

HOUSE BILL No. 5578

March 8, 1990, Introduced by Reps. DeLange, Stabenow, Martin, Stacey, Gilmer, Wartner, London, Allen, Bandstra, Krause, Honigman, Munsell, Crandall, Jaye, Mathieu, Weeks, Kulchitsky, Fitzgerald, Hillegonds, Van Singel, Bankes, Hoekman, DeMars, Kosteva, Griffin, Pitoniak, Niederstadt, Hertel, Ouwinga, Stupak, Van Regenmorter and Hickner and referred to the Committee on Taxation.

A bill to amend section 3 of Act No. 301 of the Public Acts of 1939, entitled as amended

"An act to provide for the imposition and the collection of a specific tax upon the privilege of ownership of intangible personal property and on certain enterprises having possession of intangible personal property of another; to define owners of intangible personal property; to provide for the disposition of the proceeds thereof; to prescribe the powers and duties of the department of revenue with respect thereto; to prescribe penalties; to make an appropriation to carry out the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

being section 205.133 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 301 of the Public Acts of
2 1939, being section 205.133 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) ~~(a)~~ In computing the tax imposed under this
5 act for a tax year, ALL OF the following deductions may be made:

1 (A) ~~(1) Beginning with the calendar year 1973, or a fiscal~~
 2 ~~year ending after June 30, 1973, from~~ FROM the total tax as com-
 3 puted ~~in accordance with~~ UNDER section 2, the sum of \$175.00.
 4 The total deduction from the tax by a husband and wife filing a
 5 joint return shall not exceed \$350.00. For a tax return covering
 6 a period of less than 1 year, the deduction shall be reduced
 7 proportionately. The deduction ~~shall~~ IS not ~~be~~ allowed in
 8 connection with the tax imposed under this act on ~~moneys~~ MONEY
 9 on hand or in transit or on deposit in a bank or shares of stock
 10 in building and loan or savings and loan associations.

11 (B) ~~(2)~~ From real estate mortgages receivable and land
 12 contracts receivable, mortgages payable and land contracts pay-
 13 able on the same property covered by the ~~mortgage~~ MORTGAGES or
 14 land ~~contract~~ CONTRACTS receivable.

15 (2) ~~(b) The~~ ALL OF THE following ~~shall be~~ ARE exempt
 16 from the tax imposed by this act:

17 (A) ~~(1)~~ Mortgages and land contracts and the evidences of
 18 indebtedness secured ~~thereby~~ BY THE MORTGAGES AND LAND
 19 CONTRACTS upon which the specific tax imposed by FORMER Act
 20 No. 91 of the Public Acts of 1911 ~~, as amended, being sections~~
 21 ~~3640 to 3649 of the Compiled Laws of 1929,~~ has been paid before
 22 September 29, 1939. ~~, or a~~

23 (B) A debt or obligation ~~which is~~ secured by a mortgage
 24 upon the real estate ~~as may be~~ owned and occupied by A library,
 25 armory, OR A benevolent, charitable, educational, ~~and~~ OR scien-
 26 tific ~~institutions~~ INSTITUTION, incorporated under the laws of
 27 this state, with the buildings and other property ~~thereon~~ ON

1 THE REAL ESTATE, while occupied by ~~them~~ THE LIBRARY, ARMORY, OR
2 BENEVOLENT, CHARITABLE, EDUCATIONAL, OR SCIENTIFIC INSTITUTION
3 solely for the purposes for which they were incorporated. ~~or~~

4 (C) A DEBT OR OBLIGATION secured by a mortgage upon a house
5 of public worship with the land on which ~~it~~ THE HOUSE OF PUBLIC
6 WORSHIP stands, the furniture ~~therein~~ IN THE HOUSE OF PUBLIC
7 WORSHIP, or ~~any~~ A parsonage owned and occupied as a parsonage
8 by ~~any~~ A regularly organized religious society of this state.

9 (D) ~~(2)~~ Bonds, notes, debts, or written or printed obliga-
10 tions upon which the specific tax imposed by FORMER Act No. 142
11 of the Public Acts of 1913, ~~as amended, being sections 3654 to~~
12 ~~3658 of the Compiled Laws of 1929,~~ was paid before September 29,
13 1939.

14 (E) ~~(3)~~ Bonds or other similar obligations of the state or
15 of a political subdivision of the state.

16 (F) ~~(4)~~ Obligations of the United States, or guaranteed as
17 to principal or interest by the United States, which are exempt
18 from taxation by reason of AN act of congress. The term "United
19 States" includes a possession, agency, or instrumentality of the
20 United States.

21 (G) ~~(5)~~ Bonds, mortgages, ~~and~~ OR other certificates of
22 indebtedness made and issued by a municipality, organization, or
23 private individual for the purpose of erecting armories in this
24 state.

25 (H) ~~(6)~~ Intangible personal property belonging to benevo-
26 lent, charitable, religious, educational, ~~and~~ OR nonprofit
27 scientific institutions incorporated under the laws of this

1 state. This exemption ~~shall~~ DOES not apply to secret or
 2 fraternal societies, ~~—~~ but the intangible personal property of
 3 charitable homes of those societies ~~shall be~~ IS exempt.

4 (I) ~~(7)~~ Intangible personal property belonging to posts of
 5 the Grand Army of the Republic, sons of veterans' unions, ~~and~~
 6 ~~of~~ OR the women's relief corps connected ~~therewith, of all~~
 7 WITH THEM, OR young men's Christian associations, young women's
 8 Christian associations, women's Christian temperance union asso-
 9 ciations, young people's Christian unions, ~~and~~ OR other similar
 10 associations.

11 (J) ~~(8)~~ Pensions, including ~~so-called "annuities"~~
 12 ANNUITIES payable under old age, retirement, or pension provi-
 13 sions of a public authority or private employer, irrespective of
 14 the source of contributions ~~thereto. All intangible~~ TO THE
 15 PENSIONS.

16 (K) INTANGIBLE personal property comprising all or a part of
 17 the assets of stock bonus, pension, or profit sharing plans or
 18 trusts ~~which~~ THAT qualify for exemption from federal income
 19 taxes under the internal revenue code. ~~—, cash—~~

20 (L) CASH surrender values and loan values of insurance
 21 policies. ~~—, annuities—~~

22 (M) ANNUITIES before the time when the periodic payments
 23 ~~thereunder shall actually~~ OF THE ANNUITIES commence. ~~—, and~~
 24 ~~royalties.~~

25 (N) ROYALTIES.

1 (O) ~~(9)~~ Intangible personal property belonging to domestic
 2 ~~and~~ OR foreign insurance companies ~~and~~ OR annuity companies
 3 lawfully doing business in this state.

4 (P) ~~(10)~~ Intangible personal property belonging to rail-
 5 road companies, union station and depot companies, telegraph com-
 6 panies, telephone companies, sleeping car companies, express com-
 7 panies, car loaning companies, stock car companies, refrigerator
 8 car companies, fast freight LINE companies, ~~and all~~ OR other
 9 companies paying the tax assessed and levied under Act No. 282 of
 10 the Public Acts of 1905, as amended, being sections 207.1 to
 11 207.21 of the Michigan Compiled Laws.

12 (Q) ~~(11)~~ Intangible personal property belonging to ~~banks,~~
 13 ~~national~~ 1 OR MORE OF THE FOLLOWING ENTITIES DOING BUSINESS IN
 14 THIS STATE UNDER WHATEVER AUTHORITY ORGANIZED:

15 (i) BANKS.

16 (ii) NATIONAL banking associations. ~~, savings~~

17 (iii) SAVINGS and loan associations. ~~, savings~~

18 (iv) SAVINGS and loan holding companies as defined in ~~12~~
 19 U.S.C. 1730a, which pursuant to that section controls a savings
 20 and loan association subsidiary located in this state, trust

21 SECTION 10(a)(1)(D) OF THE HOME OWNERS' LOAN ACT, 12

22 U.S.C. 1467a.

23 (v) TRUST companies. ~~, and incorporated~~

24 (vi) INCORPORATED bank holding companies as defined in
 25 SECTION 2 OF THE BANK HOLDING COMPANY ACT OF 1956, CHAPTER 240,
 26 70 STAT. 133, 12 U.S.C. 1841, which pursuant to ~~that~~ section 2
 27 OF THE BANK HOLDING COMPANY ACT OF 1956, control a bank, national

1 banking association, trust company, or industrial bank subsidiary
 2 located in this state. ~~, doing business in this state under~~
 3 ~~whatever authority organized.~~

4 (R) ~~(+2)~~ Intangible personal property owned by or compris-
 5 ing the assets of a person ~~or business enterprise~~ engaged in
 6 business activity as defined by section 3 of THE SINGLE BUSINESS
 7 TAX ACT, Act No. 228 of the Public Acts of 1975, as amended,
 8 being section 208.3 of the Michigan Compiled Laws, if ~~, were~~
 9 THE income received from ~~such~~ THAT intangible personal proper-
 10 ty, ~~it~~ IF ANY, would be considered, even if deducted or
 11 excluded, in determining the amount, even if zero or negative, of
 12 business income as defined by section 3 of ~~that act~~ ACT NO. 228
 13 OF THE PUBLIC ACTS OF 1975.

14 (S) ~~(+2a)~~ Intangible personal property belonging to credit
 15 unions doing business in this state ~~under whatever authority~~
 16 ~~organized~~ PURSUANT TO ACT NO. 285 OF THE PUBLIC ACTS OF 1925,
 17 BEING SECTIONS 490.1 TO 490.31 OF THE MICHIGAN COMPILED LAWS.

18 (T) ~~(+3)~~ Intangible personal property ~~which~~ THAT repre-
 19 sents other property taxed under this act or other laws of this
 20 state and is so closely identified ~~therewith~~ WITH THAT PROPERTY
 21 that to impose an additional tax under this act would be uncon-
 22 stitutional as double taxation.

23 (U) ~~(+4)~~ Shares of stock in banks, trust companies, ~~and~~
 24 OR national banking associations.

25 (V) COMPUTER SOFTWARE. AS USED IN THIS SUBDIVISION,
 26 "COMPUTER SOFTWARE" MEANS A SET OF STATEMENTS OR INSTRUCTIONS
 27 THAT WHEN INCORPORATED IN A MACHINE-USABLE MEDIUM IS CAPABLE OF

1 CAUSING A MACHINE OR DEVICE HAVING INFORMATION PROCESSING
2 CAPABILITIES TO INDICATE, PERFORM, OR ACHIEVE A PARTICULAR FUNC-
3 TION, TASK, OR RESULT. COMPUTER SOFTWARE IS CONSIDERED INTANGI-
4 BLE PERSONAL PROPERTY UNDER SECTION 1(B). THIS SUBDIVISION DOES
5 NOT AFFECT THE ABILITY OF THIS STATE TO TAX COMPUTERS OR ANY TAN-
6 GIBLE PERSONAL PROPERTY CONTAINING A COMPUTER.