

SENATE BILL NO. 1336

September 24, 1998, Introduced by Senator BULLARD and referred to the Committee on Finance.

A bill to amend 1905 PA 282, entitled

"An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act,"

by amending section 5 (MCL 207.5).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~The term property, as~~ AS used in this act,
2 ~~shall be deemed to include~~ "PROPERTY" MEANS all TANGIBLE prop-
3 erty, real or personal, belonging to the persons, corporations,
4 companies, copartnerships and associations subject to taxation

1 under this act, including ~~the right of way~~ RIGHTS-OF-WAY, road
 2 ~~bed~~ BEDS, stations, cars, rolling stock, tracks, wagons,
 3 horses, office furniture, telegraph and telephone poles, wires,
 4 conduits, switchboards, ~~and~~ all other TANGIBLE property used in
 5 carrying on their business and owned by them respectively, and
 6 all other TANGIBLE real and personal property. ~~, and all fran-~~
 7 ~~chises, said franchises not to be directly assessed, but to be~~
 8 ~~taken into consideration in determining the value of the other~~
 9 ~~property: Provided, however, That this definition shall~~
 10 PROPERTY DOES not include, apply to, or subject to taxation ~~,~~
 11 ~~such~~ real ~~estate as is~~ PROPERTY owned and ~~can be~~ CAPABLE OF
 12 BEING conveyed by ~~such~~ THE persons, corporations, companies,
 13 copartnerships, and associations ~~under the laws of this state~~
 14 ~~which~~ SUBJECT TO TAXATION UNDER THIS ACT THAT is not actually
 15 occupied in the exercise of their franchises, or in use in the
 16 ~~proper~~ operation and conduct of their business. ~~;~~ ~~but~~ ~~such~~
 17 ~~real estate so excepted shall be liable~~ PROPERTY DOES NOT
 18 INCLUDE TANGIBLE PROPERTY, REAL OR PERSONAL, INCLUDING VALUE
 19 ATTRIBUTABLE TO MONEY, CREDITS, BONDS, STOCKS, REPRESENTATIVE
 20 PROPERTY, FRANCHISES, GOODWILL, COPYRIGHTS, PATENTS, CUSTOMER
 21 LISTS, CONTRACT RIGHTS, FINANCING AGREEMENTS, LICENSES, COVENANTS
 22 NOT TO COMPETE, INTELLECTUAL PROPERTY, TRADEMARKS, TRADE NAMES,
 23 OR OTHER INTANGIBLE PROPERTY.

24 (2) REAL PROPERTY EXEMPT FROM THE TAX LEVIED UNDER THIS ACT
 25 UNDER SUBSECTION (1) IS SUBJECT to taxation in the same manner,
 26 ~~and~~ for the same purposes, ~~and~~ to the same extent, and
 27 subject to the same conditions and limitations as ~~to the~~

1 ~~collection and return of taxes thereon as is~~ other real ~~estate~~
 2 PROPERTY in the ~~several~~ townships or municipalities in which
 3 ~~the same may be situated~~ THAT PROPERTY IS LOCATED. ~~The term~~

4 (3) AS USED IN THIS ACT, THE TERMS "company", "corporation",
 5 "copartnership", "association", ~~or~~ AND "person" ~~, wherever~~
 6 ~~used in this act, shall~~ apply to and SHALL be construed as
 7 referring ~~respectively~~ to ~~any~~ THE FOLLOWING:

8 (A) A railroad company, union station and depot company,
 9 telegraph company, telephone company, sleeping car company,
 10 express company, car loaning company, stock car company, refrig-
 11 erator or fast freight line company, ~~and~~ OR any other companies
 12 owning, leasing, running, or operating any freight CARS, stock
 13 CARS, refrigerator CARS, or any other cars, not ~~being~~
 14 ~~exclusively~~ the EXCLUSIVE property of ~~any~~ A railroad company
 15 paying taxes upon its rolling stock under ~~the provisions of~~
 16 this act, over or upon the line or lines of any railroad or rail-
 17 roads in this state. ~~and to any~~

18 (B) A firm, joint stock association, copartnership, corpora-
 19 tion, or other association or person ~~, engaged in carrying on~~
 20 any business, the TANGIBLE property of which is subject to taxa-
 21 tion under this act. ~~The term~~

22 (4) AS USED IN THIS ACT, "property having a situs in this
 23 state", ~~shall include~~ INCLUDES all the TANGIBLE property,
 24 real and personal, of the persons, corporations, companies,
 25 copartnerships, and associations ~~enumerated in~~ SUBJECT TO TAXA-
 26 TION UNDER this act, owned, used, and occupied by them within
 27 ~~the limits of~~ this state, and also ~~such~~ THE proportion of

1 their rolling stock, cars, and other TANGIBLE property ~~as is~~
2 used partly within and partly ~~without~~ OUTSIDE OF this state ~~,~~
3 as ~~herein~~ provided ~~to be determined~~ IN THIS ACT.

4 Enacting section 1. This amendatory act applies to tax
5 years beginning after December 31, 1999 under this act.