supplies, maintenance, and repairs for the exclusive use of the vessel engaged in interstate commerce.

(e) A sale of tangible personal property to persons engaged in a business enterprise and using or consuming the tangible personal property in the tilling, planting, **DRAINING**, **[FOR AGRICULTURAL PURPOSES]** caring for, or

harvesting of the things of the soil; in the breeding, raising, or caring for livestock, poultry, or horticultural products, including transfers of livestock, poultry, or horticultural products for further growth; or in the direct gathering of fish, by net, line, or otherwise only by an owner-operator of the business enterprise, not including a charter fishing business enterprise. This exemption includes machinery that is capable of simultaneously harvesting grain or other crops and biomass and machinery used for the purpose of harvesting biomass. This exemption includes agricultural land tile, which means fired clay or perforated plastic tubing used as part of a subsurface drainage system for land, and subsurface irrigation pipe, if the land tile or irrigation pipe is used in the production of agricultural products as a business enterprise. [

] This exemption includes a portable grain bin, which means a structure that is used or is to be used to shelter grain and that is designed to be disassembled without significant damage to its component parts. This exemption also includes grain drying equipment and ~~natural or propane gas used to fuel~~ **THE FUEL OR ENERGY SOURCE THAT POWERS** that equipment for agricultural purposes. **THIS EXEMPTION**

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1 ALSO INCLUDES TANGIBLE PERSONAL PROPERTY AFFIXED TO OR TO BE  
2 AFFIXED TO AND DIRECTLY USED IN THE OPERATION OF EITHER A PORTABLE  
3 GRAIN BIN OR GRAIN DRYING EQUIPMENT. THIS EXEMPTION INCLUDES A SALE  
4 OF AGRICULTURAL LAND TILE, [SUBSURFACE IRRIGATION PIPE,] PORTABLE GRAIN  
5 BINS, AND GRAIN DRYING  
6 EQUIPMENT TO A PERSON IN THE BUSINESS OF CONSTRUCTING, ALTERING,  
7 REPAIRING, OR IMPROVING REAL ESTATE FOR OTHERS TO THE EXTENT THAT  
8 IT IS AFFIXED TO OR MADE A STRUCTURAL PART OF REAL ESTATE AND IS  
9 USED FOR A PURPOSE EXEMPT UNDER THIS SUBSECTION. This exemption  
10 does not include transfers of food, fuel, clothing, or any similar  
11 tangible personal property for personal living or human  
12 consumption. ~~This~~ EXCEPT FOR AGRICULTURAL LAND TILE, [SUBSURFACE  
13 IRRIGATION PIPE,] PORTABLE GRAIN  
14 BINS, AND GRAIN DRYING EQUIPMENT, THIS exemption does not include  
15 tangible personal property permanently affixed and becoming a  
16 structural part of real estate. As used in this subdivision,  
17 "biomass" means crop residue used to produce energy or agricultural  
18 crops grown specifically for the production of energy.

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

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

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

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

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

1           (j) Before October 1, 2012, a sale of tangible personal  
2 property to inmates in a penal or correctional institution  
3 purchased with scrip or its equivalent issued and redeemed by the  
4 institution.

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

8           (l) A sale of tangible personal property installed as a  
9 component part of a water pollution control facility for which a  
10 tax exemption certificate is issued pursuant to part 37 of the  
11 natural resources and environmental protection act, 1994 PA 451,  
12 MCL 324.3701 to 324.3708, or an air pollution control facility for  
13 which a tax exemption certificate is issued pursuant to part 59 of  
14 the natural resources and environmental protection act, 1994 PA  
15 451, MCL 324.5901 to 324.5908.

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

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

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

26           (iii) Machinery, equipment, parts, lubricants, and repair  
27 services used to clean, process, and package textiles and related

1 items, whether owned or leased.

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

3 (v) Production washroom equipment and mending and packaging  
4 supplies and equipment.

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

7 (vii) Wastewater pretreatment equipment and supplies and  
8 related maintenance and repair services.

9 (n) A sale of tangible personal property to a person holding a  
10 direct payment permit under section 8 of the use tax act, 1937 PA  
11 94, MCL 205.98.

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