

# SENATE BILL No. 803

October 6, 2005, Introduced by Senators ALLEN, BARCIA, BIRKHOLZ and GOSCHKA and referred to the Committee on Technology and Energy.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 8 (MCL 211.8), as amended by 2002 PA 620.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8. For the purposes of taxation, personal property  
2 includes all of the following:

3       (a) All goods, chattels, and effects within this state.

4       (b) All goods, chattels, and effects belonging to inhabitants  
5 of this state, located without this state, except that property  
6 actually and permanently invested in business in another state  
7 shall not be included.

8       (c) All interests owned by individuals in real property, the  
9 fee title to which is in this state or the United States, except as  
10 otherwise provided in this act.

1           (d) For taxes levied before January 1, 2003, buildings and  
2 improvements located upon leased real property, except if the value  
3 of the real property is also assessed to the lessee or owner of  
4 those buildings and improvements. For taxes levied after December  
5 31, 2002, buildings and improvements located upon leased real  
6 property, except buildings and improvements exempt under section 9f  
7 or improvements assessable under ~~section 8(h)~~ **SUBDIVISION (H)**,  
8 shall be assessed as real property under section 2 to the owner of  
9 the buildings or improvements in the local tax collecting unit in  
10 which the buildings or improvements are located if the value of the  
11 buildings or improvements is not otherwise included in the  
12 assessment of the real property. For taxes levied after December  
13 31, 2001, buildings and improvements exempt under section 9f or  
14 improvements assessable under ~~section 8(h)~~ **SUBDIVISION (H)** and  
15 located on leased real property shall be assessed as personal  
16 property.

17           (e) Tombs or vaults built within any burial grounds and kept  
18 for hire or rent, in whole or in part, and the stock of a  
19 corporation or association owning the tombs, vaults, or burial  
20 grounds.

21           (f) All other personal property not enumerated in this section  
22 and not especially exempted by law.

23           (g) The personal property of gas and coke companies, natural  
24 gas companies, electric light companies, waterworks companies,  
25 hydraulic companies, and pipe line companies transporting oil or  
26 gas as public or common carriers, to be assessed in the local tax  
27 collecting unit in which the personal property is located. The

1 mains, pipes, supports, and wires of these companies, including the  
2 supports and wire or other line used for communication purposes in  
3 the operation of those facilities, and the rights of way and the  
4 easements or other interests in real property by virtue of which  
5 the mains, pipes, supports, and wires are erected and maintained,  
6 shall be assessed as personal property in the local tax collecting  
7 unit where laid, placed, or located. Interests in underground rock  
8 strata used for gas storage purposes, whether by lease or ownership  
9 separate from the surface of real property, shall be separately  
10 valued and assessed as personal property in the local tax  
11 collecting unit in which it is located to the person who holds the  
12 interest. Interests in underground rock strata shall be reported as  
13 personal property to the appropriate assessing officer for all  
14 property descriptions included in the storage field in the local  
15 tax collecting unit and a separate valuation shall be assessed for  
16 each school district. The personal property of street railroad,  
17 plank road, cable or electric railroad or transportation companies,  
18 bridge companies, and all other companies not required to pay a  
19 specific tax to this state in lieu of all other taxes, shall,  
20 except as otherwise provided in this section, be assessed in the  
21 local tax collecting unit in which the property is located, used,  
22 or laid, and the track, road, or bridge of a company is considered  
23 personal property. None of the property assessable as personal  
24 property under this subdivision shall be affected by any assessment  
25 or tax levied on the real property through or over which the  
26 personal property is laid, placed, or located, nor shall any right  
27 of way, easement, or other interest in real property, assessable as

1 personal property under this subdivision, be extinguished or  
2 otherwise affected in case the real property subject to assessment  
3 is sold in the exercise of the taxing power.

4 (h) During the tenancy of a lessee, leasehold improvements and  
5 structures installed and constructed on real property by the  
6 lessee, provided and to the extent the improvements or structures  
7 add to the true cash taxable value of the real property  
8 notwithstanding that the real property is encumbered by a lease  
9 agreement, and the value added by the improvements or structures is  
10 not otherwise included in the assessment of the real property or  
11 not otherwise assessable under subdivision (j). The cost of  
12 leasehold improvements and structures on real property shall not be  
13 the sole indicator of value. Leasehold improvements and structures  
14 assessed under this subdivision shall be assessed to the lessee.

15 (i) A leasehold estate received by a sublessor from which the  
16 sublessor receives net rentals in excess of net rentals required to  
17 be paid by the sublessor except to the extent that the excess  
18 rentals are attributable to the installation and construction of  
19 improvements and structures assessed under subdivision (h) or (j)  
20 or included in the assessment of the real property. For purposes of  
21 this act, a leasehold estate is considered to be owned by the  
22 lessee receiving additional net rentals. A lessee in possession is  
23 required to provide the assessor with the name and address of its  
24 lessor. Taxes collected under this act on leasehold estates shall  
25 become a lien against the rentals paid by the sublessee to the  
26 sublessor.

27 (j) To the extent not assessed as real property, a leasehold

1 estate of a lessee created by the difference between the income  
2 that would be received by the lessor from the lessee on the basis  
3 of the present economic income of the property as defined and  
4 allowed by section 27(4), minus the actual value to the lessor  
5 under the lease. This subdivision does not apply to property if  
6 subject to a lease entered into before January 1, 1984 for which  
7 the terms of the lease governing the rental rate or the tax  
8 liability have not been renegotiated after December 31, 1983. This  
9 subdivision does not apply to a nonprofit housing cooperative. As  
10 used in this subdivision, "nonprofit cooperative housing  
11 corporation" means a nonprofit cooperative housing corporation that  
12 is engaged in providing housing services to its stockholders and  
13 members and that does not pay dividends or interest upon stock or  
14 membership investment but that does distribute all earnings to its  
15 stockholders or members.

16 (k) For taxes levied after December 31, 2002, a trade fixture.

17 **(l) FOR TAXES LEVIED AFTER DECEMBER 31, 2005, A FUEL CELL**  
18 **ENERGY SYSTEM, PHOTOVOLTAIC ENERGY SYSTEM, AND WIND ENERGY SYSTEM.**  
19 **AS USED IN THIS SUBDIVISION:**

20 **(i) "FUEL CELL ENERGY SYSTEM" MEANS 1 OR MORE FUEL CELLS OR**  
21 **FUEL CELL STACKS AND AN INVERTER OR OTHER POWER CONDITIONING UNIT.**  
22 **A FUEL CELL ENERGY SYSTEM MAY ALSO INCLUDE A FUEL PROCESSOR. AS**  
23 **USED IN THIS SUBPARAGRAPH:**

24 **(A) "FUEL CELL" MEANS AN ELECTROCHEMICAL DEVICE THAT USES AN**  
25 **EXTERNAL FUEL AND CONTINUOUSLY CONVERTS THE ENERGY RELEASED FROM**  
26 **THE OXIDATION OF FUEL BY OXYGEN DIRECTLY INTO ELECTRICITY WITHOUT**  
27 **COMBUSTION AND CONSISTS OF AN ANODE, A CATHODE, AND AN ELECTROLYTE.**

1 (B) "FUEL CELL STACK" MEANS AN ASSEMBLY OF FUEL CELLS.

2 (C) "FUEL PROCESSOR" MEANS A DEVICE THAT CONVERTS A FUEL,  
3 INCLUDING, BUT NOT LIMITED TO, METHANOL, NATURAL GAS, OR GASOLINE,  
4 INTO A HYDROGEN RICH GAS, WITHOUT COMBUSTION FOR USE IN A FUEL  
5 CELL.

6 (ii) "PHOTOVOLTAIC ENERGY SYSTEM" MEANS A SOLAR ENERGY DEVICE  
7 COMPOSED OF 1 OR MORE PHOTOVOLTAIC CELLS OR PHOTOVOLTAIC MODULES  
8 AND AN INVERTER OR OTHER POWER CONDITIONING UNIT. A PHOTOVOLTAIC  
9 SYSTEM MAY ALSO INCLUDE BATTERIES FOR POWER STORAGE OR AN  
10 ELECTRICITY STORAGE DEVICE. AS USED IN THIS SUBPARAGRAPH:

11 (A) "PHOTOVOLTAIC CELL" MEANS AN INTEGRATED DEVICE CONSISTING  
12 OF LAYERS OF SEMICONDUCTOR MATERIALS AND ELECTRICAL CONTACTS  
13 CAPABLE OF CONVERTING INCIDENT LIGHT DIRECTLY INTO ELECTRICITY.

14 (B) "PHOTOVOLTAIC MODULE" MEANS AN ASSEMBLY OF PHOTOVOLTAIC  
15 CELLS.

16 (iii) "WIND ENERGY SYSTEM" MEANS AN INTEGRATED UNIT CONSISTING  
17 OF A WIND TURBINE COMPOSED OF A ROTOR, AN ELECTRICAL GENERATOR, A  
18 CONTROL SYSTEM, AN INVERTER OR OTHER POWER CONDITIONING UNIT, AND A  
19 TOWER, WHICH USES MOVING AIR TO PRODUCE POWER.