

SENATE BILL No. 166

February 11, 2003, Introduced by Senators STAMAS, BIRKHOLZ, KUIPERS, JELINEK, VAN WOERKOM, GILBERT, GOSCHKA and McMANUS and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 166

1 Sec. 34c. (1) Not later than the first Monday in March in
2 each year, the assessor shall classify every item of assessable
3 property according to the definitions contained in this section.
4 Following the March board of review, the assessor shall tabulate
5 the total number of items and the valuations as approved by the
6 board of review for each classification and for the totals of
7 real and personal property in the local tax collecting unit. The
8 assessor shall transmit to the county equalization department and
9 to the state tax commission the tabulation of assessed valuations
10 and other statistical information the state tax commission

1 considers necessary to meet the requirements of this act and 1911
2 PA 44, MCL 209.1 to 209.8.

3 (2) The classifications of assessable real property are
4 described as follows:

5 (a) Agricultural real property includes parcels used
6 partially or wholly for agricultural operations, with or without
7 buildings, and parcels assessed to the department of natural
8 resources and valued by the state tax commission. For taxes
9 levied after December 31, 2002, agricultural real property
10 includes buildings on leased land used for agricultural
11 operations. As used in this subdivision, "agricultural
12 operations" means the following:

13 (i) Farming in all its branches, including cultivating soil.

14 (ii) Growing and harvesting any agricultural, horticultural,
15 or floricultural commodity.

16 (iii) Dairying.

17 (iv) Raising livestock, bees, fish, fur-bearing animals, or
18 poultry.

19 (v) Turf and tree farming. **As used in this subparagraph, for**
20 **taxes levied after December 31, 2004, "tree farming" includes the**
21 **management and harvesting of a parcel of property of not less**
22 **than 10 acres in size that is stocked with forest products or on**
23 **which forest products will be stocked if the parcel of property**
24 **on which the forest products are or will be located has an**
25 **approved forest management plan. The owner of property on which**
26 **forest products are or will be located shall submit a copy of the**
27 **initial approved forest management plan and each subsequently**

1 revised approved forest management plan to the assessor of the
2 local tax collecting unit in which the property is located. A
3 forest management plan shall be approved not less than every 5
4 years. As used in this subparagraph:

5 (A) "Approved forest management plan" means a forest
6 management plan for harvesting or planting or for the natural
7 regrowth of forest products that has been approved by a certified
8 forester or registered forester.

9 (B) "Certified forester" means a person certified as a
10 forester by the society of American foresters.

11 (C) "Forest products" includes, but is not limited to, timber
12 and pulpwood related products.

13 (D) "Registered forester" means a person registered as a
14 forester under article 21 of the occupational code, 1980 PA 299,
15 MCL 339.2101 to 339.2108.

16 (vi) Performing any practices on a farm incident to, or in
17 conjunction with, farming operations. A commercial storage,
18 processing, distribution, marketing, or shipping operation is not
19 part of agricultural operations.

20 (b) Commercial real property includes the following:

21 (i) Platted or unplatted parcels used for commercial
22 purposes, whether wholesale, retail, or service, with or without
23 buildings.

24 (ii) Parcels used by fraternal societies.

25 (iii) Parcels used as golf courses, boat clubs, ski areas, or
26 apartment buildings with more than 4 units.

27 (iv) For taxes levied after December 31, 2002, buildings on

1 leased land used for commercial purposes.

2 (c) Developmental real property includes parcels containing
3 more than 5 acres without buildings, or more than 15 acres with a
4 market value in excess of its value in use. Developmental real
5 property may include farm land or open space land adjacent to a
6 population center, or farm land subject to several competing
7 valuation influences.

8 (d) Industrial real property includes the following:

9 (i) Platted or unplatted parcels used for manufacturing and
10 processing purposes, with or without buildings.

11 (ii) Parcels used for utilities sites for generating plants,
12 pumping stations, switches, substations, compressing stations,
13 warehouses, rights-of-way, flowage land, and storage areas.

14 (iii) Parcels used for removal or processing of gravel,
15 stone, or mineral ores, whether valued by the local assessor or
16 by the state geologist.

17 (iv) For taxes levied after December 31, 2002, buildings on
18 leased land used for industrial purposes.

19 (v) For taxes levied after December 31, 2002, buildings on
20 leased land for utility purposes.

21 (e) Residential real property includes the following:

22 (i) Platted or unplatted parcels, with or without buildings,
23 and condominium apartments located within or outside a village or
24 city, which are used for, or probably will be used for,
25 residential purposes.

26 (ii) Parcels that are used for, or probably will be used for,
27 recreational purposes, such as lake lots and hunting lands,

1 located in an area used predominantly for recreational purposes.

2 (iii) For taxes levied after December 31, 2002, a home,
3 cottage, or cabin on leased land, and a mobile home that would be
4 assessable as real property under section 2a except that the land
5 on which it is located is not assessable because the land is
6 exempt.

7 (f) Timber-cutover real property includes parcels that are
8 stocked with forest products of merchantable type and size,
9 cutover forest land with little or no merchantable products, and
10 marsh lands or other barren land. However, when a typical
11 purchase of this type of land is for residential or recreational
12 uses, the classification shall be changed to residential.

13 **Timber-cutover real property does not include a parcel that is 10**
14 **acres or more in size, is stocked or will be stocked with forest**
15 **products, and is subject to an approved forest management plan.**
16 **As used in this subdivision, "approved forest management plan"**
17 **means that term as defined in subdivision (a)(v).**

18 (3) The classifications of assessable personal property are
19 described as follows:

20 (a) Agricultural personal property includes any agricultural
21 equipment and produce not exempt by law.

22 (b) Commercial personal property includes the following:

23 (i) All equipment, furniture, and fixtures on commercial
24 parcels, and inventories not exempt by law.

25 (ii) All outdoor advertising signs and billboards.

26 (iii) Well drilling rigs and other equipment attached to a
27 transporting vehicle but not designed for operation while the

1 vehicle is moving on the highway.

2 (iv) Unlicensed commercial vehicles or commercial vehicles
3 licensed as special mobile equipment or by temporary permits.

4 (c) Industrial personal property includes the following:

5 (i) All machinery and equipment, furniture and fixtures, and
6 dies on industrial parcels, and inventories not exempt by law.

7 (ii) Personal property of mining companies valued by the
8 state geologist.

9 (d) For taxes levied before January 1, 2003, residential
10 personal property includes a home, cottage, or cabin on leased
11 land, and a mobile home that would be assessable as real property
12 under section 2a except that the land on which it is located is
13 not assessable because the land is exempt.

14 (e) Utility personal property includes the following:

15 (i) Electric transmission and distribution systems,
16 substation equipment, spare parts, gas distribution systems, and
17 water transmission and distribution systems.

18 (ii) Oil wells and allied equipment such as tanks, gathering
19 lines, field pump units, and buildings.

20 (iii) Inventories not exempt by law.

21 (iv) Gas wells with allied equipment and gathering lines.

22 (v) Oil or gas field equipment stored in the open or in
23 warehouses such as drilling rigs, motors, pipes, and parts.

24 (vi) Gas storage equipment.

25 (vii) Transmission lines of gas or oil transporting
26 companies.

27 (4) For taxes levied before January 1, 2003, buildings on

1 leased land of any classification are improvements where the
2 owner of the improvement is not the owner of the land or fee, the
3 value of the land is not assessed to the owner of the building,
4 and the improvement has been assessed as personal property
5 pursuant to section 14(6).

6 (5) If the total usage of a parcel includes more than 1
7 classification, the assessor shall determine the classification
8 that most significantly influences the total valuation of the
9 parcel.

10 (6) An owner of any assessable property who disputes the
11 classification of that parcel shall notify the assessor and may
12 protest the assigned classification to the March board of
13 review. An owner or assessor may appeal the decision of the
14 March board of review by filing a petition with the state tax
15 commission not later than June 30 in that tax year. The state
16 tax commission shall arbitrate the petition based on the written
17 petition and the written recommendations of the assessor and the
18 state tax commission staff. An appeal may not be taken from the
19 decision of the state tax commission regarding classification
20 complaint petitions and the state tax commission's determination
21 is final and binding for the year of the petition.

22 (7) The department of treasury may appeal the classification
23 of any assessable property to the residential and small claims
24 division of the Michigan tax tribunal not later than December 31
25 in the tax year for which the classification is appealed.

26 (8) This section shall not be construed to encourage the
27 assessment of property at other than the uniform percentage of

1 true cash value prescribed by this act.