

**SUBSTITUTE FOR
HOUSE BILL NO. 5401**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3702 and 5902 (MCL 324.3702 and 324.5902), as
added by 1995 PA 60; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3702. (1) An application for a water pollution control
2 tax exemption certificate shall be filed with the state tax
3 commission in a manner and in a form as prescribed by the state tax
4 commission. The application shall contain ~~plans~~**ALL OF THE**
5 **FOLLOWING:**

6 **(A) PLANS** and specifications of the facility, including all
7 materials incorporated or to be incorporated in the facility and a
8 descriptive list of all equipment acquired or to be acquired by the
9 applicant for the purpose of industrial waste pollution control. 7

1 ~~together with the~~

2 (B) THE proposed operating procedure for the ~~control~~ facility.

3 (C) UNLESS A FACILITY IS PART OF A FARM OPERATION AS DEFINED
4 IN SECTION 2 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL
5 286.472, AN AFFIDAVIT SIGNED AND SEALED BY A LICENSED PROFESSIONAL
6 ENGINEER THAT AFFIRMS ALL OF THE FOLLOWING:

7 (i) THAT THE ENGINEER HAS INSPECTED THE FACILITY.

8 (ii) THAT THE FACILITY MEETS THE DEFINITION OF FACILITY UNDER
9 SECTION 3701.

10 (iii) THAT THE FACILITY IS DESIGNED AND OPERATED PRIMARILY FOR
11 THE CONTROL, CAPTURE, AND REMOVAL OF INDUSTRIAL WASTE FROM THE
12 WATER.

13 (iv) THAT THE FACILITY MEETS THE INTENT AND PURPOSE OF THIS
14 PART AND ANY RULES PROMULGATED UNDER THIS PART.

15 (2) Before issuing a certificate, the state tax commission
16 shall ~~seek approval of the department and give notice in writing by~~
17 ~~certified mail~~ to the department of treasury and to the assessor of
18 the taxing unit in which the facility is located or to be located,
19 and shall afford to the applicant and the assessor an opportunity
20 for a hearing. ~~Tax~~ **A TAX** exemption granted under this part shall be
21 reduced to the extent of any commercial or productive value derived
22 from any materials captured or recovered by any facility.

23 (3) THE EFFECTIVE DATE OF THE CERTIFICATE IS THE DATE ON WHICH
24 THE CERTIFICATE IS ISSUED.

25 Sec. 5902. (1) An application for a pollution control tax
26 exemption certificate shall be filed with the state tax commission
27 in a manner and in a form as prescribed by the state tax

1 commission. The application shall contain ~~plans~~ **ALL OF THE**
 2 **FOLLOWING:**

3 (A) **PLANS** and specifications of the facility, including all
 4 materials incorporated or to be incorporated in the facility and a
 5 descriptive list of all equipment acquired or to be acquired by the
 6 applicant for the purpose of **AIR** pollution control. ~~, together with~~
 7 ~~the~~

8 (B) **THE** proposed operating procedure for the ~~control~~ facility.

9 (C) **UNLESS A FACILITY IS PART OF A FARM OPERATION AS DEFINED**
 10 **IN SECTION 2 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL**
 11 **286.472, AN AFFIDAVIT SIGNED AND SEALED BY A LICENSED PROFESSIONAL**
 12 **ENGINEER THAT AFFIRMS ALL OF THE FOLLOWING:**

13 (i) **THAT THE ENGINEER HAS INSPECTED THE FACILITY.**

14 (ii) **THAT THE FACILITY MEETS THE DEFINITION OF FACILITY UNDER**
 15 **SECTION 5901.**

16 (iii) **THAT THE FACILITY IS DESIGNED AND OPERATED PRIMARILY FOR**
 17 **THE CONTROL, CAPTURE, AND REMOVAL OF POLLUTANTS FROM THE AIR.**

18 (iv) **THAT THE FACILITY MEETS THE INTENT AND PURPOSE OF PART 55**
 19 **AND ANY RULES PROMULGATED UNDER PART 55.**

20 (2) Before issuing a certificate, the state tax commission
 21 shall ~~seek approval of the department and give notice in writing by~~
 22 ~~certified mail~~ to the department of treasury and to the assessor of
 23 the taxing unit in which the facility is located or to be located,
 24 and shall afford to the applicant and the assessor an opportunity
 25 for a hearing. ~~Tax~~ **A TAX** exemption granted under this part shall be
 26 reduced to the extent of any commercial or productive value derived
 27 from any materials captured or recovered by ~~any air pollution~~

1 ~~control facility as defined in this part.~~ **THE FACILITY.**

2 **(3) THE EFFECTIVE DATE OF THE CERTIFICATE IS THE DATE ON WHICH**
3 **THE CERTIFICATE IS ISSUED.**

4 Enacting section 1. Sections 3703 and 5903 of the natural
5 resources and environmental protection act, 1994 PA 451, MCL
6 324.3703 and 324.5903, are repealed.

7 Enacting section 2. This amendatory act takes effect 90 days
8 after the date it is enacted into law.