



HOUSE BILL No. 5116

October 12, 1993. Introduced by Reps. Bobier, Horton, Munsell, Bender, Johnson, Bullard, Bandstra, Dalman, Shugars, McBryde, Llewellyn, Stille, Dobb, Dolan, Walberg and Martin and referred to the Committee on Taxation.

A bill to amend the title and sections 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, and 20 of Act No. 282 of the Public Acts of 1905, entitled as amended

"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,"

section 13 as amended by Act No. 322 of the Public Acts of 1980, being sections 207.4, 207.6, 207.7, 207.8, 207.9, 207.10, 207.11, 207.12, 207.13, 207.14, 207.16, and 207.20 of the Michigan

Compiled Laws; to add section 4a; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 4, 6, 7, 8, 9, 10, 11,
2 12, 13, 14, 16, and 20 of Act No. 282 of the Public Acts of 1905,
3 section 13 as amended by Act No. 322 of the Public Acts of 1980,
4 being sections 207.4, 207.6, 207.7, 207.8, 207.9, 207.10, 207.11,
5 207.12, 207.13, 207.14, 207.16, and 207.20 of the Michigan
6 Compiled Laws, are amended and section 4a is added to read as
7 follows:

8 TITLE

9 An act to provide for the assessment of ~~the~~ CERTAIN prop-
10 erty ~~, by whomsoever owned,~~ operated or conducted ~~, of~~ BY
11 railroad companies, union station and depot companies, telegraph
12 companies, telephone companies, sleeping car companies, express
13 companies, car loaning companies, stock car companies, refrigera-
14 tor car companies, and fast freight companies, and all other com-
15 panies owning, leasing, running, or operating any freight, stock,
16 refrigerator, or any other cars, not being exclusively the prop-
17 erty of any railroad company paying taxes upon its rolling stock
18 under the provisions of this act, over or upon the line or lines
19 of any railroad or railroads in this state; ~~, and~~ TO PROVIDE
20 for the levy of taxes ~~thereon by a state board of assessors~~ ON
21 THE PROPERTY BY THE DEPARTMENT OF TREASURY, and for the collec-
22 tion of ~~such~~ THE taxes; ~~, and~~ and to PROVIDE FOR THE repeal OF
23 all acts or parts of acts contravening any of the provisions of
24 this act.

1 Sec. 4. ~~It shall be the duty of said board to~~ THE STATE
2 TREASURER SHALL make an annual assessment upon an assessment roll
3 ~~to be~~ prepared by ~~said board,~~ THE DEPARTMENT OF TREASURY of
4 the property ~~by whomsoever~~ owned, operated, or conducted, and
5 having a situs in this state, ~~as hereinafter defined,~~ of rail-
6 road companies, union station and depot companies, telegraph com-
7 panies, telephone companies, sleeping car companies, express com-
8 panies, car loaning companies, stock car companies, refrigerator
9 car companies and fast freight line companies, and all other com-
10 panies owning, leasing, running, or operating any freight, stock,
11 refrigerator, or any other cars not being exclusively the prop-
12 erty of any railroad company paying taxes upon its rolling stock
13 under the provisions of this act, over or upon the line or lines
14 of any railroad or railroads in this state. ~~Provided, That~~
15 HOWEVER, the property of telegraph and telephone companies whose
16 gross receipts within this state for the year ending December
17 ~~thirty first~~ 31 do not exceed \$1,000.00 ~~shall be~~ ARE exempt
18 from taxation. All telegraph and telephone companies doing busi-
19 ness in this state shall make the report required by section 6 of
20 this act to the ~~state board of assessors~~ DEPARTMENT OF
21 TREASURY.

22 SEC. 4A. IF ENGAGED IN THE DUTIES PRESCRIBED UNDER
23 SECTION 4, THE DEPARTMENT OF TREASURY SHALL HAVE ACCESS TO ALL
24 BOOKS, PAPERS, DOCUMENTS, STATEMENTS, AND ACCOUNTS, ON FILE OR OF
25 RECORD IN ANY OF THE DEPARTMENTS OF STATE, SUBJECT TO THE RULES
26 AND REGULATIONS OF THE RESPECTIVE DEPARTMENTS RELATIVE TO THE
27 CARE OF PUBLIC RECORDS. THE DEPARTMENT SHALL HAVE LIKE ACCESS TO

1 ALL BOOKS, PAPERS, DOCUMENTS, STATEMENTS, AND ACCOUNTS, ON FILE
2 OR OF RECORD IN COUNTIES, TOWNSHIPS, AND MUNICIPALITIES. THE
3 DEPARTMENT HAS THE RIGHT TO SUBPOENA WITNESSES THAT MAY BE SERVED
4 BY ANY PERSON AUTHORIZED TO SERVE SUBPOENAS FROM COURTS OF RECORD
5 IN THIS STATE, AND THE ATTENDANCE OF WITNESSES MAY BE COMPELLED
6 BY SUBPOENA, TO BE ISSUED BY ANY CIRCUIT COURT IN THIS STATE.
7 THE PERSON APPEARING IN RESPONSE TO A SUBPOENA SHALL RECEIVE LIKE
8 COMPENSATION AS IS ALLOWED BY THE STATUTES OF THIS STATE TO WIT-
9 NESSES IN THE CIRCUIT COURT BY THE BOARD OF STATE AUDITORS UPON
10 THE PRESENTATION OF A COPY OF THE SUBPOENA, WITH THE NUMBER OF
11 DAYS' SERVICE AND MILEAGE ENDORSED ON THE SUBPOENA AND APPROVED
12 BY THE STATE TREASURER OR HIS OR HER DESIGNEE. THE PERSON SERV-
13 ING THE SUBPOENA SHALL RECEIVE THE SAME COMPENSATION NOW ALLOWED
14 TO SHERIFFS OR OTHER OFFICERS FOR SERVING SUBPOENAS. THE DEPART-
15 MENT OF TREASURY HAS THE POWER TO EXAMINE WITNESSES UNDER OATH.
16 THE DEPARTMENT HAS THE RIGHT TO INSPECT AND EXAMINE THE BOOKS,
17 PAPERS, OR ACCOUNTS OF ANY CORPORATION, FIRM, OR INDIVIDUAL
18 OWNING PROPERTY TO BE ASSESSED BY THE STATE TREASURER, AND IF THE
19 CORPORATION, FIRM, OR INDIVIDUAL REFUSES TO PERMIT INSPECTION AND
20 EXAMINATION, OR NEGLECTS OR FAILS TO APPEAR BEFORE THE DEPARTMENT
21 OF TREASURY IN RESPONSE TO ITS SUBPOENA, THE CORPORATION, FIRM,
22 OR INDIVIDUAL SHALL, FOR EACH REFUSAL, NEGLECT, OR FAILURE, FOR-
23 FEIT THE SUM OF \$500.00 TO THE STATE, THE SUM SO FORFEITED TO BE
24 RECOVERED IN A PROPER ACTION BROUGHT IN THE NAME OF THE PEOPLE OF
25 THE STATE OF MICHIGAN, IN ANY COURT OF COMPETENT JURISDICTION.

26 Sec. 6. The several corporations, persons, copartnerships,
27 companies, and associations whose property is subject to

1 assessment and taxation under the provisions of this act, and
2 whose annual gross receipts exceed \$1,000,000.00 shall annually
3 between the first day of January and the thirty-first day of
4 March in each year, and the several corporations, persons,
5 copartnerships, companies, and associations whose property is
6 subject to assessment and taxation under the provisions of this
7 act, and whose annual gross receipts do not exceed \$1,000,000.00,
8 shall annually between the first day of January and the fifteenth
9 day of March in each year, under oath of the president, secre-
10 tary, superintendent, or chief officer of ~~such~~ THE corporation,
11 company, or association, or of the person or persons owning
12 ~~such~~ THE property, make and file with the ~~state board of~~
13 ~~assessors~~ DEPARTMENT OF TREASURY an annual report, ~~in such form~~
14 ~~as said board may provide, upon blanks to be furnished by said~~
15 ~~board~~ ON A FORM PRESCRIBED AND PROVIDED BY THE DEPARTMENT OF
16 TREASURY setting forth specifically ~~upon blanks so furnished by~~
17 ~~the board~~ the information prescribed by ~~said board~~ THE
18 DEPARTMENT to enable ~~them~~ THE STATE TREASURER to make the
19 assessment required in this act.

20 Sec. 7. Every joint stock association, company,
21 copartnership, or association incorporated or acting under the
22 laws of this or any other state, or of any foreign nation, ~~and~~
23 conveying to, from, through, in, or across this state, or any
24 part ~~thereof~~ OF THIS STATE, passengers or travelers ~~—~~ in
25 palace cars, drawing room cars, sleeping cars, or tourist cars
26 ~~—~~ under any contract, express or implied, with any railroad
27 company ~~—~~ or the managers, lessees, agents, or receivers

1 ~~thereof, shall be deemed~~ OF A RAILROAD COMPANY, ARE CONSIDERED
 2 and held to be a sleeping car company for the purposes of this
 3 act. ~~and every such~~ EACH sleeping car company doing business
 4 in this state ~~shall~~ shall annually between the first day of January
 5 and the thirty-first day of March ~~make out~~ PREPARE and
 6 deliver to the ~~state board of assessors,~~ DEPARTMENT OF TREASURY
 7 a statement, verified by the oath of the officer or agent of
 8 ~~such~~ THE company making ~~such~~ THE statement, with reference to
 9 the thirty-first day of December next preceding, setting forth
 10 the information prescribed by the ~~board~~ DEPARTMENT OF TREASURY
 11 to enable them to make the assessment required in this act.

12 Sec. 8. ~~Blanks~~ FORMS for making the statements provided
 13 for in ~~section~~ SECTIONS 6 and 7 shall be furnished to ~~such~~
 14 THE companies on making application to ~~said board.~~ ~~Provided,~~
 15 ~~That~~ THE DEPARTMENT OF TREASURY. HOWEVER, the reports ~~hereby~~
 16 ~~provided for shall~~ DO not in any way relieve ~~any of said~~ THE
 17 companies from making the reports now required to be made to
 18 other state officers. ~~In case any~~ IF A company fails or
 19 refuses to make the statement required by this act, or refuses to
 20 furnish any information requested, the ~~board shall inform itself~~
 21 ~~as best it may on~~ DEPARTMENT OF TREASURY SHALL INQUIRE INTO the
 22 matters necessary to be known ~~in~~ in order to discharge its
 23 duties with respect to the assessment of the property of ~~such~~
 24 THE companies. Any company ~~which shall refuse or neglect~~ THAT
 25 REFUSES OR NEGLECTS to make the report required by this act, ~~or~~
 26 ~~any part thereof,~~ within the time specified, ~~shall be~~ IS
 27 subject to a penalty of ~~500 dollars~~ \$500.00 for each day of the

1 continuance of ~~such~~ THE neglect or refusal to file ~~said~~ THE
2 report, to be recovered in a proper action brought in the name of
3 the people of the state of Michigan in any court of competent
4 jurisdiction. ~~Provided, That when any~~ IF A company ~~shall~~
5 ~~show~~ SHOWS to the satisfaction of ~~said board~~ THE DEPARTMENT OF
6 TREASURY that it cannot furnish any of the information requested,
7 ~~said board~~ THE DEPARTMENT OF TREASURY may excuse ~~said~~ THE
8 company from furnishing ~~such~~ THE information.

9 Sec. 9. Subsequent to the filing of the reports required in
10 the preceding sections, and ~~prior to the fifteenth day of~~
11 BEFORE May 15 in each year, ~~it shall be the duty of the state~~
12 ~~board of assessors to~~ THE DEPARTMENT OF TREASURY SHALL prepare
13 an assessment roll as provided in section 4 of this act, upon
14 which ~~they~~ THE STATE TREASURER shall assess ~~at~~ at the true
15 cash value, on the ~~thirty first day of December next~~
16 DECEMBER 31 IMMEDIATELY preceding the time of making ~~said~~ THE
17 assessment, all the property of the companies ~~herein~~
18 ~~enumerated,~~ subject to taxation under this act. ~~, which said~~
19 THE assessments shall not be final until reviewed as
20 ~~hereinafter~~ provided IN THIS ACT. For the purpose of arriving
21 at the amount, ~~and~~ character, and true cash value of the prop-
22 erty belonging to ~~said~~ THE companies ~~as~~ appearing upon the
23 assessment roll for the purpose of assessment and taxation, the
24 ~~said board~~ DEPARTMENT OF TREASURY may personally inspect the
25 property belonging to ~~said~~ THE companies, and may take into
26 consideration the reports filed under this act, the reports and
27 returns of ~~said~~ THE companies filed in the office of any

1 officer of this state ~~—~~ or in the office of any other
2 governmental agency, and ~~such~~ ANY other evidence or information
3 ~~as may be~~ obtainable or possessed by ~~said board, bearing~~
4 ~~thereon~~ THE DEPARTMENT OF TREASURY BEARING ON THE MATTER. In
5 determining the true cash value of the property of each railroad
6 and union station and depot company ~~which~~ THAT owns, leases,
7 operates, or uses lines partly within or partly without this
8 state, the ~~said board~~ DEPARTMENT OF TREASURY shall be guided,
9 in ascertaining the property subject to taxation in Michigan, by
10 the proportion ~~which~~ THAT the number of miles of all track con-
11 trolled or used by ~~said~~ THE company as owner, lessee, or other-
12 wise, within the state of Michigan, bears to the entire mileage
13 of all track controlled or used by ~~said~~ THE company as owner,
14 lessee, or otherwise, both within and without this state, and by
15 any other uniform factors ~~which~~ THAT reflect a fair allocation
16 of value to this state. In determining the true cash value of
17 the property of each telegraph company and telephone company ~~—~~
18 ~~which~~ THAT owns, leases, operates, or uses lines partly within
19 and partly without this state, the ~~said board~~ DEPARTMENT OF
20 TREASURY shall be guided, in ascertaining the property subject to
21 taxation in Michigan ~~—~~ by the proportion ~~which~~ THAT the
22 number of miles of telegraph or telephone lines controlled or
23 used by ~~said~~ THE company as owner, lessee, or otherwise, within
24 the state of Michigan ~~—~~ bears to the entire mileage of tele-
25 graph or telephone lines controlled or used by ~~said~~ THE company
26 as owner, lessee, or otherwise, both within and without this
27 state, and by any other uniform factors ~~which~~ THAT reflect a

1 fair allocation of value to this state. In determining the true
2 cash value of the property of express companies, ~~they~~ THE
3 DEPARTMENT OF TREASURY shall ascertain and determine the actual
4 value in money of the entire amount of the capital stock and
5 bonded indebtedness of ~~such~~ THE express company. From the
6 amount so obtained and determined, ~~said board~~ THE DEPARTMENT OF
7 TREASURY shall deduct the actual value of all real estate owned
8 by it as ascertained by ~~said board~~ THE DEPARTMENT OF TREASURY,
9 and the actual value of all its personal property as ascertained
10 by ~~said board, which~~ THE DEPARTMENT OF TREASURY THAT is not
11 used in the express business of ~~such~~ THE express company. ~~And~~
12 ~~the~~ THE remainder thus obtained shall be used in determining the
13 assessment of ~~such~~ THE express company ~~in the following~~
14 ~~manner: The said board shall then divide~~ BY DIVIDING the amount
15 as obtained above by the total number of miles, as determined by
16 ~~said board~~ THE DEPARTMENT OF TREASURY, of railroad, stage,
17 water, and other routes over which the company did business to
18 obtain the value per mile, and ~~shall~~ then ~~multiply~~
19 MULTIPLYING the ~~value per mile thus obtained~~ RESULT by the
20 total number of miles of ~~such~~ THE routes within this state, as
21 determined by ~~said board~~ THE DEPARTMENT OF TREASURY to which
22 result ~~shall be added~~ ADD the value of all real estate owned by
23 ~~such~~ THE express companies in this state, as determined by
24 ~~said board, and~~ the DEPARTMENT OF TREASURY. THE sum ~~so~~
25 obtained ~~shall be taken and~~ IS considered ~~as~~ the actual value
26 of the property of ~~such~~ THE express company, subject to
27 assessment and taxation in this state. ~~: Provided, That if in~~

1 ~~any case it shall become~~ IF IT BECOMES apparent to the ~~said~~
2 ~~board~~ DEPARTMENT OF TREASURY that the ocean routes of any com-
3 pany are so different in character from its other routes that the
4 mileage basis of apportionment of the value of the entire prop-
5 erty to be apportioned in Michigan would be unfair if the full
6 mileage of ~~such~~ THE ocean routes were included, then it may
7 make ~~such~~ AN allowance for ~~such~~ THE ocean routes of any com-
8 pany ~~as in its judgment will~~ TO bring ~~such~~ THE routes ~~upon~~
9 ~~a~~ INTO parity with its other routes, ~~being~~ guided ~~therein~~ by
10 the relative mileage values and earning capacities of ~~such~~ THE
11 ocean and other routes. For this purpose, the ~~board of~~
12 ~~assessors~~ DEPARTMENT OF TREASURY shall require special reports
13 of the character, mileage, earnings, and value of ~~such~~ THE
14 ocean routes and may exclude from its aggregate mileage any ocean
15 routes ~~respecting~~ FOR which the company ~~shall fail~~ FAILS to
16 furnish reports, and no further penalty shall be imposed for the
17 failure to report the mileage of ocean routes. ~~Provided fur-~~
18 ~~ther, That if any such~~ IF A company ~~shall claim~~ CLAIMS, in
19 writing, that the mileage basis of apportionment of the value of
20 the entire property to be attributed to Michigan is unfair, then
21 ~~such board~~ THE DEPARTMENT OF TREASURY shall make ~~such~~ AN
22 apportionment ~~as shall in its judgment be~~ IT CONSIDERS fair,
23 ~~being~~ guided by the mileage within and without the state,
24 making proper allowance for ocean mileage as ~~above~~ provided for
25 IN THIS SECTION. In ascertaining the true cash value of the
26 property in Michigan, of car loaning, stock car, refrigerator,
27 fast freight lines, and other car companies, and other companies

1 owning, leasing, running, or operating cars subject to taxation
 2 under this act, the ~~said state board of assessors~~ DEPARTMENT OF
 3 TREASURY shall be guided by the relation ~~which~~ THAT the aggre-
 4 gate car mileage made or run by the entire number of cars owned
 5 or operated by each ~~of such companies~~ COMPANY bears to the car
 6 mileage made or run by the entire number of cars owned or oper-
 7 ated by ~~any such~~ THE company within this state.

8 Sec. 10. ~~Upon said assessment roll, after~~ FOLLOWING the
 9 name of each ~~of the companies~~ COMPANY assessed ~~thereon~~ ON THE
 10 ASSESSMENT ROLL, shall be placed a general description of the
 11 property of ~~said companies~~ THE COMPANY, which shall be ~~deemed~~
 12 CONSIDERED to include all of the properties of ~~said companies~~
 13 THE COMPANY liable to taxation under this act. ~~In the case of~~
 14 FOR A railroad, union station, ~~and~~ OR depot ~~companies~~
 15 COMPANY, ~~such~~ THE general description may be ~~as follows:~~
 16 "Real estate, rolling stock, right of way and appurtenances, and
 17 all other property used in carrying on the corporate business and
 18 subject to taxation by ~~a state board of assessors~~ THE DEPART-
 19 MENT OF TREASURY." ~~In the case of~~ FOR A telegraph ~~and~~ OR
 20 telephone ~~companies~~ COMPANY, the ~~following~~ general descrip-
 21 tion ~~may be used:~~ OF "Real estate, exchanges, switchboards,
 22 conduits, telegraph and telephone poles, and lines, and other
 23 appurtenances, and all other property used in carrying on the
 24 business of ~~said~~ THE company, and subject to taxation by ~~a~~
 25 ~~state board of assessors~~ THE DEPARTMENT OF TREASURY." MAY BE
 26 USED. ~~In the case of~~ FOR A car loaning, stock car,
 27 refrigerator and fast freight line, ~~and~~ OR other car

1 ~~companies~~ COMPANY and other companies, owning, leasing,
 2 running, or operating any cars subject to taxation under this
 3 act, the ~~following~~ general description ~~may be used:~~ OF "Cars
 4 subject to taxation by ~~a state board of assessors~~ THE DEPART-
 5 MENT OF TREASURY." MAY BE USED. ~~In the case of~~ FOR AN express
 6 ~~companies and~~ COMPANY OR sleeping car ~~companies~~ COMPANY, the
 7 ~~following~~ general description ~~may be used:~~ OF "Property
 8 subject to taxation by ~~a state board of assessors~~ THE DEPART-
 9 MENT OF TREASURY." MAY BE USED. In an appropriate column oppo-
 10 site the names of ~~said~~ THE corporations shall be extended the
 11 cash valuations of the properties of the ~~said~~ companies so
 12 assessed.

13 Sec. 11. ~~On~~ FROM the third Monday in May in each year
 14 ~~it shall be the duty of the state board of assessors to meet at~~
 15 ~~its office in the city of Lansing, and to continue in session~~
 16 ~~from day to day for so long a period as may be necessary, not~~
 17 ~~later than the fifteenth day of~~ THROUGH June ~~next thereafter~~
 18 15, THE DEPARTMENT OF TREASURY SHALL BE AVAILABLE for the purpose
 19 of reviewing ~~said~~ THE assessment roll, and any companies or
 20 persons interested ~~shall~~ have the right to appear during ~~said~~
 21 ~~period~~ THAT TIME and be heard as to the valuation of the prop-
 22 erty of any company. ~~, and said board of assessors may~~ THE
 23 DEPARTMENT OF TREASURY, on ~~such~~ THE application OF A COMPANY or
 24 on its own motion, MAY correct the assessment or valuation of the
 25 property of ~~such~~ THE company in ~~such~~ A manner ~~as~~ THAT will
 26 ~~, in its judgment,~~ make the valuation ~~thereof~~ just and equal.
 27 ~~, and for~~ FOR the purpose of arriving at the true cash value of

1 the properties assessed on ~~said~~ THE assessment roll, THE
2 DEPARTMENT OF TREASURY may subpoena witnesses as provided in sec-
3 tion 3 of this act, and have ~~such~~ A hearing ~~as may be deemed~~
4 IF CONSIDERED necessary. ~~In case it shall appear or be made to~~
5 ~~appear~~ IF IT APPEARS to the ~~members of said board~~ DEPARTMENT
6 OF TREASURY, acting in review for assessment purposes, that the
7 property of any corporation subject to taxation under the provi-
8 sions of this act ~~shall have been~~ IS omitted from ~~said~~ THE
9 assessment roll, it shall place the ~~same thereon~~ PROPERTY ON
10 THE ROLL and make the assessment ~~thereof as~~ required in sec-
11 tions 9 and 10. ~~of this act. Provided, That any such~~ THAT
12 assessment shall take place in time to allow 5 full days for the
13 review of the ~~same~~ ASSESSMENT before the expiration of the time
14 ~~herein~~ provided for the completion of the review. After ~~said~~
15 ~~state board of assessors shall have completed~~ THE DEPARTMENT OF
16 TREASURY COMPLETES the review of ~~said~~ THE rolls, ~~as herein~~
17 ~~provided, they~~ IT shall place opposite each description of
18 property, ~~in said roll,~~ in a column provided for that purpose,
19 the true cash value of the ~~same~~ PROPERTY as ascertained and
20 determined by ~~them~~ THE STATE TREASURER and ~~such~~ THE valuation
21 ~~so fixed by them shall be~~ IS the final valuation upon which the
22 tax upon ~~said~~ THE property shall be levied and spread. ~~as~~
23 ~~herein provided.~~ After ~~said board shall have~~ THE DEPARTMENT OF
24 TREASURY HAS completed the review of ~~said~~ THE roll, ~~a majority~~
25 ~~thereof~~ THE STATE TREASURER shall certify ~~under their hands~~
26 ~~officially and spread~~ On ~~said~~ THE roll ~~, a certificate to the~~
27 ~~effect~~ that the ~~same~~ ROLL has been acted upon and reviewed in

1 accordance with law. ~~which~~ A certificate shall ~~state~~ BE
 2 ATTACHED TO THE ROLL STATING THAT all the alterations, changes,
 3 corrections, and additions made in or to the assessment or valua-
 4 tion of the property appearing on ~~said~~ THE roll, and all the
 5 alterations, changes, and corrections made in the determination
 6 of the true cash value of the property of the state other than
 7 that included in this act upon which ad valorem taxes are
 8 assessed for state, county, township, ~~school~~ and municipal pur-
 9 poses for the current year, and ~~also~~ all the alterations,
 10 changes, and corrections made in the computation of the average
 11 rate as ~~hereinafter~~ provided IN THIS ACT.

12 Sec. 12. ~~It shall be the duty of the~~ THE county clerk in
 13 each county in this state, as soon as possible after the equali-
 14 zation of the board of supervisors of ~~his~~ THE county of the
 15 assessment rolls of the several municipalities ~~therein~~ IN THE
 16 COUNTY, and not later than ~~the first day of~~ December 1 in each
 17 year ~~to~~ SHALL make a report, duly certified, to the ~~state~~
 18 ~~board of assessors~~ DEPARTMENT OF TREASURY, upon a form to be
 19 provided by ~~said board~~ THE DEPARTMENT, of the amount of ad
 20 valorem taxes to be raised in the several municipalities of
 21 ~~such~~ THE county, for state, county, municipal, township,
 22 ~~school~~ and other purposes, also a statement of the aggregate
 23 valuation of the property in each of ~~said~~ THE several munici-
 24 palities, as taken from the assessment rolls of ~~said~~ THE munic-
 25 ipalities for the year in which ~~such~~ THE equalization is made,
 26 and the equalized valuation of each ~~such~~ municipality. ~~It~~
 27 ~~shall be the duty of the~~ THE supervisor or other assessing

1 officer of each township, city, and village in this state ~~to~~
 2 BEFORE DECEMBER 1 SHALL make ~~, within the time above limited,~~ a
 3 report to the ~~state board of assessors~~ DEPARTMENT OF TREASURY,
 4 upon a form to be provided by ~~said board~~ THE DEPARTMENT, of all
 5 ad valorem taxes raised in his OR HER assessing district for the
 6 current year, and of the assessed valuation of real estate and
 7 personal property upon which ~~such~~ taxes are levied. ~~In case~~
 8 ~~any~~ IF A county clerk or ~~any~~ A supervisor or assessing officer
 9 ~~shall neglect or fail~~ NEGLECTS OR FAILS to make the report
 10 REQUIRED by this section ~~required~~ within the time limited, the
 11 ~~said state board of assessors~~ DEPARTMENT OF TREASURY shall
 12 inspect and examine or cause an inspection and examination of the
 13 records of ~~said~~ THE board of supervisors or of the proper town-
 14 ship, city, or village officers, for the purpose of procuring the
 15 information required for ~~the purpose of~~ arriving at the average
 16 rate of taxation in this state. Any county clerk, supervisor, or
 17 assessing officer, who ~~shall fail~~ FAILS to make the report
 18 required by this section, ~~shall be~~ IS subject to a penalty of
 19 ~~100 dollars~~ \$100.00, to be recovered in a proper action in the
 20 name of the people of the state of Michigan in any court of com-
 21 petent jurisdiction.

22 Sec. 13. (1) The ~~state board of assessors~~ DEPARTMENT OF
 23 TREASURY, from the information contained in the reports provided
 24 for in section 12, shall ascertain and determine the average rate
 25 of taxation for the year in which the reports are required to be
 26 made, levied upon other COMMERCIAL, INDUSTRIAL, AND UTILITY
 27 property upon which ad valorem taxes are assessed for state,

1 county, township, ~~school,~~ and municipal purposes, and enter the
 2 determination upon its records, together with the method by which
 3 the average rate was ascertained and determined. In ascertaining
 4 and determining the average rate of taxation, the ~~board~~
 5 DEPARTMENT OF TREASURY shall divide the state equalized value as
 6 set by the ~~state board of equalization~~ VARIOUS COUNTY BOARDS OF
 7 COMMISSIONERS for the previous year into the total ad valorem
 8 taxes as reported by each county clerk as provided for under sec-
 9 tion 12.

10 (2) A railroad company ~~shall be~~ IS allowed a credit
 11 against the tax imposed by this act for the taxable year in an
 12 amount equal to 25% of the amount expended for the maintenance or
 13 improvement of rights of way, including those items, except
 14 depreciation, in the official maintenance-of-way and capital
 15 track accounts of the railroad company, in this state during the
 16 calendar year IMMEDIATELY preceding the tax year but not to
 17 exceed the total liability for the tax under this act. The
 18 manner of applying for the credit and the proof of expenditures
 19 required shall be prescribed by the ~~state board of assessors~~
 20 DEPARTMENT OF TREASURY.

21 (3) A railroad company ~~which~~ THAT claims a credit under
 22 this section ~~shall be~~ IS required to file an annual report with
 23 the ~~state board of assessors which~~ DEPARTMENT OF TREASURY THAT
 24 shall include detailed data of right of way work conducted in the
 25 state during the past calendar year. The ~~state board of~~
 26 ~~assessors~~ DEPARTMENT OF TREASURY shall transmit a copy of the
 27 report to the chairperson of the senate finance committee and the

1 house taxation committee. This report ~~which~~ THAT shall be
2 submitted to the ~~state board of assessors,~~ DEPARTMENT OF
3 TREASURY shall include the number of notices of violation from
4 railway inspectors by railroad section ~~—~~ and shall include a
5 detailed account of the location of the work and the nature of
6 the work. The location of the work shall be defined by the rail-
7 road section or mile posts surrounding the work area plus the
8 county or the city or township in which the work was performed.
9 This report shall include a separation of costs by labor and
10 materials on each project. The report also shall include an
11 itemized account of what work was done. This account shall be
12 itemized by the following categories:

13 (a) Miles of track laid.

14 (b) Tons of new ballast installed.

15 (c) Number of ties installed.

16 (d) Miles of tracks surfaced.

17 (e) Signals installed.

18 (f) Under drainage work done.

19 (4) The railroad companies, in order to qualify for the full
20 25% credit under this act, must demonstrate to the ~~state board~~
21 ~~of assessors~~ DEPARTMENT OF TREASURY that the highest priority of
22 expenditures for the maintenance or improvement of rights of way
23 has been given to rail lines ~~which~~ THAT handle hazardous mate-
24 rials, especially those that are located in urban or residential
25 areas.

26 A railroad company ~~which~~ THAT claims a credit under this
27 section ~~shall be~~ IS required to file an annual report with the

1 ~~state board of assessors which~~ DEPARTMENT OF TREASURY THAT
2 shall include detailed data on the tonnages of hazardous materi-
3 als handled in relation to tonnages of other traffic handled over
4 the rail line for which a tax credit is being applied.

5 (5) A railroad company utilizing the property tax credit
6 provisions of this act shall grant to another railroad company
7 upon application by the latter, trackage rights over its line for
8 trains, providing ~~said~~ THAT THE train operations do not inter-
9 fere with the movement of Michigan freight using same trackage,
10 ~~and~~ providing THAT operations can be accomplished safely in the
11 opinion of the grantor, and ~~which~~ PROVIDING THAT trackage
12 arrangements and train operations have been approved by the
13 interstate commerce commission. ~~and~~ THE grantee shall pay THE
14 grantor those reasonable charges agreed to between the 2 parties,
15 providing ~~said~~ THE charges and terms of the agreement between
16 ~~said~~ THE 2 parties are not in violation of the anti-trust pro-
17 visions of federal laws as amended by the staggers rail act of
18 1980, ~~of the 96th United States Congress~~ PUBLIC LAW 96-448, 94
19 STAT. 1895.

20 Sec. 14. ~~Said board~~ THE DEPARTMENT OF TREASURY shall tax
21 the property of the several companies as assessed by it at the
22 rate as determined by it, and the amount of tax to be paid by
23 each of ~~said~~ THE companies shall be extended upon ~~said~~ THE
24 assessment roll, opposite the description of their respective
25 properties. After the completion of ~~said~~ THE tax roll, and
26 ~~prior to the twentieth day of~~ BEFORE June 20, in each year, the
27 ~~said board~~ DEPARTMENT OF TREASURY shall attach ~~thereto~~ TO THE

1 ROLL a certificate, signed by the ~~members of the board~~ STATE
2 TREASURER, ~~or a majority thereof,~~ which shall be ~~as follows:~~
3 ~~"We do hereby~~ IN THE FORM OF "I certify that we have set down in
4 the above assessment roll, all the property of railroad com-
5 panies, express companies, union station and depot companies,
6 telegraph and telephone companies, car loaning, stock car,
7 refrigerator and fast freight line, and other car companies, and
8 other companies owning, leasing, running, or operating cars, and
9 sleeping car companies, liable to be taxed in this state, accord-
10 ing to our best information, and that we have estimated the same
11 at what we believe to be the true cash value ~~thereof, and that~~
12 ~~we~~ OF THE PROPERTY. WE have assessed the taxes ~~thereon~~ ON THE
13 PROPERTY at the average rate of taxes for state, county, town-
14 ship, ~~school,~~ municipal, and other purposes levied ON PROPERTY
15 OTHER THAN HOMESTEAD PROPERTY through this state during the
16 IMMEDIATELY preceding year as determined by us." The ~~said~~ tax
17 roll shall ~~thereupon~~ be forthwith delivered to the commissioner
18 of revenue, who shall immediately notify by registered mail the
19 several companies taxed ~~thereon~~ ON THE ROLL to pay the taxes
20 extended ~~thereon~~ ON THE ROLL to the state treasurer. The
21 ~~said~~ taxes shall be payable on ~~the first day of~~ July 1 fol-
22 lowing the assessment and levy, ~~thereof,~~ and shall be in lieu
23 of all taxes for state and local purposes, not including special
24 assessments on property particularly benefited, made in any
25 county, city, village, or township. All taxes not paid before
26 ~~the first day of~~ August 1 in the year in which the ~~same~~ TAXES
27 are payable shall bear interest ~~thereafter~~ at the rate of 1%

1 per month or any fraction thereof. ~~, except that~~ HOWEVER, if
2 1/2 of the amount of ~~said~~ THE taxes ~~shall be~~ ARE paid before
3 ~~the first day of~~ August 1, then the remainder may be paid
4 before ~~the first day of~~ December 1 following without interest,
5 otherwise the amount of ~~said~~ taxes unpaid on ~~the first day of~~
6 August 1 shall bear interest as ~~above~~ provided. The taxes ~~so~~
7 extended against ~~said~~ A company ~~shall forthwith become~~ ARE a
8 debt from ~~each of said companies~~ THE COMPANY to the state and
9 ~~shall~~ constitute a lien upon all the property of ~~said~~
10 ~~companies~~ THE COMPANY, real, personal, and mixed, which lien
11 ~~shall take~~ TAKES precedence ~~of~~ OVER all demands, judgments,
12 assignments by warranty deed or otherwise, or decrees against
13 ~~said companies~~ THE COMPANY, which lien and debt may be enforced
14 by seizure, or sale of ~~said~~ THE property or ~~such~~ A portion
15 ~~thereof~~ OF THE PROPERTY as ~~may be~~ necessary to satisfy the
16 ~~same as hereinbefore provided~~ AMOUNT OF THE LIEN. The ~~state~~
17 ~~board of assessors~~ DEPARTMENT OF TREASURY shall, upon the com-
18 pletion of ~~said~~ THE roll and the correction ~~hereinbefore~~ pro-
19 vided for, annex to ~~said~~ THE roll a warrant ~~and~~ signed by the
20 ~~said state board, or a majority of them,~~ STATE TREASURER com-
21 manding the commissioner of revenue to collect the several sums
22 mentioned in the last column of ~~such~~ THE roll ~~and being the~~
23 ~~sum~~ for which the ~~said~~ company was assessed and was liable to
24 pay for a tax upon its property. ~~, under the provisions of this~~
25 ~~act for the purposes provided for in this act, and the said~~ THE
26 warrant shall authorize and command the commissioner of revenue,
27 ~~in case any~~ IF A corporation, company, or person named in the

1 assessment roll ~~shall neglect or refuse~~ NEGLECTS OR REFUSES to
 2 pay its tax, to levy the same by distress and sale of the proper-
 3 ties of ~~said~~ THE corporation, company, or person or ~~such~~ A
 4 portion ~~thereof~~ OF THE PROPERTY as ~~shall be~~ necessary to
 5 raise sufficient money to satisfy ~~said~~ THE tax and the expense
 6 of ~~said~~ THE sale, after giving the same notice of ~~said~~ THE
 7 sales as provided for in the general laws of this state for the
 8 sale of property seized for taxes and offered for sale. →
 9 ~~Provided, That he~~ THE COMMISSIONER OF REVENUE may bring an
 10 action in the name of the people of the state of Michigan in any
 11 court of competent jurisdiction in the state of Michigan, or in
 12 any other state, for the enforcement of ~~said~~ THE lien and upon
 13 the recovery of judgment or ~~decree therein~~ ORDER, the same may
 14 be collected by execution, levy, and sale, as in other cases,
 15 upon judgments in courts of record.

16 Sec. 16. ~~No~~ A tax assessed upon any property and ~~no~~ AN
 17 average rate determined by ~~said state board of assessors~~ THE
 18 DEPARTMENT OF TREASURY as ~~hereinbefore~~ required → UNDER THIS
 19 ACT shall NOT be held invalid by any court of this state ~~on~~
 20 ~~account~~ BECAUSE of any irregularity in any assessment; → ~~or on~~
 21 ~~account~~ BECAUSE of any assessment or tax roll not having been
 22 made or proceeding had within the time required by law; → ~~or on~~
 23 ~~account~~ BECAUSE of the property having been assessed without the
 24 name of the owner, or in the name of any corporation or person
 25 other than the owner; → ~~or on account~~ BECAUSE of any other
 26 irregularity, informality, or omission, if the method and manner
 27 of ascertaining and determining the average rate of taxation on

1 property in this state is in accordance with the constitution and
2 statutes of this state.

3 Sec. 20. If any person, company, association, or corpora-
4 tion whose property is subject to assessment under this act
5 ~~shall~~ directly or indirectly ~~promise, offer or give~~ PROMISES,
6 OFFERS, OR GIVES to any ~~member of said board~~ EMPLOYEE OF THE
7 DEPARTMENT OF TREASURY, during his OR HER term of ~~office~~
8 EMPLOYMENT, or to any other person at his OR HER request, any
9 gratuity of any kind whatever, ~~such~~ THE person or corporation
10 shall ~~forfeit to the state the sum of 10,000 dollars~~ PAY A
11 CIVIL FINE IN THE AMOUNT OF \$10,000.00 for each ~~such~~ offense,
12 to be recovered in an action in the name of the people of the
13 state of Michigan, in any court of competent jurisdiction. ~~And~~
14 ~~the~~ THE recovery of ~~such~~ THE fine under this act shall not
15 constitute a bar to any prosecution of the person or corporation
16 so offending under the criminal laws of this state.

17 Section 2. Sections 1, 2, 3, and 19 of Act No. 282 of the
18 Public Acts of 1905, being sections 207.1, 207.2, 207.3, and
19 207.19 of the Michigan Compiled Laws, are repealed.