

HOUSE BILL No. 5629

January 17, 2008, Introduced by Reps. Sheltroun, Lahti, LeBlanc, Stahl, Nofs, Stakoe and Walker 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 2007 PA 69.

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) For the fiscal year ending September 30, 1988 and each
7 fiscal year ending after September 30, 1988, of the 25% of the
8 collections of the general sales tax imposed at a rate of 4%
9 directly or indirectly on fuels sold to propel motor vehicles upon
10 highways, on the sale of motor vehicles and on the sale of the
11 parts and accessories of motor vehicles by new and used car
12 businesses, used car businesses, accessory dealer businesses, and
13 gasoline station businesses as classified by the department of
14 treasury remaining after the allocations and distributions are made
15 pursuant to subsections (2) and (3), the following amounts shall be
16 deposited each year into the respective funds:

17 (a) For the fiscal year ending September 30, 2003 and for the
18 fiscal year ending September 30, 2006 and each fiscal year ending
19 after September 30, 2006, not less than 27.9% to the comprehensive
20 transportation fund. For the fiscal year ending September 30, 2004
21 through the fiscal year ending September 30, 2005, not less than
22 24% to the comprehensive transportation fund. For the fiscal year
23 ending September 30, 2006 only, the amount deposited to the
24 comprehensive transportation fund under this subdivision shall be
25 reduced by \$11,100,000.00. For the fiscal year ending September 30,
26 2007 only, the amount deposited to the comprehensive transportation
27 fund under this subdivision shall be reduced by \$10,270,000.00.

1 (b) The balance to the state general fund.

2 (5) After the allocations and distributions are made pursuant
3 to subsections (2) and (3), an amount equal to the collections of
4 the tax imposed at a rate of 4% under this act from the sale at
5 retail of computer software as defined in section 1a shall be
6 deposited in the Michigan health initiative fund created in section
7 5911 of the public health code, 1978 PA 368, MCL 333.5911, and
8 shall be considered in addition to, and is not intended as a
9 replacement for any other money appropriated to the department of
10 community health. The funds deposited in the Michigan health
11 initiative fund on an annual basis shall not be less than
12 \$9,000,000.00 or more than \$12,000,000.00.

13 (6) AFTER THE ALLOCATIONS AND DISTRIBUTIONS ARE MADE PURSUANT
14 TO SUBSECTIONS (2) THROUGH (5), 1/6 OF THE COLLECTIONS OF THE TAX
15 IMPOSED AT A RATE OF 4% UNDER THIS ACT ON THE SALE OF ELIGIBLE
16 SPORTING GOODS SHALL BE DEPOSITED EACH YEAR INTO THE MICHIGAN
17 CONSERVATION AND RECREATION LEGACY FUND ESTABLISHED UNDER SECTION
18 40 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963. AS USED IN THIS
19 SECTION, "ELIGIBLE SPORTING GOODS" MEANS TANGIBLE PERSONAL PROPERTY
20 DESIGNED AND SOLD FOR USE IN A SPORT OR SPORTING ACTIVITY. ELIGIBLE
21 SPORTING GOODS DO NOT INCLUDE ANY OF THE FOLLOWING:

22 (A) APPAREL AND FOOTWEAR, EXCEPT APPAREL AND FOOTWEAR SUITABLE
23 ONLY FOR USE IN A SPORT OR SPORTING ACTIVITY.

24 (B) BOARD GAMES, ELECTRONIC GAMES, OR SIMILAR DEVICES.

25 (C) AIRCRAFT AND POWERED VEHICLES.

26 (D) REPLACEMENT PARTS AND ACCESSORIES FOR ANY TANGIBLE
27 PERSONAL PROPERTY EXCLUDED UNDER SUBDIVISIONS (A) THROUGH (C).

1 (7) ~~(6)~~—The balance in the state general fund shall be
2 disbursed only on an appropriation or appropriations by the
3 legislature.