

# HOUSE BILL No. 6300

June 30, 2010, Introduced by Rep. Clemente and referred to the Committee on New Economy and Quality of Life.

A bill to amend 1974 PA 198, entitled

"An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,"

by amending section 15 (MCL 207.565), as amended by 2008 PA 170.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 15. (1) Upon receipt of a request by certified mail to
- 2       the commission by the holder of an industrial facilities exemption
- 3       certificate requesting revocation of the certificate, the
- 4       commission shall by order revoke the certificate in whole or revoke

1 the certificate with respect to its real property component, or its  
2 personal property component, whichever is requested.

3 (2) The legislative body of a local governmental unit may by  
4 resolution request the commission to revoke the industrial  
5 facilities exemption certificate of a facility upon the grounds  
6 that, except as provided in section 7a, completion of the  
7 replacement facility or new facility has not occurred within 2  
8 years after the effective date of the certificate, unless a greater  
9 time has been authorized by the commission for good cause; that the  
10 replacement, restoration, or construction of the facility has not  
11 occurred within 6 years after the date the initial industrial  
12 facilities exemption certificate was issued as provided in section  
13 7a, unless a greater time has been authorized by the commission for  
14 good cause; that completion of the speculative building has not  
15 occurred within 2 years after the date the certificate was issued  
16 except as provided in section 7a, unless a greater time has been  
17 authorized by the commission for good cause; that a speculative  
18 building for which a certificate has been issued but is not yet  
19 effective has been used as other than a manufacturing facility;  
20 that the certificate issued for a speculative building has not  
21 become effective within 2 years after the December 31 following the  
22 date the certificate was issued; or that the purposes for which the  
23 certificate was issued are not being fulfilled as a result of a  
24 failure of the holder to proceed in good faith with the  
25 replacement, restoration, or construction and operation of the  
26 replacement facility or new facility or with the use of the  
27 speculative building as a manufacturing facility in a manner

1 consistent with the purposes of this act and in the absence of  
2 circumstances that are beyond the control of the holder.

3 (3) Upon receipt of the resolution, the commission shall give  
4 notice in writing by certified mail to the holder of the  
5 certificate, to the local legislative body, to the assessor of the  
6 assessing unit, and to the legislative body of each local taxing  
7 unit which levies taxes upon property in the local governmental  
8 unit in which the facility is located. The commission shall afford  
9 to the holder of the certificate, the local legislative body, the  
10 assessor, and a representative of the legislative body of each  
11 taxing unit an opportunity for a hearing. The commission shall by  
12 order revoke the certificate if the commission finds that  
13 completion except as provided in section 7a of the replacement  
14 facility or new facility has not occurred within 2 years after the  
15 effective date of the certificate or a greater time as authorized  
16 by the commission for good cause; that completion of the  
17 speculative building has not occurred within 2 years after the date  
18 the certificate was issued except as provided in section 7a, unless  
19 a greater time has been authorized by the commission for good  
20 cause; that a speculative building for which a certificate has been  
21 issued but is not yet effective has been used as other than a  
22 manufacturing facility; that the certificate issued for a  
23 speculative building has not become effective within 2 years after  
24 the December 31 following the date the certificate was issued; or  
25 that the holder of the certificate has not proceeded in good faith  
26 with the replacement, restoration, or construction and operation of  
27 the facility or with the use of the speculative building as a

1 manufacturing facility in good faith in a manner consistent with  
2 the purposes of this act and in the absence of circumstances that  
3 are beyond the control of the holder.

4 (4) The order of the commission revoking the certificate shall  
5 be effective on the December 31 next following the date of the  
6 order and the commission shall send by certified mail copies of its  
7 order of revocation to the holder of the certificate, to the local  
8 legislative body, to the assessor of the assessing unit in which  
9 the facility is located, and to the legislative body of each taxing  
10 unit which levies taxes upon property in the local governmental  
11 unit in which the facility is located.

12 (5) A revocation of a certificate issued for a speculative  
13 building shall specify and apply only to that portion of the  
14 speculative building for which the grounds for revocation relate.

15 (6) Notwithstanding any other provision of this act, upon the  
16 written request of the holder of a revoked industrial facilities  
17 exemption certificate to the local unit of government and the  
18 commission **OR UPON THE APPLICATION OF A SUBSEQUENT OWNER TO THE**  
19 **LOCAL GOVERNING BODY TO TRANSFER THE REVOKED INDUSTRIAL FACILITIES**  
20 **EXEMPTION CERTIFICATE TO A SUBSEQUENT OWNER,** and the submission to  
21 the commission of a resolution of concurrence by the legislative  
22 body of the local unit of government in which the facility is  
23 located, and if the facility continues to qualify under this act,  
24 the commission may reinstate a revoked industrial facilities  
25 exemption certificate **FOR THE HOLDER OR A SUBSEQUENT OWNER THAT HAS**  
26 **APPLIED FOR THE TRANSFER.**