

HOUSE BILL No. 4184

February 5, 2013, Introduced by Rep. Haines and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
(MCL 211.1 to 211.155) by adding section 700.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 700. (1) FOR TAXES LEVIED AFTER DECEMBER 31, 2012, THE
2 GOVERNING BODY OF A LOCAL TAX COLLECTING UNIT MAY ADOPT A
3 RESOLUTION TO EXEMPT FROM THE COLLECTION OF TAXES UNDER THIS ACT
4 ALL REAL AND PERSONAL PROPERTY OWNED OR LEASED BY AN ELIGIBLE
5 BUSINESS. THE CLERK OF THE LOCAL TAX COLLECTING UNIT SHALL NOTIFY
6 IN WRITING THE ASSESSOR OF THE LOCAL TAX COLLECTING UNIT IN WHICH
7 THE ELIGIBLE BUSINESS IS LOCATED AND THE LEGISLATIVE BODY OF EACH
8 TAXING UNIT THAT LEVIES AD VALOREM PROPERTY TAXES IN THE LOCAL TAX
9 COLLECTING UNIT IN WHICH THE ELIGIBLE BUSINESS IS LOCATED. BEFORE
10 ACTING ON THE RESOLUTION, THE GOVERNING BODY OF THE LOCAL TAX
11 COLLECTING UNIT SHALL AFFORD THE ASSESSOR AND A REPRESENTATIVE OF

1 THE AFFECTED TAXING UNITS AN OPPORTUNITY FOR A HEARING.

2 (2) THE EXEMPTION UNDER THIS SECTION IS EFFECTIVE ON THE
3 DECEMBER 31 IMMEDIATELY SUCCEEDING THE ADOPTION OF THE RESOLUTION
4 BY THE GOVERNING BODY OF THE ELIGIBLE LOCAL ASSESSING DISTRICT AND
5 SHALL CONTINUE IN EFFECT FOR A PERIOD SPECIFIED IN THE RESOLUTION.
6 A COPY OF THE RESOLUTION SHALL BE FILED WITH THE STATE TAX
7 COMMISSION.

8 (3) AN ELIGIBLE BUSINESS MAY APPLY FOR AN EXEMPTION UNDER
9 SUBSECTION (1) BY FILING AN AFFIDAVIT WITH THE LOCAL ASSESSOR AND
10 THE CLERK OF THE LOCAL TAX COLLECTING UNIT WITHIN THE TIME FRAME
11 PRESCRIBED BY THE STATE TAX COMMISSION. THE AFFIDAVIT SHALL BE IN A
12 FORM PRESCRIBED BY THE STATE TAX COMMISSION.

13 (4) IF AN EXEMPTION UNDER THIS SECTION IS ERRONEOUSLY GRANTED,
14 THE TAX ROLLS SHALL BE CORRECTED FOR THE AFFECTED TAX YEARS. THE
15 PROPERTY THAT HAD BEEN SUBJECT TO THAT EXEMPTION SHALL BE
16 IMMEDIATELY PLACED ON THE TAX ROLL BY THE LOCAL TAX COLLECTING UNIT
17 IF THE LOCAL TAX COLLECTING UNIT HAS POSSESSION OF THE TAX ROLL OR
18 BY THE COUNTY TREASURER IF THE COUNTY HAS POSSESSION OF THE TAX
19 ROLL AS THOUGH THE EXEMPTION HAD NOT BEEN GRANTED. A CORRECTED TAX
20 BILL SHALL BE ISSUED FOR THE TAX YEAR BEING ADJUSTED BY THE LOCAL
21 TAX COLLECTING UNIT IF THE LOCAL TAX COLLECTING UNIT HAS POSSESSION
22 OF THE TAX ROLL OR BY THE COUNTY TREASURER IF THE COUNTY HAS
23 POSSESSION OF THE TAX ROLL. IF AN OWNER PAYS THE CORRECTED TAX BILL
24 ISSUED UNDER THIS SUBSECTION WITHIN 60 DAYS AFTER THE CORRECTED TAX
25 BILL IS ISSUED, THAT OWNER IS NOT LIABLE FOR ANY PENALTY OR
26 INTEREST ON THE ADDITIONAL TAX. IF AN OWNER PAYS A CORRECTED TAX
27 BILL ISSUED UNDER THIS SUBSECTION MORE THAN 60 DAYS AFTER THE

1 CORRECTED TAX BILL IS ISSUED, THE OWNER IS LIABLE FOR THE PENALTIES
2 AND INTEREST THAT WOULD HAVE ACCRUED IF THE EXEMPTION HAD NOT BEEN
3 GRANTED FROM THE DATE THE TAXES WERE ORIGINALLY LEVIED.

4 (5) REAL AND PERSONAL PROPERTY OF AN ELIGIBLE BUSINESS EXEMPT
5 UNDER THIS SECTION IS SUBJECT TO THE SPECIFIC TAX LEVIED UNDER THE
6 ADVERSE CONSTRUCTION SPECIFIC TAX ACT.

7 (6) AS USED IN THIS SECTION:

8 (A) "CONSTRUCTION PROJECT" MEANS A MAJOR INFRASTRUCTURE
9 CONSTRUCTION PROJECT THAT HAS A PLANNED DURATION OF NOT LESS THAN 3
10 MONTHS IN THE FIRST TAX YEAR IN WHICH CONSTRUCTION BEGINS AND, FOR
11 ANY SUBSEQUENT TAX YEAR, HAS A PLANNED DURATION OF NOT LESS THAN 2
12 MONTHS. CONSTRUCTION PROJECT DOES NOT INCLUDE WORK PERFORMED ON AN
13 INTERSTATE HIGHWAY.

14 (B) "ELIGIBLE BUSINESS" MEANS A BUSINESS THAT OWNS REAL OR
15 PERSONAL PROPERTY SUBJECT TO AD VALOREM TAXES OR A BUSINESS THAT IS
16 CONTRACTUALLY RESPONSIBLE FOR THE PAYMENT OF AD VALOREM TAXES ON
17 REAL OR PERSONAL PROPERTY, WHICH IS OR WILL BE ADVERSELY IMPACTED
18 BY A CONSTRUCTION PROJECT.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 4185 (request no.
21 00271'13 a) of the 97th Legislature is enacted into law.