

SUBSTITUTE FOR
HOUSE BILL NO. 4982

A bill to amend 1975 PA 228, entitled
"Single business tax act,"
(MCL 208.1 to 208.145) by adding section 35d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 35D. (1) FOR TAX YEARS BEGINNING ON AND AFTER JANUARY 1,
2 2006 AND BEFORE JANUARY 1, 2007, A PERSON MAY CLAIM A CREDIT
3 AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO 15% OF THE PROPERTY
4 TAXES PAID IN THE TAX YEAR BY THE PERSON ON INDUSTRIAL PERSONAL
5 PROPERTY.

6 (2) A PERSON THAT IS NOT OTHERWISE REQUIRED TO FILE A RETURN
7 UNDER THIS ACT MAY CLAIM THE CREDIT UNDER THIS SECTION.

8 (3) TO QUALIFY FOR THE CREDITS UNDER THIS SECTION FOR AN ITEM
9 OF TANGIBLE PERSONAL PROPERTY, A PERSON THAT IS OTHERWISE ELIGIBLE

1 TO CLAIM THE CREDIT ALLOWED UNDER THIS SECTION SHALL FILE WITHIN
2 THE TIME REQUIRED THE STATEMENT OF PERSONAL PROPERTY DESCRIBED IN
3 SECTION 19 OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
4 211.19, FOR ITEMS OF TANGIBLE PERSONAL PROPERTY THAT ARE CLASSIFIED
5 AS INDUSTRIAL PERSONAL PROPERTY FOR THE LOCATION AT WHICH THE
6 TANGIBLE PERSONAL PROPERTY THAT IS THE BASIS OF THE CREDIT ALLOWED
7 UNDER THIS SECTION IS LOCATED.

8 (4) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX
9 LIABILITY OF THE PERSON FOR THE TAX YEAR OR IF PERSON DOES NOT HAVE
10 A TAX LIABILITY UNDER THIS ACT FOR THE TAX YEAR, THE EXCESS OR THE
11 AMOUNT OF THE CREDIT SHALL BE REFUNDED OR PAID TO THE PERSON. THE
12 STATE TREASURER SHALL ESTABLISH A RESERVE ACCOUNT IN THE DEPARTMENT
13 TO FUND AND PROVIDE FOR PAYMENT OF THE AMOUNT OF REFUNDS OR
14 PAYMENTS FOR CREDITS UNDER THIS SECTION THAT ARE ATTRIBUTABLE TO
15 THE FISCAL YEARS ENDING IN THE TAX YEARS FOR WHICH CREDITS ARE
16 CLAIMED.

17 (5) THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE CALCULATED
18 AFTER APPLICATION OF ALL OTHER CREDITS ALLOWED UNDER THIS ACT.

19 (6) IF A FINAL ORDER OF A COURT OF COMPETENT JURISDICTION FOR
20 WHICH ALL RIGHTS OF APPEAL HAVE BEEN EXHAUSTED OR HAVE EXPIRED
21 DETERMINES THAT THE CREDIT PROVIDED BY THIS SECTION OR BY SECTION
22 35F, 35G, OR 35H IS UNCONSTITUTIONAL OR APPLIES TO PERSONS,
23 SERVICES, TAXES, INVESTMENT, OR ANY OTHER ACTIVITY OUTSIDE OF THIS
24 STATE, THEN THIS SECTION AND SECTIONS 35F, 35G, AND 35H SHALL BE
25 SEVERED FROM THIS ACT IN THEIR ENTIRETY AND SHALL NOT BE EFFECTIVE
26 FOR ANY TAX YEAR FOR WHICH THE FINAL RULING APPLIES AND THE
27 REMAINING PROVISIONS OF THIS ACT SHALL REMAIN IN EFFECT.

1 (7) AS USED IN THIS SECTION:

2 (A) "INDUSTRIAL PERSONAL PROPERTY" MEANS PERSONAL PROPERTY
3 CLASSIFIED AS INDUSTRIAL PERSONAL PROPERTY UNDER SECTION 34C OF THE
4 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.34C.

5 (B) "PROPERTY TAXES" MEANS ANY OF THE FOLLOWING:

6 (i) TAXES COLLECTED UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA
7 206, MCL 211.1 TO 211.157.

8 (ii) TAXES LEVIED UNDER 1974 PA 198, MCL 207.551 TO 207.572.

9 (iii) TAXES LEVIED UNDER THE OBSOLETE PROPERTY REHABILITATION
10 ACT, 2000 PA 146, MCL 125.2781 TO 125.2797.

11 (iv) ANY PAYMENTS MADE BY THE TAXPAYER PURSUANT TO A CONTRACT
12 WITH THE MICHIGAN STRATEGIC FUND IN CONNECTION WITH THE CREATION OF
13 A RENAISSANCE ZONE UNDER THE MICHIGAN RENAISSANCE ZONE ACT, 1996 PA
14 376, MCL 125.2681 TO 125.2696, TO THE EXTENT THAT THOSE PAYMENTS
15 ARE MADE BY THE TAXPAYER TO REIMBURSE ALL TAXING UNITS FOR PROPERTY
16 TAXES THAT WOULD OTHERWISE BE EXEMPT UNDER SECTION 7FF OF THE
17 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7FF.

18 (v) ANY PAYMENTS MADE BY A TAXPAYER PURSUANT TO A CONTRACT
19 WITH AN ELIGIBLE LOCAL ASSESSING DISTRICT TO THE EXTENT THAT THOSE
20 PAYMENTS ARE MADE TO REIMBURSE TAXING UNITS FOR PROPERTY TAXES THAT
21 WOULD OTHERWISE BE PAYABLE UNDER THE GENERAL PROPERTY TAX ACT, 1893
22 PA 206, MCL 211.1 TO 211.157. AS USED IN THIS SUBPARAGRAPH,
23 "ELIGIBLE LOCAL ASSESSING DISTRICT" MEANS THAT TERM AS DEFINED IN
24 SECTION 9F OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
25 211.9F.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 93rd Legislature are

1 enacted into law:

2 (a) Senate Bill No. 203.

3 (b) Senate Bill No. 909.

4 (c) Senate Bill No. 910.

5 (d) House Bill No. 5459.

6 (e) House Bill No. 5460.

7 (f) House Bill No. 5461.