



HOUSE BILL No. 5341

February 15 1994 Introduced by Reps Schroer Porreca Palamara Keith Rocca Griffin Owen Olshove Curtis Harder Barns Pitoniak Anthony Byrum, Baade, Rivers Gire Parks Profit Dobronski and Scott and referred to the Committee on Taxation

A bill to amend section 5 of Act No 330 of the Public Acts of 1993, entitled
"State real estate transfer tax act," being section 207 525 of the Michigan Compiled Laws and to repeal the act on a specific date

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 5 of Act No 330 of the Public Acts of
2 1993, being section 207 525 of the Michigan Compiled Laws, is
3 amended to read as follows

4 Sec 5 (1) ~~Except~~ BEGINNING ON JANUARY 1, 1995, EXCEPT
5 as otherwise provided in this section, the tax imposed under
6 sections 3 and 4 is levied at the ~~following rate~~ (a) Beginning
7 May 1, 1994, if the sales tax is levied at a rate of 4% under the
8 general sales tax act, Act No 167 of the Public Acts of 1933,
9 being sections 205 51 to 205 78 of the Michigan Compiled Laws,

~~1 \$5 00 for each \$500 00 or fraction of \$500 00 of the total value~~
~~2 of the property being transferred. However, if on May 1, 1994,~~
~~3 the sales tax is levied at a rate of 6% under Act No 167 of the~~
~~4 Public Acts of 1933, then no tax shall be levied under this~~
~~5 subdivision. (b) Beginning January 1, 1995, if the sales tax is~~
~~6 levied at a rate of 6% under the general sales tax act, Act~~
~~7 No 167 of the Public Acts of 1933, being sections 205 51 to~~
~~8 205 78 of the Michigan Compiled Laws, \$10 00 RATE OF \$5 00 for~~
~~9 each \$500 00 or fraction of \$500 00 of the total value of the~~
~~10 property being transferred~~

11 (2) A written instrument subject to the tax imposed by this
 12 act shall state on its face the total value of the real property
 13 being transferred unless an affidavit is attached to the written
 14 instrument declaring the total value of the real property being
 15 transferred. The form of the affidavit shall be prescribed by
 16 the department of treasury. If the sale or transfer is of a com-
 17 bination of real and personal property, the tax shall be imposed
 18 only upon the transfer of the real property if the values of the
 19 real and personal property are stated separately on the face of
 20 the written instrument or if an affidavit is attached to the
 21 written instrument setting forth the respective values of the
 22 real and personal property.

23 Section 2 (1) Except as provided in subsection (2), Act
 24 No 330 of the Public Acts of 1993, being sections 207 521 to
 25 207 538 of the Michigan Compiled Laws, is repealed effective
 26 April 1, 1994

1 (2) Subsection (1) shall take effect only if Senate Joint
2 Resolution S of the 87th Legislature does not become a part of
3 the state constitution of 1963 as provided in section 1 of arti-
4 cle XII of the state constitution of 1963