



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

Craig Johnson
Executive Director
Streamlined Sales Tax Governing Board, Inc.
100 Majestic Drive, Suite 400
Westby, WI 54667

Re: Michigan's 2021 SSUTA Compliance Recertification

Dear Mr. Johnson:

Pursuant to Section 803 of the Streamlined Sales and Use Tax Agreement ("Agreement") and Rule 803.1, on behalf of the state of Michigan, a Streamlined Sales Tax Governing Board member state, and as State Treasurer, I hereby certify to the Streamlined Sales Tax Governing Board that Michigan is in substantial compliance with the terms of the Agreement as of August 2, 2021.

No changes have been made to Michigan's statutes, rules, regulations, or other authorities that could affect Michigan's compliance with the terms of the Agreement since August 1, 2020. However, on November 19, 2020, the Michigan Court of Appeals issued its decision in *Imagine Entertainment, In. et. al. v Dep't of Treasury*¹ holding that Treasury's Rule 86(5), Mich Admin Code R 205.136(5), was invalid. Rule 86(5) incorporated the 75% prepared food standard as required by Interpretation 2006-4 of the Agreement. Pursuant to Section 805.C of the Agreement, Michigan has until January 1, 2023, to correct this issue before it could be found not substantially compliant on this issue. Treasury is currently working with the Legislature and the Streamlined Sales Tax Governing Board to correct this issue.

As part of this annual recertification, Michigan updated its Online Certificate of Compliance and Taxability Matrix that reflect Michigan's laws as enacted through August 2, 2021, and has approved them to be published on the Streamlined Sales Tax Governing Board website beginning August 2, 2021. Links to them will be posted on Treasury's website at: http://www.michigan.gov/taxes/0,4676,7-238-43519_43521-155365--,00.html.

If you have any questions regarding Michigan's compliance with the Streamlined Sales and Use Tax Agreement, please contact Lance Wilkinson at 517-335-7477.

¹ _____ Mich App _____ (WL 6811693) (2020).

As the chief executive of the Michigan Department of Treasury, I also declare that the Online Certificate of Compliance and Online Taxability Matrix are true, correct, and complete to the best of my knowledge and belief.

Rachael Eubanks

Rachael Eubanks

State Treasurer

Title

July 28, 2021

Date