

SENATE BILL No. 1071

(As amended May 10, 2012)

April 17, 2012, Introduced by Senators NOFS, RICHARDVILLE, JONES, KOWALL, MARLEAU, HILDENBRAND, CASWELL, JANSEN, ROBERTSON and HUNE and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
(MCL 211.1 to 211.155) by adding section 9n.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9N. (1) <<SUBJECT TO SUBSECTION (4), BEGINNING>> DECEMBER 31,
2015 AND EACH YEAR

2 THEREAFTER, QUALIFIED PREVIOUSLY EXISTING PERSONAL PROPERTY IS
3 EXEMPT FROM THE COLLECTION OF TAXES UNDER THIS ACT.

4 (2) AN OWNER OF QUALIFIED PREVIOUSLY EXISTING PERSONAL
5 PROPERTY SHALL CLAIM THE EXEMPTION UNDER THIS SECTION BY FILING AN
6 AFFIDAVIT WITH THE LOCAL TAX COLLECTING UNIT IN WHICH THE QUALIFIED
7 PREVIOUSLY EXISTING PERSONAL PROPERTY IS LOCATED AND THE DEPARTMENT
8 OF TREASURY NOT LATER THAN MAY 1. THE AFFIDAVIT SHALL BE IN A FORM
9 PRESCRIBED BY THE DEPARTMENT OF TREASURY. AN OWNER OF QUALIFIED
10 PREVIOUSLY EXISTING PERSONAL PROPERTY IS ONLY REQUIRED TO FILE THE
11 AFFIDAVIT CLAIMING THE EXEMPTION UNDER THIS SECTION IN THE FIRST

Senate Bill No. 1071 as amended May 10, 2012

1 YEAR IN WHICH THE EXEMPTION FOR THAT QUALIFIED PREVIOUSLY EXISTING
2 PERSONAL PROPERTY IS CLAIMED.

3 (3) IF AN AFFIDAVIT CLAIMING THE EXEMPTION UNDER THIS SECTION
4 IS FILED AS PROVIDED IN SUBSECTION (2), THE OWNER OF THAT QUALIFIED
5 PREVIOUSLY EXISTING PERSONAL PROPERTY IS NOT REQUIRED TO ALSO FILE
6 A STATEMENT UNDER SECTION 19 FOR THAT QUALIFIED PREVIOUSLY EXISTING
7 PERSONAL PROPERTY IN THAT TAX YEAR OR ANY SUCCEEDING TAX YEAR.

<<(4) THIS SECTION DOES NOT APPLY IF THE LEGISLATURE FAILS TO
APPROPRIATE THE AMOUNT OF REVENUE LOST TO EACH LOCAL TAXING UNIT AS
PROVIDED IN THE PERSONAL PROPERTY TAX EXEMPTION REIMBURSEMENT ACT.

8 (5)>> AS USED IN THIS SECTION:

9 (A) "ELIGIBLE MANUFACTURING PERSONAL PROPERTY" MEANS THAT TERM
10 AS DEFINED IN SECTION 2 OF THE PERSONAL PROPERTY TAX EXEMPTION
11 REIMBURSEMENT ACT.

12 (B) "QUALIFIED PREVIOUSLY EXISTING PERSONAL PROPERTY" MEANS
13 PERSONAL PROPERTY THAT MEETS ALL OF THE FOLLOWING CONDITIONS:

14 (i) IS ELIGIBLE MANUFACTURING PERSONAL PROPERTY.

15 (ii) MEETS ANY OF THE FOLLOWING CONDITIONS:

16 (A) HAS BEEN SUBJECT TO OR EXEMPT FROM THE COLLECTION OF TAXES
17 UNDER THIS ACT FOR THE IMMEDIATELY PRECEDING 10 YEARS.

18 (B) IF THAT PERSONAL PROPERTY WAS LOCATED BOTH OUTSIDE OF AND
19 WITHIN THIS STATE IN THE IMMEDIATELY PRECEDING 10 YEARS, THAT
20 PERSONAL PROPERTY WAS SUBJECT TO OR EXEMPT FROM THE COLLECTION OF
21 TAXES UNDER THIS ACT, OR WOULD HAVE BEEN SUBJECT TO OR EXEMPT FROM
22 THE COLLECTION OF TAXES UNDER THIS ACT IF LOCATED IN THIS STATE,
23 FOR THE IMMEDIATELY PRECEDING 10 YEARS.

24 (C) IF THAT PERSONAL PROPERTY WAS LOCATED OUTSIDE OF THIS
25 STATE IN THE IMMEDIATELY PRECEDING 10 YEARS, THAT PERSONAL PROPERTY
26 WOULD HAVE BEEN SUBJECT TO OR EXEMPT FROM THE COLLECTION OF TAXES
27 UNDER THIS ACT FOR THE IMMEDIATELY PRECEDING 10 YEARS IF THAT

1 PERSONAL PROPERTY HAD BEEN LOCATED IN THIS STATE.