

SENATE BILL No. 1121

February 19, 2008, Introduced by Senators BIRKHOLZ, GILBERT, JELINEK, BARCIA, ALLEN, VAN WOERKOM, CROPEY and HARDIMAN and referred to the Committee on Agriculture.

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

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

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

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

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

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

27 (d) The sale of a vessel designated for commercial use of

1 registered tonnage of 500 tons or more, if produced upon special
2 order of the purchaser, and bunker and galley fuel, provisions,
3 supplies, maintenance, and repairs for the exclusive use of the
4 vessel engaged in interstate commerce.

5 (e) A sale of tangible personal property to persons engaged in
6 a business enterprise and using or consuming the tangible personal
7 property in the tilling, planting, caring for, or harvesting of the
8 things of the soil; in the breeding, raising, or caring for
9 livestock, poultry, or horticultural products, including transfers
10 of livestock, poultry, or horticultural products for further
11 growth; or in the direct gathering of fish, by net, line, or
12 otherwise only by an owner-operator of the business enterprise, not
13 including a charter fishing business enterprise. **THIS EXEMPTION**
14 **INCLUDES MACHINERY THAT IS CAPABLE OF SIMULTANEOUSLY HARVESTING**
15 **GRAIN OR OTHER CROPS AND BIOMASS RESIDUE FROM GRAIN AND OTHER CROPS**
16 **OR MACHINERY MANUFACTURED AFTER THE EFFECTIVE DATE OF THE**
17 **AMENDATORY ACT THAT ADDED THIS SENTENCE FOR THE PURPOSE OF**
18 **HARVESTING AGRICULTURAL BIOMASS GROWN SOLELY AS AN ENERGY CROP.**

19 This exemption includes agricultural land tile, which means fired
20 clay or perforated plastic tubing used as part of a subsurface
21 drainage system for land, and subsurface irrigation pipe, if the
22 land tile or irrigation pipe is used in the production of
23 agricultural products as a business enterprise. This exemption
24 includes a portable grain bin, which means a structure that is used
25 or is to be used to shelter grain and that is designed to be
26 disassembled without significant damage to its component parts.
27 This exemption also includes grain drying equipment and natural or

1 propane gas used to fuel that equipment for agricultural purposes.
2 This exemption does not include transfers of food, fuel, clothing,
3 or any similar tangible personal property for personal living or
4 human consumption. This exemption does not include tangible
5 personal property permanently affixed and becoming a structural
6 part of real estate. **AS USED IN THIS SUBDIVISION, "BIOMASS" MEANS**
7 **CROP RESIDUE USED TO PRODUCE ENERGY OR AGRICULTURAL CROPS GROWN**
8 **SPECIFICALLY FOR THE PRODUCTION OF ALTERNATIVE ENERGY.**

9 (f) The sale of a copyrighted motion picture film or a
10 newspaper or periodical admitted under federal postal laws and
11 regulations effective September 1, 1985 as second-class mail matter
12 or as a controlled circulation publication or qualified to accept
13 legal notices for publication in this state, as defined by law, or
14 any other newspaper or periodical of general circulation,
15 established not less than 2 years, and published not less than once
16 a week. Tangible personal property used or consumed in producing a
17 copyrighted motion picture film, a newspaper published more than 14
18 times per year, or a periodical published more than 14 times per
19 year, and not becoming a component part of that film, newspaper, or
20 periodical is subject to the tax. Tangible personal property used
21 or consumed in producing a newspaper published 14 times or less per
22 year or a periodical published 14 times or less per year and that
23 portion or percentage of tangible personal property used or
24 consumed in producing an advertising supplement that becomes a
25 component part of a newspaper or periodical is exempt from the tax
26 under this subdivision. A claim for a refund for taxes paid before
27 January 1, 1999, under this subdivision shall be made before June

1 30, 1999. For purposes of this subdivision, tangible personal
2 property that becomes a component part of a newspaper or periodical
3 and consequently not subject to tax includes an advertising
4 supplement inserted into and circulated with a newspaper or
5 periodical that is otherwise exempt from tax under this
6 subdivision, if the advertising supplement is delivered directly to
7 the newspaper or periodical by a person other than the advertiser,
8 or the advertising supplement is printed by the newspaper or
9 periodical.

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

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

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

22 (j) A sale of tangible personal property to inmates in a penal
23 or correctional institution purchased with scrip or its equivalent
24 issued and redeemed by the institution.

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

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

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

11 (i) Textiles and disposable products including, but not limited
12 to, soap, paper, chemicals, tissues, deodorizers and dispensers,
13 and all related items such as packaging, supplies, hangers, name
14 tags, and identification tags.

15 (ii) Equipment, whether owned or leased, used to repair and
16 dispense textiles including, but not limited to, roll towel
17 cabinets, slings, hardware, lockers, mop handles and frames, and
18 carts.

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

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

23 (v) Production washroom equipment and mending and packaging
24 supplies and equipment.

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

27 (vii) Wastewater pretreatment equipment and supplies and

1 related maintenance and repair services.

2 (n) A sale of tangible personal property to a person holding a
3 direct payment permit under section 8 of the use tax act, 1937 PA
4 94, MCL 205.98.

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