

HOUSE BILL NO. 5582

March 05, 2020, Introduced by Reps. Hernandez and O'Malley and referred to the Committee on Appropriations.

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending sections 6a, 6c, and 25 (MCL 205.56a, 205.56c, and
205.75), section 6a as amended by 2015 PA 264, section 6c as added
by 2015 PA 262, and section 25 as amended by 2020 PA 29, and by
adding sections 4gg and 4ii.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4gg. (1) Notwithstanding section 4x(1)(b) and (2), the
2 sale at retail of aviation fuel is exempt from the tax under this
3 act as follows:



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1 (a) Beginning October 1, 2020 through September 30, 2021, the
2 sale at retail of aviation fuel is exempt from 100% of the tax
3 imposed at the additional rate of 2% approved by the electors on
4 March 15, 1994.

5 (b) Beginning October 1, 2021 through September 30, 2022, the
6 sale at retail of aviation fuel is exempt from 50% of the tax
7 imposed at a rate of 4% and 100% of the tax imposed at the
8 additional rate of 2% approved by the electors on March 15, 1994.

9 (c) Beginning October 1, 2022, the sale at retail of aviation
10 fuel is exempt from 100% of the tax levied under this act.

11 (2) As used in this section, "aviation fuel" means fuel as
12 that term is defined in section 4 of the aeronautics code of the
13 state of Michigan, 1945 PA 327, MCL 259.4.

14 Sec. 4ii. (1) The sale at retail of eligible fuel is exempt
15 from the tax under this act as follows:

16 (a) Beginning October 1, 2020 through September 30, 2021, the
17 sale at retail of eligible fuel is exempt from 100% of the tax
18 imposed at the additional rate of 2% approved by the electors on
19 March 15, 1994.

20 (b) Beginning October 1, 2021 through September 30, 2022, the
21 sale at retail of eligible fuel is exempt from 50% of the tax
22 imposed at a rate of 4% and 100% of the tax imposed at the
23 additional rate of 2% approved by the electors on March 15, 1994.

24 (c) Beginning October 1, 2022, the sale at retail of eligible
25 fuel is exempt from 100% of the tax levied under this act.

26 (2) As used in this section, "eligible fuel" means any fuel
27 subject to the tax levied under the motor fuel tax act, 2000 PA
28 403, MCL 207.1001 to 207.1170.

29 Sec. 6a. (1) Through March 31, 2013, at the time of purchase



1 or shipment from a refiner, pipeline terminal operator, or marine
2 terminal operator, a purchaser or receiver of gasoline shall prepay
3 a portion of the tax imposed by this act at the rate provided in
4 this ~~section~~**subsection** to the refiner, pipeline terminal operator,
5 or marine terminal operator for the purchase or receipt of
6 gasoline. If the purchase or receipt of gasoline is made outside
7 this state for shipment into and subsequent sale within this state,
8 the purchaser or receiver, other than a refiner, pipeline terminal
9 operator, or marine terminal operator, shall make the prepayment
10 required by this section directly to the department. Prepayments
11 for gasoline ~~shall~~**must** be made at a cents-per-gallon rate
12 determined by the department and ~~shall~~**must** be based on 6% of the
13 statewide average retail price of a gallon of self-serve unleaded
14 regular gasoline as determined and certified by the department
15 rounded up to the nearest 1/10 of 1 cent. A person that makes
16 prepayments directly to the department shall make those prepayments
17 according to the schedule in subsection (6).

18 (2) Beginning April 1, 2013 through March 31, 2016, at the
19 time of purchase or shipment from a refiner, pipeline terminal
20 operator, or marine terminal operator, a purchaser or receiver of
21 fuel shall prepay a portion of the tax imposed by this act at the
22 rates provided in this ~~section~~**subsection** to the refiner, pipeline
23 terminal operator, or marine terminal operator for the purchase or
24 receipt of fuel. If the purchase or receipt of fuel is made outside
25 this state for shipment into and subsequent sale within this state,
26 the purchaser or receiver, other than a refiner, pipeline terminal
27 operator, or marine terminal operator, shall make the prepayment
28 required by this section directly to the department. Prepayments
29 for gasoline ~~shall~~**must** be made at a cents-per-gallon rate



1 determined by the department and ~~shall~~**must** be based on 6% of the
 2 statewide average retail price of a gallon of self-serve unleaded
 3 regular gasoline as determined and certified by the department
 4 rounded up to the nearest 1/10 of 1 cent. Prepayments for diesel
 5 fuel ~~shall~~**must** be made at a cents-per-gallon rate determined by
 6 the department and ~~shall~~**must** be based on 6% of the statewide
 7 average retail price of a gallon of undyed No. 2 ultra-low sulfur
 8 diesel fuel as determined and certified by the department rounded
 9 up to the nearest 1/10 of 1 cent. A person that makes prepayments
 10 directly to the department shall make those prepayments according
 11 to the schedule in subsection (6).

12 (3) Beginning April 1, 2016 **through September 30, 2022**, at the
 13 time of purchase or shipment in this state from a refiner, pipeline
 14 terminal operator, or marine terminal operator, a purchaser or
 15 receiver of fuel other than an exporter or supplier for immediate
 16 export, as evidenced by the terminal's shipping papers or bill of
 17 lading, shall prepay a portion of the tax imposed by this act at
 18 the rates provided in this ~~section~~**subsection** to the refiner,
 19 pipeline terminal operator, or marine terminal operator for the
 20 purchase or receipt of fuel. If the purchase or receipt of fuel is
 21 made outside this state for shipment into and subsequent sale
 22 within this state, the purchaser or receiver, other than a refiner,
 23 pipeline terminal operator, or marine terminal operator as part of
 24 a bulk transfer, shall make the prepayment required by this section
 25 directly to the department. Prepayments for gasoline ~~shall~~**must** be
 26 made at a cents-per-gallon rate determined by the department and
 27 ~~shall~~**must** be based on ~~6%~~**the applicable percentage** of the
 28 statewide average retail price of a gallon of self-serve unleaded
 29 regular gasoline as determined and certified by the department



rounded up to the nearest 1/10 of 1 cent. Prepayments for diesel fuel ~~shall~~**must** be made at a cents-per-gallon rate determined by the department and ~~shall~~**must** be based on ~~6%~~**the applicable percentage** of the statewide average retail price of a gallon of undyed No. 2 ultra-low sulfur diesel fuel as determined and certified by the department rounded up to the nearest 1/10 of 1 cent. A person that makes prepayments directly to the department shall make those prepayments according to the schedule in subsection (6). **As used in this subsection, "applicable percentage" means 1 of the following:**

(a) Through September 30, 2020, 6%.

(b) Beginning October 1, 2020 through September 30, 2021, 4%.

(c) Beginning October 1, 2021 through September 30, 2022, 2%.

(4) The rates of prepayment applied pursuant to subsections (2) and (3) shall be determined every month by the department. The department shall publish notice of the rates of prepayment applicable to gasoline and diesel fuel pursuant to subsections (2) and (3) not later than the tenth day of the month immediately preceding the month in which the rate is effective.

(5) A person subject to tax under this act that makes prepayment to another person as required by this section for gasoline may claim an estimated prepayment credit on its regular monthly return filed pursuant to section 6. The credit ~~shall~~**must** be for prepayments made during the month for which the return is required and ~~shall~~**must** be based upon the difference between prepayments made in the immediately preceding month and collections of prepaid tax received from sales or transfers during the month for which the return required under section 6 is made. A sale or transfer for which collection of prepaid tax is due the taxpayer is



1 subject to a bad debt deduction under section 4i, whether or not
2 the sale or transfer is a sale at retail. The credit ~~shall~~**must** not
3 be reduced because of actual shrinkage. A taxpayer that does not,
4 in the ordinary course of business, sell gasoline in each month of
5 the year may, with the approval of the department, base the initial
6 prepayment deduction in each tax year on prepayments made in a
7 month other than the immediately preceding month. The difference in
8 actual prepayments ~~shall~~**must** be reconciled on the annual return ~~in~~
9 ~~accordance with~~**pursuant to** procedures prescribed by the
10 department.

11 (6) Notwithstanding the other provisions for the payment and
12 remitting of tax due under this act, a refiner, pipeline terminal
13 operator, or marine terminal operator shall account for and remit
14 to the department the prepayments received ~~pursuant to~~**under** this
15 section ~~in accordance with~~**pursuant to** the following schedule:

16 (a) On or before the twenty-fifth of each month, prepayments
17 received after the end of the preceding month and before the
18 sixteenth of the month in which the prepayments are made.

19 (b) On or before the tenth of each month, payments received
20 after the fifteenth and before the end of the preceding month.

21 (7) A refiner, pipeline terminal operator, or marine terminal
22 operator that fails to remit prepayments made by a purchaser or
23 receiver of fuel is subject to the penalties provided by 1941 PA
24 122, MCL 205.1 to 205.31.

25 (8) The refiner, pipeline terminal operator, or marine
26 terminal operator shall not receive a deduction under section 4 for
27 receiving and remitting prepayments from a purchaser or receiver
28 pursuant to this section.

29 (9) The purchaser or receiver of fuel that makes prepayments



1 is not subject to further liability for the amount of the
2 prepayment if the refiner, pipeline terminal operator, or marine
3 terminal operator fails to remit the prepayment.

4 (10) A person subject to tax under this act that makes
5 prepayment to another person as required by this section for diesel
6 fuel may claim an estimated prepayment credit on its regular
7 monthly return filed pursuant to section 6. The credit ~~shall~~**must**
8 be for prepayments made during the month for which the return is
9 required and ~~shall~~**must** be based upon the difference between the
10 prepayments made in the immediately preceding month and collections
11 of prepaid tax received from sales or transfers during the month
12 for which the return required under section 6 is made. A sale or
13 transfer for which collection of prepaid tax is due the taxpayer is
14 subject to a bad debt deduction under section 4i, whether or not
15 the sale or transfer is a sale at retail. The credit ~~shall~~**must** not
16 be reduced because of actual shrinkage. A taxpayer that does not,
17 in the ordinary course of business, sell diesel fuel in each month
18 of the year may, with the approval of the department, base the
19 initial prepayment deduction in each tax year on prepayments made
20 in a month other than the immediately preceding month. Estimated
21 prepayment credits claimed with the return due in April 2013 ~~shall~~
22 **must** be based on the taxpayer's retail sales of diesel fuel in
23 March 2013. The difference in actual prepayments ~~shall~~**must** be
24 reconciled on the annual return ~~in accordance with~~**pursuant to**
25 procedures prescribed by the department. Repayment of the credit
26 claimed on the return due in April 2013 ~~shall~~**must** be made by the
27 earlier of the date that the taxpayer stops selling diesel fuel or
28 October 15, 2013.

29 (11) As used in this section:



1 (a) "Alcohol" means fuel grade ethanol or a mixture of fuel
2 grade ethanol and another product.

3 (b) "Blendstock" includes all of the following:

4 (i) Any petroleum product component of fuel, such as naphtha,
5 reformate, or toluene.

6 (ii) Any oxygenate that can be blended for use in a motor fuel.

7 (c) "Boat terminal transfer" means a dock, a tank, or
8 equipment contiguous to a dock or a tank, including equipment used
9 in the unloading of fuel from a ship and in transferring the fuel
10 to a tank pending wholesale bulk reshipment.

11 (d) "Bulk transfer" means a transfer of fuel from, or purchase
12 for resale by, a refiner, pipeline terminal operator, or marine
13 terminal operator to or from another refiner, pipeline terminal
14 operator, or marine terminal operator through pipeline tender or
15 marine delivery, including pipeline movements of fuel or marine
16 vessel movements of fuel. Bulk transfer also includes a transaction
17 involving the transfer by any transportation means to, or purchase
18 for resale by, a refiner, pipeline terminal operator, or marine
19 terminal operator of alcohol to be used exclusively for blending
20 with gasoline. Notwithstanding anything to the contrary in this
21 definition, fuel transferred to, or purchased for resale by, a
22 refiner, pipeline terminal operator, or marine terminal operator
23 must be delivered to, or otherwise remain within, the bulk transfer
24 terminal system ~~prior to~~ **before** removal across the rack in order to
25 constitute a bulk transfer.

26 (e) "Bulk transfer terminal system" means the fuel
27 distribution system consisting of refineries, pipelines, marine
28 vessels, and terminals and includes fuel storage tanks and fuel
29 storage facilities that are part of a refinery, boat terminal



transfer, or terminal owned, operated, or controlled by a refiner, marine terminal operator, or pipeline terminal operator.

(f) "Diesel fuel" means any liquid other than gasoline that is capable of use as a fuel or a component of a fuel in a motor vehicle that is propelled by a diesel-powered engine or in a diesel-powered train. Diesel fuel includes number 1 and number 2 fuel oils, kerosene, and mineral spirits. Diesel fuel also includes any blendstock or additive that is sold for blending with diesel fuel and any liquid prepared, advertised, offered for sale, sold for use as, or used in the generation of power for the propulsion of a diesel-powered engine, airplane, or marine vessel. An additive or blendstock is presumed to be sold for blending unless a certification is obtained for federal purposes that the substance is for a use other than blending for diesel fuel. Diesel fuel does not include dyed diesel fuel, dyed kerosene, or an excluded liquid.

(g) "Dyed diesel fuel" means diesel fuel that is dyed ~~in accordance with internal revenue service~~ **pursuant to Internal Revenue Service** rules or pursuant to any other ~~internal revenue service~~ **Internal Revenue Service** requirements, including any invisible marker requirements.

(h) "Dyed kerosene" means kerosene that is dyed ~~in accordance with internal revenue service~~ **pursuant to Internal Revenue Service** rules or pursuant to any other ~~internal revenue service~~ **Internal Revenue Service** requirements, including invisible marker requirements.

(i) "Excluded liquid" means that term as defined in 26 CFR 48.4081-1.

(j) "Export" means to purchase or receive fuel in this state for immediate shipment and subsequent sale outside of this state.



1 (k) "Exporter" means a person that exports fuel and is
2 licensed under section 86 of the motor fuel tax act, 2000 PA 403,
3 MCL 207.1086.

4 (l) "Fuel" means gasoline and diesel fuel that is subject to
5 tax under this act, collectively, except when gasoline or diesel
6 fuel is referred to separately.

7 (m) "Gasoline" means and includes gasoline, alcohol, gasohol,
8 casing head or natural gasoline, benzol, benzine, naphtha,
9 methanol, transmix, any blendstock additive, or other product that
10 is sold for blending with gasoline or for use on the road, other
11 than products typically sold in containers of less than 5 gallons.
12 Gasoline also includes a liquid prepared, advertised, offered for
13 sale, sold for use as, or used in the generation of power for the
14 propulsion of a motor vehicle, airplane, or marine vessel,
15 including a product obtained by blending together any 1 or more
16 products of petroleum, with or without another product, and
17 regardless of the original character of the petroleum products
18 blended, if the product obtained by the blending is capable of use
19 in the generation of power for the propulsion of a motor vehicle,
20 airplane, or marine vessel. The blending of all of the above-named
21 products, regardless of their name or characteristics, shall
22 conclusively be presumed to have been done to produce fuel, unless
23 the product obtained by the blending is entirely incapable of use
24 as fuel. An additive or blendstock is presumed to be sold for
25 blending unless a certification is obtained for federal purposes
26 that the substance is for a use other than blending for gasoline.
27 Gasoline does not include diesel fuel, dyed diesel fuel, dyed
28 kerosene, or an excluded liquid.

29 (n) "Kerosene" means all grades of kerosene, including, but



not limited to, the 2 grades of kerosene, No. 1-K and No. 2-K, commonly known as K-1 kerosene and K-2 kerosene, respectively, described in American ~~society for testing and materials~~ **Society for Testing and Materials** specification D-3699, in effect on January 1, 1999, and kerosene-type jet fuel described in American ~~society for testing and materials~~ **Society for Testing and Materials** specification D-1655 and military specifications MIL-T-5624r and MIL-T-83133d (grades jp-5 and jp-8), and any successor ~~internal revenue service~~ **Internal Revenue Service** rules or regulations, as the specification for kerosene and kerosene-type jet fuel. Kerosene does not include dyed kerosene or an excluded liquid.

(o) "Marine terminal operator" means a person that stores fuel at a boat terminal transfer.

(p) "Pipeline terminal operator" means a person that stores fuel in tanks and equipment used in receiving and storing fuel from interstate and intrastate pipelines pending wholesale bulk reshipment.

(q) "Purchase", "receipt", or "shipment" does not include a two-party exchange, a bulk transfer, or a receipt of fuel as part of a bulk transfer.

(r) "Rack" means a mechanism for delivering fuel from a refiner, a pipeline terminal operator, or a marine terminal operator into a railroad tank car, a transport truck, a tank wagon, or the fuel supply tank of a marine vessel.

(s) "Refiner" means a person that meets all of the following requirements:

(i) Manufactures or produces fuel at a refinery by any process involving substantially more than the blending of fuel.

(ii) Is a taxable fuel registrant that is a refiner for



1 purposes of 26 CFR 48.4081-1.

2 (t) "Refinery" means a facility used by a refiner to produce
3 fuel from crude oil, unfinished oils, natural gas liquids, or other
4 hydrocarbons and from which fuel may be removed by pipeline or
5 marine vessel or at a rack.

6 (u) "Removal" or "removed" means a physical transfer other
7 than by evaporation, loss, or destruction of fuel from a refiner,
8 pipeline terminal operator, or marine terminal operator.

9 (v) "Supplier" means a supplier or permissive supplier
10 licensed under section 70 or 73 of the motor fuel tax act, 2000 PA
11 403, MCL 207.1070 and 207.1073.

12 (w) "Tank wagon" means a straight truck having 1 or more
13 compartments other than the fuel supply tank designed or used to
14 carry fuel.

15 (x) "Terminal" means a fuel storage and distribution facility
16 that meets all of the following requirements:

17 (i) Is registered as a qualified terminal by the ~~internal~~
18 ~~revenue service.~~ **Internal Revenue Service.**

19 (ii) Is supplied by pipeline or marine vessel.

20 (iii) Has a rack from which fuel may be removed.

21 (y) "Transport truck" means a semitrailer combination rig
22 designed or used for the purpose of transporting fuel over the
23 public roads or highways.

24 (z) "Transmix" means the mixed product that results from the
25 buffer or interface of 2 different products in a pipeline shipment,
26 or a mixture of 2 different products within a terminal operated by
27 a pipeline terminal operator, within a boat terminal transfer
28 operated by a marine terminal operator, or at a refinery that
29 results in an off-grade mixture.

1 (aa) "Two-party exchange" means a transaction, including a
2 book transfer, in which fuel is transferred from 1 supplier to
3 another supplier where all of the following occur:

4 (i) The transaction includes a transfer of fuel from the person
5 who holds the original inventory position for the fuel in fuel
6 storage tanks as reflected in the records of the refiner, pipeline
7 terminal operator, or marine terminal operator.

8 (ii) The exchange transaction is completed before removal
9 across the rack by the receiving supplier.

10 (iii) The refiner, pipeline terminal operator, or marine
11 terminal operator in its books and records treats the receiving
12 exchange party as the supplier that removes the fuel across a rack
13 for purposes of reporting the transaction to the department under
14 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170.

15 Sec. 6c. (1) Beginning April 1, 2016 and each calendar quarter
16 thereafter **through September 30, 2022**, each taxpayer making sales
17 at retail of aviation fuel shall, on or before the last day of the
18 month in the month that immediately follows the end of a calendar
19 quarter, file an informational report with the department on a form
20 prescribed by the department showing all of the following for the
21 immediately preceding calendar quarter:

22 (a) The entire amount of the taxpayer's taxable sales at
23 retail of aviation fuel.

24 (b) The gross proceeds of the taxpayer's business from taxable
25 sales at retail of aviation fuel.

26 (c) The amount of tax for which the taxpayer is liable from
27 sales at retail of aviation fuel.

28 (d) The number of taxable gallons of aviation fuel sold by the
29 taxpayer at each airport and the gross proceeds from the sales of



1 those gallons of aviation fuel.

2 (e) Any other information the department considers necessary
3 for the proper administration of this act.

4 (2) The report required under this section ~~shall~~**must** not
5 include any remittance for tax, and does not constitute a return or
6 otherwise alleviate the taxpayer's obligations under section 6.

7 (3) A taxpayer required to file the informational report under
8 this section that fails or refuses to file the informational report
9 within the time and in the manner specified in this section ~~shall~~
10 ~~be~~**is** liable for a penalty of \$10.00 per day for each day for each
11 separate failure or refusal up to, but not exceeding, a maximum
12 penalty of \$500.00 for each separate violation. The department may
13 waive the penalty if the taxpayer demonstrates to the satisfaction
14 of the department that the failure to file was due to reasonable
15 cause.

16 (4) As used in this section, "aviation fuel" means fuel as
17 that term is defined in section 4 of the aeronautics code of the
18 state of Michigan, 1945 PA 327, MCL 259.4.

19 Sec. 25. (1) All money received and collected under this act
20 must be deposited by the department in the state treasury to the
21 credit of the general fund, except as otherwise provided in this
22 section.

23 (2) Fifteen percent of the collections of the tax imposed at a
24 rate of 4% must be distributed to cities, villages, and townships
25 pursuant to the Glenn Steil state revenue sharing act of 1971, 1971
26 PA 140, MCL 141.901 to 141.921.

27 (3) Sixty percent of the collections of the tax imposed at a
28 rate of 4% must be deposited in the state school aid fund
29 established in section 11 of article IX of the state constitution



1 of 1963 and distributed as provided by law. In addition, all of the
2 collections of the tax imposed at the additional rate of 2%
3 approved by the electors on March 15, 1994 must be deposited in the
4 state school aid fund.

5 (4) Not less than 27.9% of 25% of the collections of the
6 general sales tax imposed at a rate of 4% directly or indirectly on
7 fuels sold to propel motor vehicles upon highways, on the sale of
8 motor vehicles, and on the sale of the parts and accessories of
9 motor vehicles by new and used car businesses, used car businesses,
10 accessory dealer businesses, and gasoline station businesses as
11 classified by the department must be deposited each year into the
12 comprehensive transportation fund created in section 10b of 1951 PA
13 51, MCL 247.660b.

14 (5) ~~Beginning~~ **Except as otherwise provided in subsection (6),**
15 **beginning** October 1, 2016 and the first day of each calendar
16 quarter thereafter **through September 30, 2020**, an amount equal to
17 the collections for the calendar quarter that is 2 calendar
18 quarters immediately preceding the current calendar quarter of the
19 tax imposed under this act at the additional rate of 2% approved by
20 the electors on March 15, 1994 from the sale at retail of aviation
21 fuel must be distributed as follows:

22 (a) An amount equal to 35% of the collections of the tax
23 imposed at a rate of 2% on the sale at retail of aviation fuel must
24 be deposited in the state aeronautics fund and must be expended, on
25 appropriation, only for those purposes authorized in the
26 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1
27 to 259.208.

28 (b) An amount equal to 65% of the collections of the tax
29 imposed at a rate of 2% on the sale at retail of aviation fuel must



1 be deposited in the qualified airport fund and must be expended, on
2 appropriation, only for those purposes authorized under section 35
3 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
4 259.35.

5 (6) ~~The~~ **For fiscal years ending before October 1, 2020, the**
6 department shall, on an annual basis, reconcile the amounts
7 distributed under subsection (5) during each fiscal year with the
8 amounts actually collected for a particular fiscal year and, **except**
9 **as otherwise provided in this subsection,** shall make any necessary
10 adjustments, positive or negative, to the amounts to be distributed
11 for the next successive calendar quarter that begins January 1. The
12 **department may transfer money between funds, delay and adjust a**
13 **distribution under subsection (5), or take any other action that**
14 **the department considers necessary to account for any necessary**
15 **adjustments, positive or negative, resulting from the**
16 **reconciliation under this subsection for the fiscal year ending**
17 **September 30, 2020. For fiscal years ending before October 1, 2020,**
18 **the** state treasurer or his or her designee shall annually provide
19 to the operator of each qualified airport a report of the
20 reconciliation performed under this subsection. The reconciliation
21 report is subject to the confidentiality restrictions and penalties
22 provided in section 28(1)(f) of 1941 PA 122, MCL 205.28.

23 (7) An amount equal to the collections of the tax imposed at a
24 rate of 4% under this act from the sale at retail of computer
25 software must be deposited in the Michigan health initiative fund
26 created in section 5911 of the public health code, 1978 PA 368, MCL
27 333.5911, and must be considered in addition to, and is not
28 intended as a replacement for any other money appropriated to the
29 department of health and human services. The funds deposited in the



1 Michigan health initiative fund on an annual basis must not be less
2 than \$9,000,000.00 or more than \$12,000,000.00.

3 (8) An amount equal to all revenue lost to the state school
4 aid fund as a result of the exemption under section 4ee, as
5 determined by the department, must be deposited into the state
6 school aid fund established in section 11 of article IX of the
7 state constitution of 1963. Money deposited into the state school
8 aid fund under this subsection must not include and must be
9 considered in addition to money deposited in the state school aid
10 fund under subsection (3). A person that claims an exemption under
11 section 4ee shall report the sales price of the data center
12 equipment as defined in section 4ee and any other information
13 necessary to determine the amount of revenue lost to the school aid
14 fund as a result of the exemption under section 4ee annually on a
15 form at the time and in a manner prescribed by the department. The
16 report required under this subsection shall not include any
17 remittance for tax, and does not constitute a return or otherwise
18 alleviate any obligations under section 6.

19 (9) The balance in the state general fund shall be disbursed
20 only on an appropriation or appropriations by the legislature.

21 (10) As used in this section:

22 (a) "Aviation fuel" means fuel as that term is defined in
23 section 4 of the aeronautics code of the state of Michigan, 1945 PA
24 327, MCL 259.4.

25 (b) "Qualified airport" means that term as defined in section
26 109 of the aeronautics code of the state of Michigan, 1945 PA 327,
27 MCL 259.109.

28 (c) "Qualified airport fund" means the qualified airport fund
29 created in section 34(2) of the aeronautics code of the state of



1 Michigan, 1945 PA 327, MCL 259.34.

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

5 Enacting section 1. This amendatory act does not take effect
6 unless all of the following bills of the 100th Legislature are
7 enacted into law:

8 (a) Senate Bill No.____ or House Bill No. 5583 (request no.
9 01898'19).

10 (b) Senate Bill No.____ or House Bill No. 5584 (request no.
11 01899'19).

12 (c) Senate Bill No.____ or House Bill No. 5585 (request no.
13 03278'19).

14 (d) Senate Bill No.____ or House Bill No. 5586 (request no.
15 06193'20).

