

# HOUSE BILL No. 4104

January 18, 2011, Introduced by Rep. Meadows and referred to the Committee on Tax Policy.

A bill to amend 2002 PA 593, entitled  
"Michigan next energy authority act,"  
by amending section 5 (MCL 207.825), as amended by 2007 PA 189.

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

1           Sec. 5. (1) Except as otherwise provided in this act, the  
2 authority may do all things necessary to implement the purposes of  
3 this act, including, but not limited to, all of the following:

4           (a) Adopt, amend, and repeal bylaws for the regulation of its  
5 affairs and the conduct of its business.

6           (b) Adopt an official seal and alter the seal at the pleasure  
7 of the board.

8           (c) Sue and be sued in its own name and plead and be  
9 impleaded.

1 (d) Solicit and accept gifts, grants, loans, and other  
2 assistance from any person or the federal, the state, or a local  
3 government or any agency of the federal, the state, or a local  
4 government or participate in any other way in any federal, state,  
5 or local government program.

6 (e) Research and publish studies, investigations, surveys, and  
7 findings on the development and use of alternative energy  
8 technology.

9 (f) Promote the research, development, and manufacturing of  
10 alternative energy technology.

11 (g) Do all other things necessary to promote and increase the  
12 research, development, and manufacturing of alternative energy  
13 technology and to otherwise achieve the objectives and purposes of  
14 the authority.

15 (2) The authority shall certify all of the following personal  
16 property and shall provide proof of certification to the assessor  
17 of the local tax collecting unit in which the following personal  
18 property is located:

19 (a) Alternative energy marine propulsion systems, alternative  
20 energy systems, and alternative energy vehicles that meet both of  
21 the following requirements:

22 (i) Were not previously subject to the collection of taxes  
23 under the general property tax act, 1893 PA 206, MCL 211.1 to  
24 211.155, **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY**  
25 **SPECIFIC TAX ACT.**

26 (ii) Were not previously exempt from the collection of taxes  
27 under the general property tax act, 1893 PA 206, MCL 211.1 to

1 211.155, except for personal property exempt under section 9c or 9i  
2 of the general property tax act, 1893 PA 206, MCL 211.9c and  
3 211.9i, **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY SPECIFIC**  
4 **TAX ACT, EXCEPT FOR PERSONAL PROPERTY EXEMPT UNDER SECTION 8 OR 16**  
5 **OF THE PERSONAL PROPERTY SPECIFIC TAX ACT.**

6 (b) Tangible personal property of a business that is an  
7 alternative energy technology business that meets both of the  
8 following requirements:

9 (i) Was not previously subject to the collection of taxes under  
10 the general property tax act, 1893 PA 206, MCL 211.1 to 211.155,  
11 **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY SPECIFIC TAX**  
12 **ACT.**

13 (ii) Was not previously exempt from the collection of taxes  
14 under the general property tax act, 1893 PA 206, MCL 211.1 to  
15 211.155, except for personal property exempt under section 9c or 9i  
16 of the general property tax act, 1893 PA 206, MCL 211.9c and  
17 211.9i, **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY SPECIFIC**  
18 **TAX ACT, EXCEPT FOR PERSONAL PROPERTY EXEMPT UNDER SECTION 8 OR 16**  
19 **OF THE PERSONAL PROPERTY SPECIFIC TAX ACT.**

20 (c) Tangible personal property of a business that is not an  
21 alternative energy technology business that is used solely for the  
22 purpose of researching, developing, or manufacturing an alternative  
23 energy technology that meets both of the following requirements:

24 (i) Was not previously subject to the collection of taxes under  
25 the general property tax act, 1893 PA 206, MCL 211.1 to 211.155,  
26 **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY SPECIFIC TAX**  
27 **ACT.**

1           (ii) Was not previously exempt from the collection of taxes  
2 under the general property tax act, 1893 PA 206, MCL 211.1 to  
3 211.155, except for personal property exempt under section 9c or 9i  
4 of the general property tax act, 1893 PA 206, MCL 211.9c and  
5 211.9i, **OR, AFTER DECEMBER 31, 2011, THE PERSONAL PROPERTY SPECIFIC**  
6 **TAX ACT, EXCEPT FOR PERSONAL PROPERTY EXEMPT UNDER SECTION 8 OR 16**  
7 **OF THE PERSONAL PROPERTY SPECIFIC TAX ACT.**

8           (3) The authority shall certify and provide proof of  
9 certification of the following business entities:

10           (a) An alternative energy technology business. The authority  
11 shall provide proof of certification to the assessor of the local  
12 tax collecting unit in which the alternative energy technology  
13 business is located.

14           (b) A taxpayer as an eligible taxpayer for the purposes of  
15 claiming the credit under section 39e(2) of the former single  
16 business tax act, 1975 PA 228, or under section 429 of the Michigan  
17 business tax act, 2007 PA 36, MCL 208.1429.

18           (4) The authority shall certify and provide proof of  
19 certification of the qualified business activity of a taxpayer  
20 eligible under subsection (3)(b). As used in this subsection,  
21 "qualified business activity" means that term as defined in section  
22 39e of the former single business tax act, 1975 PA 228, or in  
23 section 429 of the Michigan business tax act, 2007 PA 36, MCL  
24 208.1429.

25           (5) The authority shall not operate an alternative energy  
26 technology business or otherwise engage in the manufacturing of any  
27 commercial products.

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 4103(request no.  
3 00489'11 a) of the 96th Legislature is enacted into law.