



HOUSE BILL No. 5357

November 2, 1995, Introduced by Reps. Brackenridge and Bullard and referred to the Committee on Local Government.

A bill to amend sections 5, 6, and 7 of Act No. 198 of the Public Acts of 1974, entitled "Plant rehabilitation and industrial development districts," section 7 as amended by Act No. 417 of the Public Acts of 1982, being sections 207.555, 207.556, and 207.557 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 6, and 7 of Act No. 198 of the
2 Public Acts of 1974, section 7 as amended by Act No. 417 of the
3 Public Acts of 1982, being sections 207.555, 207.556, and 207.557
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 5. (1) After the establishment of a district, the
6 owner or lessee of a facility may file an application for an
7 industrial facilities exemption certificate with the clerk of the
8 local governmental unit that established the plant rehabilitation

1 district or industrial development district. The application
2 shall be filed in the manner and form prescribed by the
3 commission. The application shall contain or be accompanied by a
4 general description of the facility and a general description of
5 the proposed use of the facility, the general nature and extent
6 of the restoration, replacement, or construction to be under-
7 taken, a descriptive list of the equipment ~~which~~ THAT will be a
8 part of the facility, a time schedule for undertaking and com-
9 pleting the restoration, replacement, or construction of the
10 facility, and information relating to the requirements in section
11 9.

12 (2) Upon receipt of an application for an industrial facili-
13 ties exemption certificate, the clerk of the local governmental
14 unit shall notify in writing the assessor of the assessing unit
15 in which the facility is located or to be located, and ~~to~~ the
16 legislative body of each taxing unit ~~which~~ THAT levies ad
17 valorem property taxes in the local governmental unit in which
18 the facility is located or to be located. Before acting upon the
19 application, the legislative body of the local governmental unit
20 shall afford the applicant, the assessor, and a representative of
21 the affected taxing units an opportunity for a hearing.

22 (3) THE LOCAL GOVERNMENTAL UNIT MAY CHARGE THE APPLICANT AN
23 APPLICATION FEE TO PROCESS AN APPLICATION FOR AN INDUSTRIAL
24 FACILITIES EXEMPTION CERTIFICATE. THE APPLICATION FEE SHALL NOT
25 EXCEED THE ACTUAL COST INCURRED BY THE LOCAL GOVERNMENTAL UNIT IN
26 PROCESSING THE APPLICATION.

1 Sec. 6. The legislative body of the local governmental
2 unit, not more than 60 days after receipt by its clerk of the
3 application, shall by resolution either approve or disapprove the
4 application for an industrial facilities exemption certificate in
5 accordance with section 9 and the other provisions of this act.
6 If disapproved, the reasons shall be set forth in writing in the
7 resolution. If approved, the clerk shall forward the application
8 to the commission WITHIN 30 DAYS OF APPROVAL OR BEFORE OCTOBER 31
9 OF THAT YEAR, WHICHEVER IS FIRST. If disapproved, the clerk
10 shall return the application to the applicant. The applicant may
11 appeal the disapproval to the commission within 10 days after the
12 date of the disapproval IF THE APPEAL IS FILED WITH THE COMMIS-
13 SION BEFORE OCTOBER 31 OF THAT YEAR.

14 Sec. 7. (1) Within 60 days after receipt of an approved
15 application or an appeal of a disapproved application THAT WAS
16 SUBMITTED TO THE COMMISSION BEFORE OCTOBER 31 OF THAT YEAR, the
17 commission shall determine whether the facility is a speculative
18 building or designed and acquired primarily for the purpose of
19 restoration or replacement of obsolete industrial property or the
20 construction of new industrial property, and whether the facility
21 otherwise complies with section 9 and with the other provisions
22 of this act. If the commission so finds, it shall issue an
23 industrial facilities exemption certificate. Before issuing a
24 certificate the commission shall notify the state treasurer of
25 the application and shall obtain the written concurrence of the
26 department of commerce that the application complies with the
27 requirements in section 9. The effective date of the certificate

1 for a replacement facility or new facility shall be the December
2 31 next following the date of issuance of the certificate. For a
3 speculative building or a portion thereof, the effective date of
4 the certificate shall be the December 31 next following the date
5 the speculative building, or the portion thereof, is being used
6 as a manufacturing facility.

7 (2) The commission shall send an industrial facilities
8 exemption certificate, when issued, by certified mail to the
9 applicant, and a certified copy by certified mail to the assessor
10 of the assessing unit in which the facility is located or to be
11 located, which copy shall be filed of record in his or her
12 office. Notice of the commission's refusal to issue a certifi-
13 cate shall be sent by certified mail to the same persons.