

# HOUSE BILL No. 5874

March 11, 2008, Introduced by Rep. McDowell and referred to the Committee on Agriculture.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2006 PA 550.

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

1           Sec. 9. (1) The following personal property, and real property  
2 described in subdivision (j)(i), is exempt from taxation:

3           (a) The personal property of charitable, educational, and  
4 scientific institutions incorporated under the laws of this state.  
5 This exemption does not apply to secret or fraternal societies, but  
6 the personal property of all charitable homes of secret or  
7 fraternal societies and nonprofit corporations that own and operate  
8 facilities for the aged and chronically ill in which the net income  
9 from the operation of the nonprofit corporations or secret or

1 fraternal societies does not inure to the benefit of a person other  
2 than the residents is exempt.

3 (b) The property of all library associations, circulating  
4 libraries, libraries of reference, and reading rooms owned or  
5 supported by the public and not used for gain.

6 (c) The property of posts of the grand army of the republic,  
7 sons of veterans' unions, and of the women's relief corps connected  
8 with them, of young men's Christian associations, women's Christian  
9 temperance union associations, young people's Christian unions, a  
10 boy or girl scout or camp fire girls organization, 4-H clubs, and  
11 other similar associations.

12 (d) Pensions receivable from the United States.

13 (e) The property of Indians who are not citizens.

14 (f) The personal property owned and used by a householder such  
15 as customary furniture, fixtures, provisions, fuel, and other  
16 similar equipment, wearing apparel including personal jewelry,  
17 family pictures, school books, library books of reference, and  
18 allied items. Personal property is not exempt under this  
19 subdivision if it is used to produce income, if it is held for  
20 speculative investment, or if it constitutes an inventory of goods  
21 for sale in the regular course of trade.

22 (g) Household furnishings, provisions, and fuel of not more  
23 than \$5,000.00 in taxable value, of each social or professional  
24 fraternity, sorority, and student cooperative house recognized by  
25 the educational institution at which it is located.

26 (h) The working tools of a mechanic of not more than \$500.00  
27 in taxable value. "Mechanic", as used in this subdivision, means a

1 person skilled in a trade pertaining to a craft or in the  
2 construction or repair of machinery if the person's employment by  
3 others is dependent on his or her furnishing the tools.

4 (i) Fire engines and other implements used in extinguishing  
5 fires owned or used by an organized or independent fire company.

6 (j) Property actually used in agricultural operations and farm  
7 implements held for sale or resale by retail servicing dealers for  
8 use in agricultural production. As used in this subdivision,  
9 "agricultural operations" means farming in all its branches,  
10 including cultivation of the soil, growing and harvesting of an  
11 agricultural, horticultural, or floricultural commodity, dairying,  
12 raising of livestock, bees, fur-bearing animals, or poultry, turf  
13 and tree farming, raising and harvesting of fish, and any practices  
14 performed by a farmer or on a farm as an incident to, or in  
15 conjunction with, farming operations, but excluding retail sales  
16 and food processing operations. Property used in agricultural  
17 operations includes all of the following:

18 (i) A methane digester and a methane digester electric  
19 generating system if the person claiming the exemption complies  
20 with all of the following:

21 (A) After the construction of the methane digester or the  
22 methane digester electric generating system is completed, the  
23 person claiming the exemption submits to the local tax collecting  
24 unit an application for the exemption and a copy of certification  
25 from the department of agriculture that it has verified that the  
26 farm operation on which the methane digester or methane digester  
27 electric generating system is located is in compliance with the

1 appropriate system of the Michigan agriculture environmental  
2 assurance program in the year immediately preceding the year in  
3 which the affidavit is submitted. Three years after an application  
4 for exemption is approved and every 3 years thereafter, the person  
5 claiming the exemption shall submit to the local tax collecting  
6 unit an affidavit attesting that the department of agriculture has  
7 verified that the farm operation on which the methane digester or  
8 methane digester electric generating system is located is in  
9 compliance with the appropriate system of the Michigan agriculture  
10 environmental assurance program. The application for the exemption  
11 under this subparagraph shall be in a form prescribed by the  
12 department of treasury and shall be provided to the person claiming  
13 the exemption by the local tax collecting unit.

14 (B) When the application is submitted to the local tax  
15 collecting unit, the person claiming the exemption also submits  
16 certification provided by the department of environmental quality  
17 that he or she is not currently being investigated for a violation  
18 of part 31 of the natural resources and environmental protection  
19 act, 1994 PA 451, MCL 324.3101 to 324.3133, that within a 3-year  
20 period immediately preceding the date the application is submitted  
21 to the local tax collecting unit, he or she has not been found  
22 guilty of a criminal violation under part 31 of the natural  
23 resources and environmental protection act, 1994 PA 451, MCL  
24 324.3101 to 324.3133, and that within a 1-year period immediately  
25 preceding the date the application is submitted to the local tax  
26 collecting unit, he or she has not been found responsible for a  
27 civil violation that resulted in a civil fine of \$10,000.00 or more

1 under part 31 of the natural resources and environmental protection  
2 act, 1994 PA 451, MCL 324.3101 to 324.3133.

3 (C) The person claiming an exemption cooperates by allowing  
4 access for not more than 2 universities to collect information  
5 regarding the effectiveness of the methane digester and the methane  
6 digester electric generating system in generating electricity and  
7 processing animal waste and production area waste. Information  
8 collected under this sub-subparagraph shall not be provided to the  
9 public in a manner that would identify the owner of the methane  
10 digester or the methane digester electric generating system or the  
11 farm operation on which the methane digester or the methane  
12 digester electric generating system is located. The identity of the  
13 owner of the methane digester or the methane digester electric  
14 generating system and the identity of the owner and location of the  
15 farm operation on which the methane digester or the methane  
16 digester electric generating system is located are exempt from  
17 disclosure under the freedom of information act, 1976 PA 442, MCL  
18 15.231 to 15.246. As used in this sub-subparagraph, "university"  
19 means a public 4-year institution of higher education created under  
20 article VIII of the state constitution of 1963.

21 (D) The person claiming the exemption ensures that the methane  
22 digester and methane digester electric generating system are  
23 operated under the specific supervision and control of persons  
24 certified by the department of agriculture as properly qualified to  
25 operate the methane digester, methane digester electric generating  
26 system, and related waste treatment and control facilities. The  
27 department of agriculture shall consult with the department of

House Bill No. 5874 as amended June 27, 2008

1 environmental quality and the Michigan state university cooperative  
2 extension service in developing the operator certification program.

3 (ii) A biomass gasification system. As used in this  
4 subparagraph, "biomass gasification system" means apparatus and  
5 equipment that thermally decomposes agricultural, food, or animal  
6 waste at high temperatures and in an oxygen-free or a controlled  
7 oxygen-restricted environment into a gaseous fuel and the equipment  
8 used to generate electricity or heat from the gaseous fuel or store  
9 the gaseous fuel for future generation of electricity or heat.

10 (iii) A thermal depolymerization system. As used in this  
11 subparagraph, "thermal depolymerization system" means apparatus and  
12 equipment that use heat to break down natural and synthetic  
13 polymers and that can accept only organic waste.

14 (iv) **MACHINERY THAT IS CAPABLE OF SIMULTANEOUSLY HARVESTING**  
15 **GRAIN OR OTHER CROPS AND BIOMASS [AND MACHINERY USED FOR THE PURPOSE OF**  
16 **HARVESTING BIOMASS.**

17  
18 ] AS  
19 **USED IN THIS SUBPARAGRAPH, "BIOMASS" MEANS CROP RESIDUE USED TO**  
20 **PRODUCE ENERGY OR AGRICULTURAL CROPS GROWN SPECIFICALLY FOR THE**  
21 **PRODUCTION OF ALTERNATIVE ENERGY.**

22 (v) ~~(iv)~~ Machinery used to prepare the crop for market operated  
23 incidental to a farming operation that does not substantially alter  
24 the form, shape, or substance of the crop and is limited to  
25 cleaning, cooling, washing, pitting, grading, sizing, sorting,  
26 drying, bagging, boxing, crating, and handling if not less than 33%  
27 of the volume of the crops processed in the year ending on the

1 applicable tax day or in at least 3 of the immediately preceding 5  
2 years were grown by the farmer in Michigan who is the owner or user  
3 of the crop processing machinery.

4 (k) Personal property of not more than \$500.00 in taxable  
5 value used by a householder in the operation of a business in the  
6 householder's dwelling or at 1 other location in the city,  
7 township, or village in which the householder resides.

8 (l) The products, materials, or goods processed or otherwise  
9 and in whatever form, but expressly excepting alcoholic beverages,  
10 located in a public warehouse, United States customs port of entry  
11 bonded warehouse, dock, or port facility on December 31 of each  
12 year, if those products, materials, or goods are designated as in  
13 transit to destinations outside this state pursuant to the  
14 published tariffs of a railroad or common carrier by filing the  
15 freight bill covering the products, materials, or goods with the  
16 agency designated by the tariffs, entitling the shipper to  
17 transportation rate privileges. Products in a United States customs  
18 port of entry bonded warehouse that arrived from another state or a  
19 foreign country, whether awaiting shipment to another state or to a  
20 final destination within this state, are considered to be in  
21 transit and temporarily at rest, and not subject to the collection  
22 of taxes under this act. To obtain an exemption for products,  
23 materials, or goods under this subdivision, the owner shall file a  
24 sworn statement with, and in the form required by, the assessing  
25 officer of the tax district in which the warehouse, dock, or port  
26 facility is located, at a time between the tax day, December 31,  
27 and before the assessing officer closes the assessment rolls

1 describing the products, materials, or goods, and reporting their  
2 cost and value as of December 31 of each year. The status of  
3 persons and products, materials, or goods for which an exemption is  
4 requested is determined as of December 31, which is the tax day.  
5 Any property located in a public warehouse, dock, or port facility  
6 on December 31 of each year that is exempt from taxation under this  
7 subdivision but that is not shipped outside this state pursuant to  
8 the particular tariff under which the transportation rate privilege  
9 was established shall be assessed upon the immediately succeeding  
10 or a subsequent assessment roll by the assessing officer and taxed  
11 at the same rate of taxation as other taxable property for the year  
12 or years for which the property was exempted to the owner at the  
13 time of the omission unless the owner or person entitled to  
14 possession of the products, materials, or goods is a resident of,  
15 or authorized to do business in, this state and files with the  
16 assessing officer, with whom statements of taxable property are  
17 required to be filed, a statement under oath that the products,  
18 materials, or goods are not for sale or use in this state and will  
19 be shipped to a point or points outside this state. If a person,  
20 firm, or corporation claims exemption by filing a sworn statement,  
21 the person, firm, or corporation shall append to the statement of  
22 taxable property required to be filed in the immediately succeeding  
23 year or, if a statement of taxable property is not filed for the  
24 immediately succeeding year, to a sworn statement filed on a form  
25 required by the assessing officer, a complete list of the property  
26 for which the exemption was claimed with a statement of the manner  
27 of shipment and of the point or points to which the products,



1 materials, or goods were shipped from the public warehouse, dock,  
2 or port facility. The assessing officer shall assess the products,  
3 materials, or goods not shipped to a point or points outside this  
4 state upon the immediately succeeding assessment roll or on a  
5 subsequent assessment roll and the products, materials, or goods  
6 shall be taxed at the same rate of taxation as other taxable  
7 property for the year or years for which the property was exempted  
8 to the owner at the time of the omission. The records, accounts,  
9 and books of warehouses, docks, or port facilities, individuals,  
10 partnerships, corporations, owners, or those in possession of  
11 tangible personal property shall be open to and available for  
12 inspection, examination, or auditing by assessing officers. A  
13 warehouse, dock, port facility, individual, partnership,  
14 corporation, owner, or person in possession of tangible personal  
15 property shall report within 90 days after shipment of products,  
16 materials, or goods in transit, for which an exemption under this  
17 section was claimed or granted, the destination of shipments or  
18 parts of shipments and the cost value of those shipments or parts  
19 of shipments to the assessing officer. A warehouse, dock, port  
20 facility, individual, partnership, corporation, or owner is subject  
21 to a fine of \$100.00 for each failure to report the destination and  
22 cost value of shipments or parts of shipments as required in this  
23 subdivision. A person, firm, individual, partnership, corporation,  
24 or owner failing to report products, materials, or goods located in  
25 a warehouse, dock, or port facility to the assessing officer is  
26 subject to a fine of \$100.00 and a penalty of 50% of the final  
27 amount of taxes found to be assessable for the year on property not

1 reported, the assessable taxes and penalty to be spread on a  
2 subsequent assessment roll in the same manner as general taxes on  
3 personal property. For the purpose of this subdivision, a public  
4 warehouse, dock, or port facility means a warehouse, dock, or port  
5 facility owned or operated by a person, firm, or corporation  
6 engaged in the business of storing products, materials, or goods  
7 for hire for profit who issues a schedule of rates for storage of  
8 the products, materials, or goods and who issues warehouse receipts  
9 pursuant to 1909 PA 303, MCL 443.50 to 443.55. A United States  
10 customs port of entry bonded warehouse means a customs warehouse  
11 within a classification designated by 19 CFR 19.1 and that is  
12 located in a port of entry, as defined by 19 CFR 101.1. A portion  
13 of a public warehouse, United States customs port of entry bonded  
14 warehouse, dock, or port facility leased to a tenant or a portion  
15 of any premises owned or leased or operated by a consignor or  
16 consignee or an affiliate or subsidiary of the consignor or  
17 consignee is not a public warehouse, dock, or port facility.

18 (m) Personal property owned by a bank or trust company  
19 organized under the laws of this state, a national banking  
20 association, or an incorporated bank holding company as defined in  
21 section 1841 of the bank holding company act of 1956, 12 USC 1841,  
22 that controls a bank, national banking association, trust company,  
23 or industrial bank subsidiary located in this state. Buildings  
24 owned by a state or national bank, trust company, or incorporated  
25 bank holding company and situated upon lands of which the state or  
26 national bank, trust company, or incorporated bank holding company  
27 is not the owner of the fee are considered real property and are

1 not exempt from taxation. Personal property owned by a state or  
2 national bank, trust company, or incorporated bank holding company  
3 that is leased, loaned, or otherwise made available to and used by  
4 a private individual, association, or corporation in connection  
5 with a business conducted for profit is not exempt from taxation.

6 (n) Farm products, processed or otherwise, the ultimate use of  
7 which is for human or animal consumption as food, except wine,  
8 beer, and other alcoholic beverages regularly placed in storage in  
9 a public warehouse, dock, or port facility while in storage are  
10 considered in transit and only temporarily at rest and are not  
11 subject to personal property taxation. The assessing officer is the  
12 determining authority as to what constitutes, is defined as, or  
13 classified as, farm products as used in this subdivision. The  
14 records, accounts, and books of warehouses, docks, or port  
15 facilities, individuals, partnerships, corporations, owners, or  
16 those in possession of farm products shall be open to and available  
17 for inspection, examination, or auditing by assessing officers.

18 (o) Sugar, in solid or liquid form, produced from sugar beets,  
19 dried beet pulp, and beet molasses if owned or held by processors.

20 (p) The personal property of a parent cooperative preschool.  
21 As used in this subdivision and section 7z, "parent cooperative  
22 preschool" means a nonprofit, nondiscriminatory educational  
23 institution maintained as a community service and administered by  
24 parents of children currently enrolled in the preschool, that  
25 provides an educational and developmental program for children  
26 younger than compulsory school age, that provides an educational  
27 program for parents, including active participation with children

1 in preschool activities, that is directed by qualified preschool  
2 personnel, and that is licensed under 1973 PA 116, MCL 722.111 to  
3 722.128.

4 (q) All equipment used exclusively in wood harvesting, but not  
5 including portable or stationary sawmills or other equipment used  
6 in secondary processing operations. As used in this subdivision,  
7 "wood harvesting" means clearing land for forest management  
8 purposes, planting trees, all forms of cutting or chipping trees,  
9 and loading trees on trucks for removal from the harvest area.

10 (r) Liquefied petroleum gas tanks located on residential or  
11 agricultural property used to store liquefied petroleum gas for  
12 residential or agricultural property use.

13 (s) Water conditioning systems used for a residential  
14 dwelling.

15 (t) For taxes levied after December 31, 2000, aircraft  
16 excepted from the registration provisions of the aeronautics code  
17 of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, and  
18 all other aircraft operating under the provisions of a certificate  
19 issued under 14 CFR part 121, and all spare parts for such  
20 aircraft.

21 (2) As used in this section:

22 (a) "Biogas" means a mixture of gases composed primarily of  
23 methane and carbon dioxide.

24 (b) "Methane digester" means a system designed to facilitate  
25 the production, recovery, and storage of biogas from the anaerobic  
26 microbial digestion of animal or food waste.

27 (c) "Methane digester electric generating system" means a

1 methane digester and the apparatus and equipment used to generate  
2 electricity or heat from biogas or to store biogas for the future  
3 generation of electricity or heat.