

**SUBSTITUTE FOR
SENATE BILL NO. 867**

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 sections 2, 9, and 15 (MCL 207.552, 207.559, and 207.565), sections 2 and 9 as amended by 2007 PA 146 and section 15 as amended by 1996 PA 513.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Commission" means the state tax commission
2 created by 1927 PA 360, MCL 209.101 to 209.107.

1 (2) "Facility" means either a replacement facility, a new
2 facility, or, if applicable by its usage, a speculative building.

3 (3) "Replacement facility" means 1 of the following:

4 (a) In the case of a replacement or restoration that occurs on
5 the same or contiguous land as that which is replaced or restored,
6 industrial property that is or is to be acquired, constructed,
7 altered, or installed for the purpose of replacement or restoration
8 of obsolete industrial property together with any part of the old
9 altered property that remains for use as industrial property after
10 the replacement, restoration, or alteration.

11 (b) In the case of construction on vacant noncontiguous land,
12 property that is or will be used as industrial property that is or
13 is to be acquired, constructed, transferred, or installed for the
14 purpose of being substituted for obsolete industrial property if
15 the obsolete industrial property is situated in a plant
16 rehabilitation district in the same city, village, or township as
17 the land on which the facility is or is to be constructed and
18 includes the obsolete industrial property itself until the time as
19 the substituted facility is completed.

20 (4) "New facility" means new industrial property other than a
21 replacement facility to be built in a plant rehabilitation district
22 or industrial development district.

23 (5) "Local governmental unit" means a city, village, or
24 township located in this state.

25 (6) "Industrial property" means land improvements, buildings,
26 structures, and other real property, and machinery, equipment,
27 furniture, and fixtures or any part or accessory whether completed

1 or in the process of construction comprising an integrated whole,
2 the primary purpose and use of which is the engaging in a high-
3 technology activity, operation of a strategic response center,
4 operation of a motorsports entertainment complex, operation of a
5 logistical optimization center, operation of qualified commercial
6 activity, **OPERATION OF A MAJOR DISTRIBUTION AND LOGISTICS FACILITY**,
7 the manufacture of goods or materials, creation or synthesis of
8 biodiesel fuel, or the processing of goods and materials by
9 physical or chemical change; property acquired, constructed,
10 altered, or installed due to the passage of proposal A in 1976; the
11 operation of a hydro-electric dam by a private company other than a
12 public utility; or agricultural processing facilities. Industrial
13 property includes facilities related to a manufacturing operation
14 under the same ownership, including, but not limited to, office,
15 engineering, research and development, warehousing, or parts
16 distribution facilities. Industrial property also includes research
17 and development laboratories of companies other than those
18 companies that manufacture the products developed from their
19 research activities and research development laboratories of a
20 manufacturing company that are unrelated to the products of the
21 company. For applications approved by the legislative body of a
22 local governmental unit between June 30, 1999 and December 31,
23 2007, industrial property also includes an electric generating
24 plant that is not owned by a local unit of government, including,
25 but not limited to, an electric generating plant fueled by biomass.
26 Industrial property also includes convention and trade centers over
27 250,000 square feet in size. Industrial property also includes a

1 federal reserve bank operating under 12 USC 341, located in a city
2 with a population of 750,000 or more. Industrial property may be
3 owned or leased. However, in the case of leased property, the
4 lessee is liable for payment of ad valorem property taxes and shall
5 furnish proof of that liability. Industrial property does not
6 include any of the following:

7 (a) Land.

8 (b) Property of a public utility other than an electric
9 generating plant that is not owned by a local unit of government
10 and for which an application was approved by the legislative body
11 of a local governmental unit between June 30, 1999 and December 31,
12 2007.

13 (c) Inventory.

14 (7) "Obsolete industrial property" means industrial property
15 the condition of which is substantially less than an economically
16 efficient functional condition.

17 (8) "Economically efficient functional condition" means a
18 state or condition of property the desirability and usefulness of
19 which is not impaired due to changes in design, construction,
20 technology, or improved production processes, or from external
21 influencing factors that make the property less desirable and
22 valuable for continued use.

23 (9) "Research and development laboratories" means building and
24 structures, including the machinery, equipment, furniture, and
25 fixtures located in the building or structure, used or to be used
26 for research or experimental purposes that would be considered
27 qualified research as that term is used in section 41 of the

1 internal revenue code, 26 USC 41, except that qualified research
2 also includes qualified research funded by grant, contract, or
3 otherwise by another person or governmental entity.

4 (10) "Manufacture of goods or materials" or "processing of
5 goods or materials" means any type of operation that would be
6 conducted by an entity included in the classifications provided by
7 sector 31-33 – manufacturing, of the North American industry
8 classification system, United States, 1997, published by the office
9 of management and budget, regardless of whether the entity
10 conducting that operation is included in that manual.

11 (11) "High-technology activity" means that term as defined in
12 section 3 of the Michigan economic growth authority act, 1995 PA
13 24, MCL 207.803.

14 (12) "Logistical optimization center" means a sorting and
15 distribution center that supports a private passenger motor vehicle
16 assembly center and its manufacturing process for the purpose of
17 optimizing transportation, just-in-time inventory management, and
18 material handling, and to which all of the following apply:

19 (a) The sorting and distribution center is within 2 miles of a
20 private passenger motor vehicle assembly center that, together with
21 supporting facilities, contains at least 800,000 square feet.

22 (b) The sorting and distribution center contains at least
23 950,000 square feet.

24 (c) The sorting and distribution center has applied for an
25 industrial facilities exemption certificate after June 30, 2005 and
26 before January 1, 2006.

27 (d) The private passenger motor vehicle assembly center is

1 located on land conditionally transferred by a township with a
2 population of more than 25,000 under 1984 PA 425, MCL 124.21 to
3 124.30, to a city with a population of more than 100,000 that
4 levies an income tax under the city income tax act, 1964 PA 284,
5 MCL 141.501 to 141.787.

6 (13) "Commercial property" means that term as defined in
7 section 2 of the obsolete property rehabilitation act, 2000 PA 146,
8 MCL 125.2782.

9 (14) "Qualified commercial activity" means commercial property
10 that meets all of the following:

11 (a) An application for an exemption certificate approved by
12 the local governmental unit is filed for approval by the state tax
13 commission not later than April 30, 2006.

14 (b) At least 90% of the property, excluding the surrounding
15 green space, is used for warehousing, distribution, and logistics
16 purposes that provide food for institutional, restaurant, hospital,
17 or hotel customers.

18 (c) Is located within a village and is within 15 miles of a
19 Michigan state border.

20 (d) Occupies 1 or more buildings or structures that together
21 are greater than 300,000 square feet in size.

22 (15) "Motorsports entertainment complex" means a closed-course
23 motorsports facility, and its ancillary grounds and facilities,
24 that satisfies all of the following:

25 (a) Has at least 70,000 fixed seats for race patrons.

26 (b) Has at least 6 scheduled days of motorsports events each
27 calendar year, at least 2 of which shall be comparable to nascar

1 nextel cup events held in 2007 or their successor events.

2 (c) Serves food and beverages at the facility during
3 sanctioned events each calendar year through concession outlets, a
4 majority of which are staffed by individuals who represent or are
5 members of 1 or more nonprofit civic or charitable organizations
6 that directly financially benefit from the concession outlets'
7 sales.

8 (d) Engages in tourism promotion.

9 (e) Has permanent exhibitions of motorsports history, events,
10 or vehicles.

11 (16) "MAJOR DISTRIBUTION AND LOGISTICS FACILITY" MEANS A
12 PROPOSED DISTRIBUTION CENTER THAT MEETS ALL OF THE FOLLOWING:

13 (A) CONTAINS AT LEAST 300,000 SQUARE FEET.

14 (B) HAS OR WILL HAVE AN ASSESSED VALUE OF \$5,000,000.00 OR
15 MORE FOR THE REAL PROPERTY.

16 (C) IS LOCATED WITHIN 35 MILES OF THE BORDER OF THIS STATE.

17 (D) HAS AS ITS PURPOSE THE DISTRIBUTION OF INVENTORY AND
18 MATERIALS TO FACILITIES OWNED BY THE TAXPAYER WHOSE PRIMARY
19 BUSINESS IS THE RETAIL SALE OF SPORTING GOODS AND RELATED
20 INVENTORY.

21 Sec. 9. (1) The legislative body of the local governmental
22 unit, in its resolution approving an application, shall set forth a
23 finding and determination that the granting of the industrial
24 facilities exemption certificate, considered together with the
25 aggregate amount of industrial facilities exemption certificates
26 previously granted and currently in force, shall not have the
27 effect of substantially impeding the operation of the local

1 governmental unit or impairing the financial soundness of a taxing
2 unit that levies an ad valorem property tax in the local
3 governmental unit in which the facility is located or to be
4 located. If the state equalized valuation of property proposed to
5 be exempt pursuant to an application under consideration,
6 considered together with the aggregate state equalized valuation of
7 property exempt under certificates previously granted and currently
8 in force, exceeds 5% of the state equalized valuation of the local
9 governmental unit, the commission, with the approval of the state
10 treasurer, shall make a separate finding and shall include a
11 statement in the order approving the industrial facilities
12 exemption certificate that exceeding that amount shall not have the
13 effect of substantially impeding the operation of the local
14 governmental unit or impairing the financial soundness of an
15 affected taxing unit.

16 (2) Except for an application for a speculative building,
17 which is governed by subsection (4), the legislative body of the
18 local governmental unit shall not approve an application and the
19 commission shall not grant an industrial facilities exemption
20 certificate unless the applicant complies with all of the following
21 requirements:

22 (a) The commencement of the restoration, replacement, or
23 construction of the facility occurred not earlier than 12 months
24 before the filing of the application for the industrial facilities
25 exemption certificate. If the application is not filed within the
26 12-month period, the application may be filed within the succeeding
27 12-month period and the industrial facilities exemption certificate

1 shall in this case expire 1 year earlier than it would have expired
2 if the application had been timely filed. This subdivision does not
3 apply for applications filed with the local governmental unit after
4 December 31, 1983.

5 (b) For applications made after December 31, 1983, the
6 proposed facility shall be located within a plant rehabilitation
7 district or industrial development district that was duly
8 established in a local governmental unit eligible under this act to
9 establish a district and that was established upon a request filed
10 or by the local governmental unit's own initiative taken before the
11 commencement of the restoration, replacement, or construction of
12 the facility.

13 (c) For applications made after December 31, 1983, the
14 commencement of the restoration, replacement, or construction of
15 the facility occurred not earlier than 6 months before the filing
16 of the application for the industrial facilities exemption
17 certificate.

18 (d) The application relates to a construction, restoration, or
19 replacement program that when completed constitutes a new or
20 replacement facility within the meaning of this act and that shall
21 be situated within a plant rehabilitation district or industrial
22 development district duly established in a local governmental unit
23 eligible under this act to establish the district.

24 (e) Completion of the facility is calculated to, and will at
25 the time of issuance of the certificate have the reasonable
26 likelihood to create employment, retain employment, prevent a loss
27 of employment, or produce energy in the community in which the

1 facility is situated.

2 (f) Completion of the facility does not constitute merely the
3 addition of machinery and equipment for the purpose of increasing
4 productive capacity but rather is primarily for the purpose and
5 will primarily have the effect of restoration, replacement, or
6 updating the technology of obsolete industrial property. An
7 increase in productive capacity, even though significant, is not an
8 impediment to the issuance of an industrial facilities exemption
9 certificate if other criteria in this section and act are met. This
10 subdivision does not apply to a new facility.

11 (g) The provisions of subdivision (c) do not apply to a new
12 facility located in an existing industrial development district
13 owned by a person who filed an application for an industrial
14 facilities exemption certificate in April of 1992 if the
15 application was approved by the local governing body and was denied
16 by the state tax commission in April of 1993.

17 (h) The provisions of subdivisions (b) and (c) and section
18 4(3) do not apply to 1 or more of the following:

19 (i) A facility located in an industrial development district
20 owned by a person who filed an application for an industrial
21 facilities exemption certificate in October 1995 for construction
22 that was commenced in July 1992 in a district that was established
23 by the legislative body of the local governmental unit in July
24 1994. An industrial facilities exemption certificate described in
25 this subparagraph shall expire as provided in section 16(3).

26 (ii) A facility located in an industrial development district
27 that was established in January 1994 and was owned by a person who

1 filed an application for an industrial facilities exemption
2 certificate in February 1994 if the personal property and real
3 property portions of the application were approved by the
4 legislative body of the local governmental unit and the personal
5 property portion of the application was approved by the state tax
6 commission in December 1994 and the real property portion of the
7 application was denied by the state tax commission in December
8 1994. An industrial facilities exemption certificate described in
9 this subparagraph shall expire as provided in section 16(3).

10 (iii) A facility located in an industrial development district
11 that was established in December 1995 and was owned by a person who
12 filed an application for an industrial facilities exemptions
13 certificate in November or December 1995 for construction that was
14 commenced in September 1995.

15 (iv) A facility located in an industrial development district
16 owned by a person who filed an application for an industrial
17 facilities exemption certificate in July 2001 for construction that
18 was commenced in February 2001 in a district that was established
19 by the legislative body of the local governmental unit in September
20 2001. An industrial facilities exemption certificate described in
21 this subparagraph shall expire as provided in section 16. The
22 facility described in this subparagraph shall be taxed under this
23 act as if it was granted an industrial facilities exemption
24 certificate in October 2001, and a corrected tax bill shall be
25 issued by the local tax collecting unit if the local tax collecting
26 unit has possession of the tax roll or by the county treasurer if
27 the county has possession of the tax roll. If granting the

1 industrial facilities exemption certificate under this subparagraph
2 results in an overpayment of the tax, a rebate, including any
3 interest and penalties paid, shall be made to the taxpayer by the
4 local tax collecting unit if the local tax collecting unit has
5 possession of the tax roll or by the county treasurer if the county
6 has possession of the tax roll within 30 days of the date the
7 exemption is granted. The rebate shall be without interest.

8 (v) A facility located in an industrial development district
9 owned by a person who filed an application for an industrial
10 facilities exemption certificate in December 2005 for construction
11 that was commenced in September 2005 in a district that was
12 established by the legislative body of the local governmental unit
13 in December 2005. An industrial facilities exemption certificate
14 described in this subparagraph shall expire as provided in section
15 16.

16 (vi) A facility located in an existing industrial development
17 district owned by a person who filed or amended an application for
18 an industrial facilities exemption certificate for real property in
19 July 2006 if the application was approved by the legislative body
20 of the local governmental unit in September 2006 but not submitted
21 to the state tax commission until September 2006.

22 (vii) A new facility located in an existing industrial
23 development district owned by a person who filed or amended an
24 application for an industrial facilities exemption certificate for
25 personal property in June 2006 if the application was approved by
26 the legislative body of the local governmental unit in August 2006
27 but not submitted to the state tax commission until 2007. The

1 effective date of the certificate shall be December 31, 2006.

2 (viii) A new facility located in an industrial development
3 district that was established by the legislative body of the local
4 governmental unit in September of 2007 for construction that was
5 commenced in March 2007 and for which an application for an
6 industrial facilities exemption certificate was filed in September
7 of 2007.

8 (ix) A facility located in an industrial development district
9 that was established by the legislative body of the local
10 governmental unit in August 2007 and was owned by a person who
11 filed an application for an industrial facilities exemption
12 certificate in June 2007 for equipment that was purchased in
13 January 2007.

14 (i) The provisions of subdivision (c) do not apply to any of
15 the following:

16 (i) A new facility located in an existing industrial
17 development district owned by a person who filed an application for
18 an industrial facilities exemption certificate in October 1993 if
19 the application was approved by the legislative body of the local
20 governmental unit and the real property portion of the application
21 was denied by the state tax commission in December 1993.

22 (ii) A new facility located in an existing industrial
23 development district owned by a person who filed an application for
24 an industrial facilities exemption certificate in September 1993 if
25 the personal property portion of the application was approved by
26 the legislative body of the local governmental unit and the real
27 property portion of the application was denied by the legislative

1 body of the local governmental unit in October 1993 and
2 subsequently approved by the legislative body of the local
3 governmental unit in September 1994.

4 (iii) A facility located in an existing industrial development
5 district owned by a person who filed an application for an
6 industrial facilities exemption certificate in August 1993 if the
7 application was approved by the local governmental unit in
8 September 1993 and the application was denied by the state tax
9 commission in December 1993.

10 (iv) A facility located in an existing industrial development
11 district occupied by a person who filed an application for an
12 industrial facilities exemption certificate in June of 1995 if the
13 application was approved by the legislative body of the local
14 governmental unit in October of 1995 for construction that was
15 commenced in November or December of 1994.

16 (v) A facility located in an existing industrial development
17 district owned by a person who filed an application for an
18 industrial facilities exemption certificate in June of 1995 if the
19 application was approved by the legislative body of the local
20 governmental unit in July of 1995 and the personal property portion
21 of the application was approved by the state tax commission in
22 November of 1995.

23 (j) If the facility is locating in a plant rehabilitation
24 district or an industrial development district from another
25 location in this state, the owner of the facility is not delinquent
26 in any of the taxes described in section 10(1)(a) of the Michigan
27 renaissance zone act, 1996 PA 376, MCL 125.2690, or substantially

1 delinquent in any of the taxes described in and as provided under
2 section 10(1)(b) of the Michigan renaissance zone act, 1996 PA 376,
3 MCL 125.2690.

4 (3) If the replacement facility when completed will not be
5 located on the same premises or contiguous premises as the obsolete
6 industrial property, then the applicant shall make provision for
7 the obsolete industrial property by demolition, sale, or transfer
8 to another person with the effect that the obsolete industrial
9 property shall within a reasonable time again be subject to
10 assessment and taxation under the general property tax act, 1893 PA
11 206, MCL 211.1 to 211.157, or be used in a manner consistent with
12 the general purposes of this act, subject to approval of the
13 commission.

14 (4) The legislative body of the local governmental unit shall
15 not approve an application and the commission shall not grant an
16 industrial facilities exemption certificate that applies to a
17 speculative building unless the speculative building is or is to be
18 located in a plant rehabilitation district or industrial
19 development district duly established by a local governmental unit
20 eligible under this act to establish a district; the speculative
21 building was constructed less than 9 years before the filing of the
22 application for the industrial facilities exemption certificate;
23 the speculative building has not been occupied since completion of
24 construction; and the speculative building otherwise qualifies
25 under subsection (2)(e) for an industrial facilities exemption
26 certificate. An industrial facilities exemption certificate granted
27 under this subsection shall expire as provided in section 16(3).

1 (5) Not later than September 1, 1989, the commission shall
2 provide to all local assessing units the name, address, and
3 telephone number of the person on the commission staff responsible
4 for providing procedural information concerning this act. After
5 October 1, 1989, a local unit of government shall notify each
6 prospective applicant of this information in writing.

7 (6) Notwithstanding any other provision of this act, if on
8 December 29, 1986 a local governmental unit passed a resolution
9 approving an exemption certificate for 10 years for real and
10 personal property but the commission did not receive the
11 application until 1992 and the application was not made complete
12 until 1995, then the commission shall issue, for that property, an
13 industrial facilities exemption certificate that begins December
14 30, 1987 and ends December 30, 1997. The facility described in this
15 subsection shall be taxed under this act as if it was granted an
16 industrial facilities exemption certificate on December 30, 1987.

17 (7) Notwithstanding any other provision of this act, if a
18 local governmental unit passed a resolution approving an industrial
19 facilities exemption certificate for a new facility on July 8, 1991
20 but rescinded that resolution and passed a resolution approving an
21 industrial facilities exemption certificate for that same facility
22 as a replacement facility on October 21, 1996, the commission shall
23 issue for that property an industrial facilities exemption
24 certificate that begins December 30, 1991 and ends December 2003.
25 The replacement facility described in this subsection shall be
26 taxed under this act as if it was granted an industrial facilities
27 exemption certificate on December 30, 1991.

1 (8) Property owned or operated by a casino is not industrial
2 property or otherwise eligible for an abatement or reduction of ad
3 valorem property taxes under this act. As used in this subsection,
4 "casino" means a casino or a parking lot, hotel, motel, convention
5 and trade center, or retail store owned or operated by a casino, an
6 affiliate, or an affiliated company, regulated by this state
7 pursuant to the Michigan gaming control and revenue act, 1996 IL 1,
8 MCL 432.201 to 432.226.

9 (9) Notwithstanding section 16a and any other provision of
10 this act, if a local governmental unit passed a resolution
11 approving an industrial facilities exemption certificate for a new
12 facility on October 28, 1996 for a certificate that expired in
13 December 2003 and the local governmental unit passes a resolution
14 approving the extension of the certificate after December 2003 and
15 before March 1, 2006, the commission shall issue for that property
16 an industrial facilities exemption certificate that begins on
17 December 30, 2005 and ends December 30, 2010 as long as the
18 property continues to qualify under this act.

19 (10) Notwithstanding any other provision of this act, if the
20 commission issued an industrial facilities exemption certificate
21 for a new facility on December 8, 1998 but revoked that industrial
22 facilities exemption certificate for that same facility effective
23 December 30, 2006 and that new facility is purchased by a buyer on
24 or before November 1, 2007, the commission shall issue for that
25 property an industrial facilities exemption certificate that begins
26 December 31, 1998 and ends December 30, 2010 and shall transfer
27 that industrial facilities exemption certificate to the buyer. The

1 new facility described in this subsection shall be taxed under this
2 act as if it was granted an industrial facilities exemption
3 certificate effective on December 31, 1998.

4 (11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF THE
5 COMMISSION ISSUED INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES FOR
6 NEW FACILITIES ON OCTOBER 30, 2002, SEPTEMBER 9, 2003, AND NOVEMBER
7 30, 2005 BUT REVOKED THE INDUSTRIAL FACILITIES EXEMPTION
8 CERTIFICATES FOR THE SAME FACILITIES EFFECTIVE DECEMBER 30, 2007
9 AND THE NEW FACILITIES CONTINUE TO QUALIFY UNDER THIS ACT, THE
10 COMMISSION SHALL ISSUE FOR THE PROPERTIES INDUSTRIAL FACILITIES
11 EXEMPTION CERTIFICATES WHICH END RESPECTIVELY ON DECEMBER 30, 2008,
12 DECEMBER 30, 2009, AND DECEMBER 30, 2011.

13 Sec. 15. (1) Upon receipt of a request by certified mail to
14 the commission by the holder of an industrial facilities exemption
15 certificate requesting revocation of the certificate, the
16 commission shall by order revoke the certificate in whole or revoke
17 the certificate with respect to its real property component, or its
18 personal property component, whichever is requested.

19 (2) The legislative body of a local governmental unit may by
20 resolution request the commission to revoke the industrial
21 facilities exemption certificate of a facility upon the grounds
22 that, except as provided in section 7a, completion of the
23 replacement facility or new facility has not occurred within 2
24 years after the effective date of the certificate, unless a greater
25 time has been authorized by the commission for good cause; that the
26 replacement, restoration, or construction of the facility has not
27 occurred within 6 years after the date the initial industrial

1 facilities exemption certificate was issued as provided in section
2 7a, unless a greater time has been authorized by the commission for
3 good cause; that completion of the speculative building has not
4 occurred within 2 years after the date the certificate was issued
5 except as provided in section 7a, unless a greater time has been
6 authorized by the commission for good cause; that a speculative
7 building for which a certificate has been issued but is not yet
8 effective has been used as other than a manufacturing facility;
9 that the certificate issued for a speculative building has not
10 become effective within 2 years after the December 31 following the
11 date the certificate was issued; or that the purposes for which the
12 certificate was issued are not being fulfilled as a result of a
13 failure of the holder to proceed in good faith with the
14 replacement, restoration, or construction and operation of the
15 replacement facility or new facility or with the use of the
16 speculative building as a manufacturing facility in a manner
17 consistent with the purposes of this act and in the absence of
18 circumstances that are beyond the control of the holder.

19 (3) Upon receipt of the resolution, the commission shall give
20 notice in writing by certified mail to the holder of the
21 certificate, to the local legislative body, to the assessor of the
22 assessing unit, and to the legislative body of each local taxing
23 unit which levies taxes upon property in the local governmental
24 unit in which the facility is located. The commission shall afford
25 to the holder of the certificate, the local legislative body, the
26 assessor, and a representative of the legislative body of each
27 taxing unit an opportunity for a hearing. The commission shall by

1 order revoke the certificate if the commission finds that
2 completion except as provided in section 7a of the replacement
3 facility or new facility has not occurred within 2 years after the
4 effective date of the certificate or a greater time as authorized
5 by the commission for good cause; that completion of the
6 speculative building has not occurred within 2 years after the date
7 the certificate was issued except as provided in section 7a, unless
8 a greater time has been authorized by the commission for good
9 cause; that a speculative building for which a certificate has been
10 issued but is not yet effective has been used as other than a
11 manufacturing facility; that the certificate issued for a
12 speculative building has not become effective within 2 years after
13 the December 31 following the date the certificate was issued; or
14 that the holder of the certificate has not proceeded in good faith
15 with the replacement, restoration, or construction and operation of
16 the facility or with the use of the speculative building as a
17 manufacturing facility in good faith in a manner consistent with
18 the purposes of this act and in the absence of circumstances that
19 are beyond the control of the holder.

20 (4) The order of the commission revoking the certificate shall
21 be effective on the December 31 next following the date of the
22 order and the commission shall send by certified mail copies of its
23 order of revocation to the holder of the certificate, to the local
24 legislative body, to the assessor of the assessing unit in which
25 the facility is located, and to the legislative body of each taxing
26 unit which levies taxes upon property in the local governmental
27 unit in which the facility is located.

Senate Bill No. 867 as amended May 21, 2008

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

4 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, UPON THE
5 WRITTEN REQUEST OF THE HOLDER OF A REVOKED INDUSTRIAL FACILITIES
6 EXEMPTION CERTIFICATE TO THE LOCAL UNIT OF GOVERNMENT AND THE
7 COMMISSION AND THE SUBMISSION TO THE COMMISSION OF A RESOLUTION OF
8 CONCURRENCE BY THE LEGISLATIVE BODY OF THE LOCAL UNIT OF GOVERNMENT
9 IN WHICH THE FACILITY IS LOCATED, <<AND IF THE FACILITY CONTINUES TO
10 QUALIFY UNDER THIS ACT,>> THE COMMISSION MAY REINSTATE A
REVOKED INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE.