

# HOUSE BILL No. 5034

August 13, 2003, Introduced by Reps. Milosch, Brandenburg, Kooiman, Tabor, Meyer, Nitz, Vander Veen, LaJoy, Newell, DeRossett, Tobocman, Pappageorge, Stahl, Hager, Lipsey, Farhat, Ward, Caswell, Hummel, Robertson and Stakoe and referred to the Committee on Commerce.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2a. (1) ~~For~~ **Before December 31, 2005, for** purposes  
2 of section 2, a mobile home ~~which~~ **that** is not ~~covered by~~  
3 **subject to the specific tax levied under** section 41 of ~~Act No.~~  
4 ~~243 of the Public Acts of 1959, being section 125.1041 of the~~  
5 ~~Michigan Compiled Laws, and while~~ **1959 PA 243, MCL 125.1041,**  
6 located on ~~land otherwise assessable as~~ real property ~~under~~  
7 ~~this act, and~~ **not exempt from the collection of taxes under this**  
8 **act,** whether or not permanently affixed to ~~the soil, shall be~~  
9 **that real property, is** considered real property and shall be

1 assessed as part of the real property ~~upon~~ on which the mobile  
2 home is located.

3 (2) After December 31, 2005, for purposes of section 2, a  
4 mobile home located on real property, whether or not permanently  
5 affixed to that real property, is subject to assessment and the  
6 collection of taxes under this act. A mobile home shall be  
7 assessed as real property to the owner of the mobile home, except  
8 as otherwise provided in section 34c. For taxes levied after  
9 December 31, 2005 and before January 1, 2007, a mobile home's  
10 taxable value is 50% of that mobile home's true cash value. For  
11 taxes levied after December 31, 2006, a mobile home's taxable  
12 value is that value determined under section 27a.

13 (3) ~~(2)~~ As used in this section, "mobile home" does not  
14 include a travel trailer or camping trailer ~~which~~ that is  
15 either parked in a campground licensed by this state for not more  
16 than 180 days in any calendar year, or parked ~~upon~~ on private  
17 property, including a designated storage area of a licensed  
18 campground, for the sole purpose of storage.

19 (4) ~~(3)~~ As used in this section, "mobile home" does not  
20 include a truck camper ~~which is~~ parked in a campground licensed  
21 by this state ~~which~~ that is a portable structure, designed and  
22 constructed to be loaded onto — or affixed to — the bed or  
23 chassis of a truck, and ~~which~~ that is used to provide temporary  
24 living quarters for recreational camping or travel.

25 (5) ~~(4) For purposes of~~ As used in this section: —, the  
26 following definitions shall apply:

27 (a) ~~A travel trailer is~~ "Travel trailer" means a vehicular

1 portable structure mounted on wheels ~~and of~~ **that is** a size and  
2 weight ~~as~~ **that does** not ~~to~~ require special highway movement  
3 permits ~~when~~ **if** drawn by a stock passenger automobile or ~~when~~  
4 **if** drawn with a fifth wheel hitch mounted on a motor vehicle, and  
5 **that** is primarily designed, constructed, and used to provide  
6 temporary living quarters for recreational camping or travel.

7 (b) ~~A camping trailer is~~ **"Camping trailer" means** a  
8 vehicular portable temporary living quarters used for  
9 recreational camping or travel ~~and of~~ **that is** a size and weight  
10 ~~as~~ **that does** not ~~to~~ require special highway movement permits  
11 ~~when~~ **if** drawn by a motor vehicle.

12 Sec. 34c. (1) Not later than the first Monday in March in  
13 each year, the assessor shall classify every item of assessable  
14 property according to the definitions contained in this section.  
15 Following the March board of review, the assessor shall tabulate  
16 the total number of items and the valuations as approved by the  
17 board of review for each classification and for the totals of  
18 real and personal property in the local tax collecting unit. The  
19 assessor shall transmit to the county equalization department and  
20 to the state tax commission the tabulation of assessed valuations  
21 and other statistical information the state tax commission  
22 considers necessary to meet the requirements of this act and 1911  
23 PA 44, MCL 209.1 to 209.8.

24 (2) The classifications of assessable real property are  
25 described as follows:

26 (a) Agricultural real property includes parcels used  
27 partially or wholly for agricultural operations, with or without

1 buildings, and parcels assessed to the department of natural  
2 resources and valued by the state tax commission. For taxes  
3 levied after December 31, 2002, agricultural real property  
4 includes buildings on leased land used for agricultural  
5 operations. As used in this subdivision, "agricultural  
6 operations" means the following:

7 (i) Farming in all its branches, including cultivating soil.

8 (ii) Growing and harvesting any agricultural, horticultural,  
9 or floricultural commodity.

10 (iii) Dairying.

11 (iv) Raising livestock, bees, fish, fur-bearing animals, or  
12 poultry.

13 (v) Turf and tree farming.

14 (vi) Performing any practices on a farm incident to, or in  
15 conjunction with, farming operations. A commercial storage,  
16 processing, distribution, marketing, or shipping operation is not  
17 part of agricultural operations.

18 (b) Commercial real property includes the following:

19 (i) Platted or unplatted parcels used for commercial  
20 purposes, whether wholesale, retail, or service, with or without  
21 buildings.

22 (ii) Parcels used by fraternal societies.

23 (iii) Parcels used as golf courses, boat clubs, ski areas, or  
24 apartment buildings with more than 4 units.

25 (iv) For taxes levied after December 31, 2002, buildings on  
26 leased land used for commercial purposes.

27 (c) Developmental real property includes parcels containing

1 more than 5 acres without buildings, or more than 15 acres with a  
2 market value in excess of its value in use. Developmental real  
3 property may include farm land or open space land adjacent to a  
4 population center, or farm land subject to several competing  
5 valuation influences.

6 (d) Industrial real property includes the following:

7 (i) Platted or unplatted parcels used for manufacturing and  
8 processing purposes, with or without buildings.

9 (ii) Parcels used for utilities sites for generating plants,  
10 pumping stations, switches, substations, compressing stations,  
11 warehouses, rights-of-way, flowage land, and storage areas.

12 (iii) Parcels used for removal or processing of gravel,  
13 stone, or mineral ores, whether valued by the local assessor or  
14 by the state geologist.

15 (iv) For taxes levied after December 31, 2002, buildings on  
16 leased land used for industrial purposes.

17 (v) For taxes levied after December 31, 2002, buildings on  
18 leased land for utility purposes.

19 (e) Residential real property includes the following:

20 (i) Platted or unplatted parcels — with or without  
21 buildings, ~~and~~ condominium apartments located within or outside  
22 a village or city, **and, for taxes levied after December 31, 2005,**  
23 **a mobile home on a platted or unplatted parcel,** which are used  
24 for, or probably will be used for, residential purposes.

25 (ii) Parcels that are used for, or probably will be used for,  
26 recreational purposes, such as lake lots and hunting lands,  
27 located in an area used predominantly for recreational purposes.

1       (iii) For taxes levied after December 31, 2002, a home,  
2 cottage, or cabin on leased land, and a mobile home that would be  
3 assessable as real property under section 2a except that the land  
4 on which it is located is not assessable because the land is  
5 exempt.

6       (f) Timber-cutover real property includes parcels that are  
7 stocked with forest products of merchantable type and size,  
8 cutover forest land with little or no merchantable products, and  
9 marsh lands or other barren land. However, when a typical  
10 purchase of this type of land is for residential or recreational  
11 uses, the classification shall be changed to residential.

12       (3) The classifications of assessable personal property are  
13 described as follows:

14       (a) Agricultural personal property includes any agricultural  
15 equipment and produce not exempt by law.

16       (b) Commercial personal property includes the following:

17       (i) All equipment, furniture, and fixtures on commercial  
18 parcels, and inventories not exempt by law.

19       (ii) All outdoor advertising signs and billboards.

20       (iii) Well drilling rigs and other equipment attached to a  
21 transporting vehicle but not designed for operation while the  
22 vehicle is moving on the highway.

23       (iv) Unlicensed commercial vehicles or commercial vehicles  
24 licensed as special mobile equipment or by temporary permits.

25       (c) Industrial personal property includes the following:

26       (i) All machinery and equipment, furniture and fixtures, and  
27 dies on industrial parcels, and inventories not exempt by law.

1       (ii) Personal property of mining companies valued by the  
2 state geologist.

3       (d) For taxes levied before January 1, 2003, residential  
4 personal property includes a home, cottage, or cabin on leased  
5 land, and a mobile home that would be assessable as real property  
6 under section 2a except that the land on which it is located is  
7 not assessable because the land is exempt.

8       (e) Utility personal property includes the following:

9       (i) Electric transmission and distribution systems,  
10 substation equipment, spare parts, gas distribution systems, and  
11 water transmission and distribution systems.

12       (ii) Oil wells and allied equipment such as tanks, gathering  
13 lines, field pump units, and buildings.

14       (iii) Inventories not exempt by law.

15       (iv) Gas wells with allied equipment and gathering lines.

16       (v) Oil or gas field equipment stored in the open or in  
17 warehouses such as drilling rigs, motors, pipes, and parts.

18       (vi) Gas storage equipment.

19       (vii) Transmission lines of gas or oil transporting  
20 companies.

21       (4) For taxes levied before January 1, 2003, buildings on  
22 leased land of any classification are improvements where the  
23 owner of the improvement is not the owner of the land or fee, the  
24 value of the land is not assessed to the owner of the building,  
25 and the improvement has been assessed as personal property  
26 pursuant to section 14(6).

27       (5) If the total usage of a parcel includes more than 1

1 classification, the assessor shall determine the classification  
2 that most significantly influences the total valuation of the  
3 parcel.

4 (6) An owner of any assessable property who disputes the  
5 classification of that parcel shall notify the assessor and may  
6 protest the assigned classification to the March board of  
7 review. An owner or assessor may appeal the decision of the  
8 March board of review by filing a petition with the state tax  
9 commission not later than June 30 in that tax year. The state  
10 tax commission shall arbitrate the petition based on the written  
11 petition and the written recommendations of the assessor and the  
12 state tax commission staff. An appeal may not be taken from the  
13 decision of the state tax commission regarding classification  
14 complaint petitions and the state tax commission's determination  
15 is final and binding for the year of the petition.

16 (7) The department of treasury may appeal the classification  
17 of any assessable property to the residential and small claims  
18 division of the Michigan tax tribunal not later than December 31  
19 in the tax year for which the classification is appealed.

20 (8) This section shall not be construed to encourage the  
21 assessment of property at other than the uniform percentage of  
22 true cash value prescribed by this act.

23 Enacting section 1. 1959 PA 243, MCL 125.1035 to 125.1043,  
24 is repealed effective December 30, 2005.