

**FOURTH AMENDMENT TO THE TAX AGREEMENT BETWEEN THE BAY
MILLS INDIAN COMMUNITY AND THE STATE OF MICHIGAN**

This Fourth Amendment to the Tax Agreement between the Bay Mills Indian Community and the State of Michigan is executed on the date(s) indicated below and shall be effective as of January 1, 2015.

Recitals:

On the 20th day of December, 2002, the Bay Mills Indian Community and the State of Michigan entered into a Tax Agreement which was implemented on the 1st day of April, 2003.

§ XVIII of the Tax Agreement provides that the Agreement may be amended upon the mutual, written agreement executed by an authorized representative of each party.

On the 20th day of August, 2007, the Bay Mills Indian Community and the State of Michigan, in accordance with § XVIII, entered into a First Amendment to the Tax Agreement which was effective as of the 1st day of September, 2007.

On the 31st day of March, 2008, the Bay Mills Indian Community and the State of Michigan, in accordance with § XVIII, entered into a Second Amendment to the Tax Agreement which was effective as of the 1st day of April, 2008.

On the 14th day of January, 2013, the Bay Mills Indian Community and the State of Michigan, in accordance with § XVIII, entered into a Third Amendment to the Tax Agreement which was effective as of the 1st day of January, 2012.

Now, in accordance with § XVIII of the Tax Agreement, the parties make the following amendments to the Tax Agreement:

§ XII(C)(3) is amended to read as follows:

3. Refund Table – Resident Tribal Members

A Resident Tribal Member shall be entitled to an annual refund representing sales tax and use tax paid on tangible personal property acquired under § III(A)(2)(b) (except for the purchase and affixation by the Resident Tribal Member of materials for construction, renovation, or improvement of his or her principal residence within the Agreement Area). This refund shall apply under both the *Tribal Certificate of Exemption* method described in § XII(C)(1), above and Refund Method described in § XII(C)(2) above. This refund shall be determined by use of the following table:

Resident Tribal Member's federal Adjusted Gross Income modified to include Social Security benefits, Social Security disability benefits,

Railroad Retirement benefits, unemployment benefits, fishing income under section 7873 of the Internal Revenue Code, **Public Assistance payments made directly to a Resident Tribal Member pursuant to a Tribal supplemental assistance program qualifying for exemption under the Tribal General Welfare Exclusion Act of 2014,** and disability income to the extent they are specifically exempt from or excluded from the computation of federal Adjusted Gross Income (but not to exceed \$80,000) x 15% x 6%

The Table shall be reviewed upon the written request of either party with notice to all other tribes that have agreements that are substantially similar to this Agreement but not more frequently than once every three years. It is the intent of the parties that any revision to the Table shall be uniformly applied to all tribes that have agreements that are substantially similar to this Agreement.

For purposes of this sub-section (C)(3) only, "Public Assistance" means government aid to low income individuals

§III (A)(2)(c) is amended to read as follows:

c. Resident Tribal Members are exempt from both the sales tax and use tax on the following items regardless of where purchased or used provided they are purchased for non-commercial use, used primarily by the Resident Tribal Member and principally garaged, berthed, or stored within the Agreement Area:

- i. Passenger vehicles including automobiles, pick-up trucks, recreational vehicles and motorcycles;
- ii. Recreational watercraft;
- iii. Snowmobiles; and
- iv. Off road vehicles.

Where an item is purchased under this subsection and subsequently transferred to a non-Resident Tribal Member relative and the transfer would be exempt under MCL 205.93(3)(a) **or MCL 205.94bb**, the Resident Tribal Member shall reimburse the State an amount equal to the current sales or use tax rate times the retail dollar value of the item at the time of the transfer. The reimbursement shall be paid to the Department within 30 days of the date of transfer. Such reimbursement will not be required where the retail dollar value at the time of transfer is below \$2,000 for a passenger vehicle or is below \$1,000 for other enumerated items.

Except as amended by this Fourth Amendment to the Tax Agreement, the terms of the Tax Agreement as previously amended by the First, Second, and Third Amendments remain in full force and effect.


STATE OF MICHIGAN

By: 

Nick A. Khouri
Michigan State Treasurer
First Floor Treasury Building
Lansing, MI 48922

Date: 12-17-15

BAY MILLS INDIAN COMMUNITY

By: 

Levi Carrick, Sr.
Tribal President
12140 West Lakeshore Dr
Brimley, MI 49715

Date: 8-17-15