

Act No. 291
Public Acts of 2005
Approved by the Governor
December 20, 2005
Filed with the Secretary of State
December 20, 2005
EFFECTIVE DATE: December 20, 2005

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005

Introduced by Reps. Farhat, Drolet, Palmer, Brandenburg, Hoogendyk, Kooiman, Gosselin, LaJoy, Pavlov, Ward, Huizenga, Marleau, Mortimer, Robertson, Stakoe, Stahl, Sheen, Steil, Shaffer, Hummel, Kahn, Moolenaar, Taub, Booher, Vander Veen, Pearce, Nitz, Baxter, Elsenheimer, Acciavatti and Schuitmaker

ENROLLED HOUSE BILL No. 5461

AN ACT to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35g.

The People of the State of Michigan enact:

Sec. 35g. (1) For tax years beginning on and after January 1, 2008 and before January 1, 2009, a person may claim a credit against the tax imposed by this act equal to 15% of the property taxes paid in the tax year by the person on industrial personal property.

(2) A person that is not otherwise required to file a return under this act may claim the credit under this section.

(3) To qualify for the credits under this section for an item of tangible personal property, a person that is otherwise eligible to claim the credit allowed under this section shall file within the time required the statement of personal property described in section 19 of the general property tax act, 1893 PA 206, MCL 211.19, for items of tangible personal property that are classified as industrial personal property for the location at which the tangible personal property that is the basis of the credit allowed under this section is located.

(4) If the credit allowed under this section exceeds the tax liability of the person for the tax year or if the person does not have a tax liability under this act for the tax year, the excess or the amount of the credit shall be refunded or paid to the person. The state treasurer may establish a reserve account in the department to fund and provide for payment of the amount of refunds or payments for credits under this section that are attributable to the fiscal years ending in the tax years for which credits are claimed.

(5) The credit allowed under this section shall be calculated after application of all other credits allowed under this act.

(6) As used in this section:

(a) "Industrial personal property" means personal property classified as industrial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(b) "Property taxes" means any of the following:

(i) Taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(ii) Taxes levied under 1974 PA 198, MCL 207.551 to 207.572.

(iii) Taxes levied under the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797.

(iv) Any payments made by the taxpayer pursuant to a contract with the Michigan strategic fund in connection with the creation of a renaissance zone under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, to the extent that those payments are made by the taxpayer to reimburse all taxing units for property taxes that would otherwise be exempt under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff.

(v) Any payments made by a taxpayer pursuant to a contract with an eligible local assessing district to the extent that those payments are made to reimburse taxing units for property taxes that would otherwise be payable under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157. As used in this subparagraph, "eligible local assessing district" means that term as defined in section 9f of the general property tax act, 1893 PA 206, MCL 211.9f.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 203.

(b) Senate Bill No. 909.

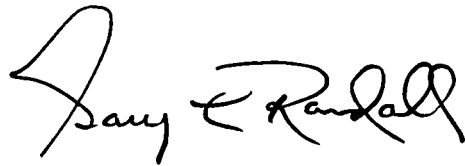
(c) Senate Bill No. 910.

(d) House Bill No. 4982.

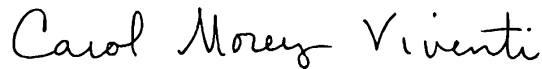
(e) House Bill No. 5459.

(f) House Bill No. 5460.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor