

HOUSE BILL No. 5725

March 30, 2004, Introduced by Reps. Palmer, Vander Veen, Acciavatti, Wenke, Ruth Johnson, Brandenburg, Stahl, Nitz, Huizenga and Pastor and referred to the Committee on Tax Policy.

A bill to amend 1974 PA 198, entitled

"An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,"

by amending section 13 (MCL 207.563).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 13. (1) The amount of the tax applicable to real
2 property, until paid, shall be a lien upon the real property to
3 which the certificate is applicable. ~~—; but only upon the filing~~
4 ~~by the officer of a certificate of nonpayment of the industrial~~
5 ~~facility tax applicable to real property, together with an~~
6 ~~affidavit of proof of service of the certificate of nonpayment~~

1 ~~upon the owner of the facility by certified mail with the~~
2 ~~register of deeds of the county in which the real property is~~
3 ~~situated,~~ **Except as provided in subsection (3), the tax shall**
4 **become a lien on the property on the date the tax is levied. The**
5 **appropriate parties** may, ~~proceedings then be had upon~~ **subject**
6 **to subsection (3), enforce** the lien in the same manner as
7 provided by law for the foreclosure in the circuit courts of
8 mortgage liens upon real property.

9 (2) On or after the December 31 next following the
10 expiration of 60 days after the service upon the owner of a
11 certificate of nonpayment and the filing of the certificate of
12 nonpayment, if payment has not been made within the intervening
13 60 days, provided for by subsection (1), the industrial
14 facilities exemption certificate shall automatically be
15 terminated.

16 (3) The treasurer of a county, township, city, or village
17 may designate the tax day provided in section 2 of the general
18 property tax act, 1893 PA 206, MCL 211.2, as the date on which
19 industrial facility taxes become a lien on the real or personal
20 property assessed by filing an affidavit in the office of the
21 register of deeds for the county in which the real or personal
22 property is located attesting that 1 or more of the following
23 events have occurred:

24 (a) The owner or person otherwise assessed has filed a
25 bankruptcy petition under the federal bankruptcy code, title 11
26 of the United States Code, 11 USC 101 to 1330.

27 (b) A secured lender has brought an action to foreclose on or

1 to enforce an interest secured by the real or personal property
2 assessed.

3 (c) For personal property only, the owner, the person
4 otherwise assessed, or other person has liquidated or is
5 attempting to liquidate the personal property assessed.

6 (d) The real or personal property assessed is subject to
7 receivership under state or federal law.

8 (e) The owner or person otherwise assessed has assigned the
9 real or personal property assessed for the benefit of his or her
10 creditors.

11 (f) The real or personal property assessed has been seized or
12 purchased by federal, state, or local authorities.

13 (g) A judicial action has been commenced that may impair the
14 ability of the taxing authority to collect any tax due in the
15 absence of a lien on the real or personal property assessed.

16 (4) The affidavit provided for in subsection (3) shall
17 include all of the following:

18 (a) The year for which the industrial facility taxes due were
19 levied.

20 (b) The date on which the industrial facility taxes due were
21 assessed.

22 (c) The name of the owner or person otherwise assessed who is
23 identified in the tax roll.

24 (d) The tax identification number of the real or personal
25 property assessed.