

HOUSE BILL No. 5497

November 28, 2007, Introduced by Rep. Cheeks and referred to the Committee on Tax Policy.

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790), as amended by 2004 PA 251.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) There is levied upon every owner of a
2 rehabilitated facility to which an obsolete property rehabilitation
3 exemption certificate is issued a specific tax to be known as the
4 obsolete properties tax.

5 (2) The amount of the obsolete properties tax, in each year,
6 shall be determined by adding the results of both of the following
7 calculations:

8 (a) Multiplying the total mills levied as ad valorem taxes for
9 that year by all taxing units within which the rehabilitated

1 facility is located by the taxable value of the real and personal
2 property of the obsolete property on the December 31 immediately
3 preceding the effective date of the obsolete property
4 rehabilitation exemption certificate after deducting the taxable
5 valuation of the land and of personal property other than personal
6 property assessed pursuant to sections 8(d) and 14(6) of the
7 general property tax act, 1893 PA 206, MCL 211.8 and 211.14, for
8 the tax year immediately preceding the effective date of the
9 obsolete property rehabilitation exemption certificate.

10 (b) Multiplying the mills levied for school operating purposes
11 for that year under the revised school code, 1976 PA 451, MCL 380.1
12 to 380.1852, and the state education tax act, 1993 PA 331, MCL
13 211.901 to 211.906, by the taxable value of the real and personal
14 property of the rehabilitated facility, after deducting all of the
15 following:

16 (i) The taxable value of the land and of the personal property
17 other than personal property assessed pursuant to sections 8(d) and
18 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and
19 211.14.

20 (ii) The taxable value used to calculate the tax under
21 subdivision (a).

22 (3) The obsolete properties tax shall be collected, disbursed,
23 and assessed in accordance with this act.

24 (4) The obsolete properties tax is an annual tax, payable at
25 the same times, in the same installments, and to the same officer
26 or officers as taxes imposed under the general property tax act,
27 1893 PA 206, MCL 211.1 to ~~211.157~~ 211.155, are payable. Except as

1 otherwise provided in this section, the officer or officers shall
2 disburse the obsolete properties tax payments received by the
3 officer or officers each year to and among this state, cities,
4 school districts, counties, and authorities, at the same times and
5 in the same proportions as required by law for the disbursement of
6 taxes collected under the general property tax act, 1893 PA 206,
7 MCL 211.1 to ~~211.157~~ **211.155**.

8 (5) For intermediate school districts receiving state aid
9 under sections 56, 62, and 81 of the state school aid act of 1979,
10 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, of the amount of
11 obsolete property tax that would otherwise be disbursed to an
12 intermediate school district, all or a portion, to be determined on
13 the basis of the tax rates being utilized to compute the amount of
14 state aid, shall be paid to the state treasury to the credit of the
15 state school aid fund established by section 11 of article IX of
16 the state constitution of 1963.

17 (6) The amount of obsolete property tax described in
18 subsection (2)(a) that would otherwise be disbursed to a local
19 school district for school operating purposes, and all of the
20 amount described in subsection (2)(b), shall be paid instead to the
21 state treasury and credited to the state school aid fund
22 established by section 11 of article IX of the state constitution
23 of 1963.

24 (7) The officer or officers shall send a copy of the amount of
25 disbursement made to each unit under this section to the commission
26 on a form provided by the commission.

27 (8) A rehabilitated facility located in a renaissance zone

1 under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681
2 to 125.2696, is exempt from the obsolete properties tax levied
3 under this act to the extent and for the duration provided pursuant
4 to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to
5 125.2696, except for that portion of the obsolete properties tax
6 attributable to a special assessment or a tax described in section
7 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff.
8 The obsolete properties tax calculated under this subsection shall
9 be disbursed proportionately to the taxing unit or units that
10 levied the special assessment or the tax described in section
11 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff.

12 (9) Upon application for an exemption under this subsection by
13 a qualified start-up business, the governing body of a local tax
14 collecting unit may adopt a resolution to exempt a rehabilitated
15 facility of a qualified start-up business from the collection of
16 the obsolete properties tax levied under this act in the same
17 manner and under the same terms and conditions as provided for the
18 exemption in section 7hh of the general property tax act, 1893 PA
19 206, MCL 211.7hh. The clerk of the local tax collecting unit shall
20 notify in writing the assessor of the local tax collecting unit and
21 the legislative body of each taxing unit that levies ad valorem
22 property taxes in the local tax collecting unit. Before acting on
23 the resolution, the governing body of the local tax collecting unit
24 shall afford the assessor and a representative of the affected
25 taxing units an opportunity for a hearing. If a resolution
26 authorizing the exemption is adopted in the same manner as provided
27 in section 7hh of the general property tax act, 1893 PA 206, MCL

1 211.7hh, the rehabilitated facility owned or operated by a
2 qualified start-up business is exempt from the obsolete properties
3 tax levied under this act, except for that portion of the obsolete
4 properties tax attributable to a special assessment or a tax
5 described in section 7ff(2) of the general property tax act, 1893
6 PA 206, MCL 211.7ff, for the year in which the resolution is
7 adopted. A qualified start-up business is not eligible for an
8 exemption under this subsection for more than 5 years. A qualified
9 start-up business may receive the exemption under this subsection
10 in nonconsecutive years. The obsolete properties tax calculated
11 under this subsection shall be disbursed proportionately to the
12 taxing unit or units that levied the special assessment or the tax
13 described in section 7ff(2) of the general property tax act, 1893
14 PA 206, MCL 211.7ff. As used in this subsection, "qualified start-
15 up business" means that term as defined in section 31a of the
16 single business tax act, 1975 PA 228, MCL 208.31a, **OR IN SECTION**
17 **415 OF THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL 208.1415.**