



NATIONAL CONFERENCE
of STATE LEGISLATURES

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Dark Store Legislation

Updated July 2018

Alabama

AL SB 128 (2016)

Title: Property Tax Appeals From the Board of Equalization

Summary: Relates to property tax appeals from the board of equalization; provides that the county commission would be responsible for securing legal counsel for the state and county for an appeal to the circuit court when the appeal involves the valuation of property for the purpose of ad valorem tax assessment; furthers provide that the expenses of the case would be included in the county's equalization budget and paid as provided by a law or may be paid through a county self-insurance fund.

Status: 04/11/2016 Signed by GOVERNOR.

Indiana

[IN S 436](#) (2015)

Title: State and Local Taxation

Summary: Provides for filing returns if a taxpayer has personal property subject to assessment in specified counties; relates to a property tax exemption; relates to agricultural land assessment and market value; relates to basement dwellings in flood hazard areas; relates to homestead deduction; relates to property tax assessment forms; relates to reviews and appeals; authorizes an increase of the maximum property tax levies; increases the maximum amount of tax increment by a certified technology park.

Status: Enacted. 05/06/2015 Public Law No. 249

[IN H 1290](#)

Title: State and Local Administration

Summary: Relates to riverboat admissions tax revenue, supplemental distribution payments, deposit requirements, destination based economic development projects, loans or grants from the State Redevelopment Authority, interest on capital improvement board obligations, industrial recovery sites and credits, certain special or limited market property assessments, classification improvements, property tax appeals, gasoline tax refunds, Protecting Indiana's Newborns grant fund, and administration of redevelopment funds.

Status: Enacted; 03/28/2016 Public Law No. 204-2016

Illinois

IL SB 1791

Title: Property Tax Code Amendment

Summary: Amends the Property Tax Code; provides that in all cases where a change in assessed valuation greater than \$300,000 is sought, the Property Tax Appeal Board shall make an independent determination of valuation; provides criteria for determining which comparable properties are to be used, together with requirements and criteria for making the independent determination of valuation; makes a conforming change.

Status: Pending; 05/03/2018 Rule 3-9(a) / Re-referred to ASSIGNMENTS Committee.

IL SB 1972

Title: Property Tax Code Amendment

Summary: Amends the Property Tax Code; concerns hearings before the board of review or the Property Tax Appeal Board; provides that the complainant or appellant shall make timely disclosure to the assessor and the board or review or Property Tax Appeal Board, as applicable, of all relevant evidence or information known to the complainant or appellant.

Status: Pending

IL SB 1973

Title: Property Tax Code Amendment

Summary: Amends the Property Tax Code; provides that, with respect to non-residential property, neither the board of review nor the Property Tax Appeal Board may consider comparable real property sales made subject to a private restriction or covenant in connection with the sale or rental of the property if that private restriction or covenant substantially impairs the use of the comparable property as compared

Status: Pending

IL SB 1974

Title: Property Tax Code Amendment

Summary: Amends the Property Tax Code; provides that, with respect to non-residential property, neither the board of review nor the Property Tax Appeal Board may consider comparable real property sales made subject to a private restriction or covenant in connection with the sale or rental of the property if that private restriction or covenant substantially impairs the use of the comparable property as compared

Status: Pending

Michigan

MI H 4397

Title: Property Assessments

Summary: Requires certain tribunal determinations in assessment disputes as to the valuation of property.

Status: Pending; 03/22/2017 INTRODUCED. 03/22/2017 To HOUSE Committee on TAX POLICY.

MI S 578

Title: Tribunal Determinations

Summary: Requires certain tribunal determinations in assessment disputes as to the valuation of property

Status: Pending; 09/19/2017 INTRODUCED.

09/19/2017 To SENATE Committee on FINANCE.

MI S 524 (2015)

Title: Property True Cash Value

Summary: Revises determination of property true cash value and clarifies criteria; provides for a consideration of the highest and best use of the property; relates to vacant property and limited use property; provides a rebuttable presumption that the cost less depreciation is the best evidence of the usual selling price of limited use property; relates to property subject to assessment.

Status: Failed

Additional [Explanation](#): SB 524 would mandate a method of using the cost of construction, less depreciation, to assess the value of big box stores. It would require a determination of the value of property as vacant and value of the property as improved. For a big box store, the highest and best use of the property must be continued use of the property as improved

MI HB 4909 (2015)

Title: Retail Establishments

Summary: Provides for a prohibition on restrictive use covenants that prohibits otherwise lawful use of a single retail establishment; provides that a negative use restriction that prohibits occupancy or use that is otherwise lawful under a zoning ordinance of a vacant structure that was a single retail establishment, or of land in a commercial district, is against public policy, void, and unenforceable; includes warehouse stores

Status: Failed

Additional Explanation: Would prevent owners from placing restrictions on deeds when they sell their stores

MI HB 4681

Title: Lost Revenue

Summary: Provides for recovery of revenue lost by reduced assessment in certain circumstances.

Status: Failed

Additional Explanation: Attempts to recoup last tax revenue by requiring big box stores to pay an annual "user fee" in the amount that the property would have paid if the "dark store" assessment method had not been used.

Texas

TX HB 27 (2017)

Title: Consideration of the Use of Property

Summary: Relates to the consideration of the use of property or a comparable property when appraising property for ad valorem tax purposes. (Would limit businesses' ability to use the dark store theory when contesting their property values.)

Status: Failed

Wisconsin

[WI AB 386](#)

Title: Comparable Sales Segments Property Tax Assessments

Summary: Relates to property tax assessments based on comparable sales and market segments.

Status: Pending; 11/30/2017 In ASSEMBLY. Substitute Amendment No. 1 offered.

WI AB 387

Title: Leased Property Tax Assessments

Summary: Relates to property tax assessments regarding leased property.

Status: Failed

WI S 291

Title: Property Tax Assessments

Summary: Relates to property tax assessments regarding leased property.

Status: Failed

WI S 292

Title: Property Tax Assessments

Summary: Relates to property tax assessments based on comparable sales and market segments.

Status: Pending; 10/11/2017 In SENATE. Report introduction and adoption of Senate Amendment No. 2.

Recommended by Committee.