



HOUSE BILL No. 5092

September 20, 1995, Introduced by Rep. Dolan and referred to the Committee on Urban Policy.

A bill to amend Act No. 206 of the Public Acts of 1893,
entitled as amended
"The general property tax act,"
as amended, being sections 211.1 to 211.157 of the Michigan
Compiled Laws, by adding sections 7ff and 9f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 206 of the Public Acts of 1893, as
2 amended, being sections 211.1 to 211.157 of the Michigan Compiled
3 Laws, is amended by adding sections 7ff and 9f to read as
4 follows:

5 SEC. 7FF. (1) A LOCAL TAX COLLECTING UNIT MAY EXEMPT IN
6 WHOLE OR IN PART ANY ADDITIONS TO ENVIRONMENTALLY CONTAMINATED
7 PROPERTY AS PROVIDED IN SUBSECTION (2) FROM THE COLLECTION OF
8 TAXES UNDER THIS ACT IF THERE IS NO KNOWN RESPONSIBLE PARTY OR NO
9 SOLVENT RESPONSIBLE PARTY.

1 (2) THE PERIOD FOR THE EXEMPTION PROVIDED IN SUBSECTION (1)
2 SHALL BE NEGOTIATED UNDER SUBSECTION (3), AND THE TOTAL PROPERTY
3 TAX COLLECTIONS EXEMPTED UNDER THIS SECTION AND SECTION 9F SHALL
4 NOT EXCEED THE RESPONSE ACTIVITY COSTS TO ABATE THE ENVIRONMENTAL
5 CONTAMINATION EXISTING ON THE PROPERTY.

6 (3) A LOCAL TAX COLLECTING UNIT MAY NEGOTIATE AN AGREEMENT
7 TO EXEMPT ADDITIONS UNDER SUBSECTION (1) AND PERSONAL PROPERTY
8 UNDER SECTION 9F WITH 1 OR MORE PERSONS PROPOSING TO ABATE THE
9 ENVIRONMENTAL CONTAMINATION AND REDEVELOP THE PROPERTY TO WHICH
10 ADDITIONS ARE MADE, EXCEPT A PERSON RESPONSIBLE FOR THE ENVIRON-
11 MENTAL CONTAMINATION. THE AGREEMENT SHALL INCLUDE THE FOLLOWING
12 PROVISIONS:

13 (A) A DETAILED DESCRIPTION OF THE ADDITIONS EXEMPTED UNDER
14 THIS SECTION.

15 (B) A DETAILED DESCRIPTION OF ALL PERSONAL PROPERTY EXEMPTED
16 UNDER SECTION 9F.

17 (C) A DETAILED DESCRIPTION OF THE PROPOSED RESPONSE ACTIVI-
18 TIES TO ABATE THE ENVIRONMENTAL CONTAMINATION EXISTING ON THE
19 PROPERTY.

20 (D) THE ESTIMATED RESPONSE ACTIVITY COSTS TO ABATE THE ENVI-
21 RONMENTAL CONTAMINATION EXISTING ON THE PROPERTY.

22 (E) THE EXTENT OF THE EXEMPTION.

23 (F) THE PERIOD FOR THE EXEMPTION.

24 (G) A DETAILED DESCRIPTION OF THE PROPOSED REDEVELOPMENT
25 ACTIVITIES.

1 (H) A STATEMENT THAT AN EXEMPTION PROVIDED UNDER THIS
2 SECTION COMMENCES WHEN THE DEPARTMENT OF ENVIRONMENTAL QUALITY
3 APPROVES A REMEDIAL ACTION PLAN.

4 (4) THE AGREEMENT NEGOTIATED UNDER SUBSECTION (3) MAY
5 INCLUDE THE FOLLOWING:

6 (A) ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

7 (B) RIGHTS OF ENFORCEMENT.

8 (C) REMEDIES AND PENALTIES IN THE EVENT OF NONCOMPLIANCE
9 WITH THE AGREEMENT.

10 (D) PENALTIES IN THE EVENT OF REVOCATION OF THE EXEMPTION.

11 (E) ANY OTHER TERMS AND CONDITIONS AGREED TO BY THE LOCAL
12 TAX COLLECTING UNIT AND THE PERSON GRANTED THE EXEMPTION.

13 (5) A LOCAL TAX COLLECTING UNIT THAT HAS GRANTED AN EXEMP-
14 TION UNDER THIS SECTION SHALL ANNUALLY REVIEW THE AGREEMENT NEGO-
15 TIATED UNDER SUBSECTION (3) BEFORE DECEMBER 31 AND CONFIRM THAT
16 THE PERSON GRANTED THE EXEMPTION IS IN COMPLIANCE WITH THAT
17 AGREEMENT. IF THE LOCAL TAX COLLECTING UNIT DETERMINES THAT THE
18 PERSON AWARDED THE EXEMPTION IS NOT IN COMPLIANCE WITH THE AGREE-
19 MENT, THE LOCAL TAX COLLECTING UNIT MAY REVOKE THE EXEMPTION
20 GRANTED UNDER THIS SECTION AND AVAIL ITSELF OF ANY REMEDY OR
21 IMPOSE ANY PENALTY PROVIDED FOR IN THAT AGREEMENT.

22 (6) UNLESS THE AGREEMENT NEGOTIATED UNDER SUBSECTION (3)
23 PROVIDES OTHERWISE, A PERSON GRANTED AN EXEMPTION UNDER SUBSEC-
24 TION (1) MAY APPEAL A REVOCATION OF THAT EXEMPTION TO THE STATE
25 TAX COMMISSION.

26 (7) AS USED IN THIS SECTION AND SECTION 9F:

(A) "ADDITIONS" MEANS THAT TERM AS DEFINED IN SECTION 34D.

(B) "ENVIRONMENTALLY CONTAMINATED PROPERTY" MEANS PROPERTY THAT IS IDENTIFIED ON THE LIST OF ENVIRONMENTALLY CONTAMINATED SITES PREPARED UNDER SECTION 20105 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.20105 OF THE MICHIGAN COMPILED LAWS, OR IDENTIFIED ON ANY OTHER LIST OR REGISTRY OF ENVIRONMENTALLY CONTAMINATED SITES COMPILED OR MAINTAINED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(C) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

(D) "REMEDIAL ACTION PLAN" AND "RESPONSE ACTIVITY COSTS" MEAN THOSE TERMS AS DEFINED IN SECTION 20101 OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.20101 OF THE MICHIGAN COMPILED LAWS.

(E) "RESPONSIBLE PARTY" MEANS A PERSON WHO IS LIABLE UNDER SECTION 20126 OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.20126 OF THE MICHIGAN COMPILED LAWS.

(F) "SOLVENT RESPONSIBLE PARTY" MEANS A RESPONSIBLE PARTY FINANCIALLY CAPABLE OF UNDERTAKING THE REMEDIATION OF ENVIRONMENTALLY CONTAMINATED PROPERTY AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

SEC. 9F. (1) A LOCAL TAX COLLECTING UNIT MAY EXEMPT IN WHOLE OR IN PART PERSONAL PROPERTY LOCATED ON ENVIRONMENTALLY CONTAMINATED PROPERTY THE ADDITIONS TO WHICH ARE EXEMPT FROM THE COLLECTION OF TAXES UNDER SECTION 7FF AS PROVIDED IN SUBSECTION (2).

1 (2) A LOCAL TAX COLLECTING UNIT MAY NEGOTIATE AN AGREEMENT
2 TO EXEMPT PERSONAL PROPERTY UNDER SUBSECTION (1) WITH A PERSON
3 GRANTED AN EXEMPTION UNDER SECTION 7FF FOR PERSONAL PROPERTY
4 LOCATED ON THE PROPERTY EXEMPT FROM THE COLLECTION OF TAXES UNDER
5 SECTION 7FF. THE TOTAL PROPERTY TAX COLLECTIONS EXEMPTED UNDER
6 THIS SECTION AND SECTION 7FF SHALL NOT EXCEED THE RESPONSE ACTIV-
7 ITY COSTS TO ABATE THE ENVIRONMENTAL CONTAMINATION EXISTING ON
8 THE PROPERTY EXEMPT FROM THE COLLECTION OF TAXES UNDER SECTION
9 7FF.

10 (3) IF A LOCAL TAX COLLECTING UNIT NEGOTIATES AN AGREEMENT
11 TO EXEMPT PERSONAL PROPERTY UNDER SUBSECTION (1), THE TERMS AND
12 CONDITIONS OF THE AGREEMENT NEGOTIATED UNDER SECTION 7FF APPLY.