

SENATE BILL No. 1111

February 4, 2010, Introduced by Senators ALLEN, BIRKHOLZ, BARCIA, CROPSEY, PAPPAGEORGE, BASHAM, CLARKE, HUNTER and KUIPERS and referred to the Committee on Commerce and Tourism.

A bill to amend 1978 PA 255, entitled "Commercial redevelopment act," by amending sections 12a, 14, and 15 (MCL 207.662a, 207.664, and 207.665), section 12a as added by 2008 PA 227.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12a. (1) Within 60 days after the granting of a new
2 commercial facilities exemption certificate under section 8 for a
3 new or a replacement facility, the state treasurer may, for a
4 period not to exceed 6 years, exclude up to 1/2 of the number of
5 mills levied under the state education tax act, 1993 PA 331, MCL
6 211.901 to 211.906, from the specific tax calculation on the
7 facility under section 12(3) if the state treasurer determines that
8 reducing the number of mills used to calculate the specific tax

1 under section 12(3) is necessary to reduce unemployment, promote
2 economic growth, and increase capital investment in qualified local
3 governmental units.

4 (2) WITHIN 60 DAYS AFTER THE COMMISSION'S RECEIPT OF A
5 COMMERCIAL FACILITIES EXEMPTION CERTIFICATE APPLICATION FOR A LEED
6 CERTIFIED FACILITY, THE STATE TREASURER MAY, FOR A PERIOD NOT TO
7 EXCEED 6 YEARS, EXCLUDE THE NUMBER OF MILLS LEVIED UNDER THE STATE
8 EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906, FROM THE
9 SPECIFIC TAX CALCULATION ON THE FACILITY UNDER SECTION 12(4)(B).
10 THE STATE TREASURER SHALL SUBMIT WRITTEN NOTICE OF ITS DECISION ON
11 THE APPLICATION TO THE APPLICANT AND THE ASSESSOR OF THE LOCAL
12 GOVERNMENTAL UNIT WITHIN WHICH THE LEED CERTIFIED FACILITY IS
13 LOCATED. THE STATE TREASURER'S APPROVAL OF AN EXCLUSION UNDER THIS
14 SUBSECTION SHALL ONLY BECOME EFFECTIVE IF A COMMERCIAL FACILITIES
15 EXEMPTION CERTIFICATE IS ISSUED UNDER SECTION 8.

16 (3) ~~(2)~~ The state treasurer shall not grant more than 25
17 exclusions under ~~this section~~ SUBSECTION (1) each year.

18 Sec. 14. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
19 (2), THE legislative body of the local governmental unit may revoke
20 the exemption if it finds that the completion of the facility has
21 not occurred within 2 years after the effective date of the
22 exemption certificate or a greater time as authorized by the
23 legislative body for good cause, or that the holder of the
24 exemption has not proceeded in good faith with the replacement,
25 restoration, or construction and operation of the facility in good
26 faith in a manner consistent with the purposes of this act and in
27 absence of circumstances that are beyond the control of the holder

1 of the exemption certificate.

2 (2) NOTWITHSTANDING SUBSECTION (1), THE LEGISLATIVE BODY OF
3 THE LOCAL GOVERNMENTAL UNIT MAY NOT REVOKE THE EXEMPTION FOR A LEED
4 CERTIFIED FACILITY UNLESS IT FINDS THAT THE APPLICANT SUBMITTED
5 FRAUDULENT EVIDENCE OF LEED CERTIFICATION.

6 Sec. 15. (1) ~~A~~—EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
7 commercial facilities exemption certificate may be transferred and
8 assigned by the holder of the certificate to a new owner or lessee
9 of the facility but only with the approval of the local
10 governmental unit after application by the new owner or lessee, and
11 notice and hearing in the manner provided in section 6 for the
12 application for a certificate.

13 (2) A COMMERCIAL FACILITIES EXEMPTION CERTIFICATE THAT HAS
14 BEEN ISSUED FOR A LEED CERTIFIED FACILITY SHALL REMAIN IN FORCE FOR
15 ALL OF THE PROPERTY AS LEGALLY DESCRIBED IN THE CERTIFICATE
16 NOTWITHSTANDING ANY LEASE OR TRANSFER OF OWNERSHIP OF ALL, ANY
17 PORTION, OR MULTIPLE PORTIONS OF THE LEED CERTIFIED FACILITY. A
18 TRANSFER OR ASSIGNMENT OF THE CERTIFICATE IS NOT REQUIRED TO
19 MAINTAIN THE EFFECTIVENESS OF THE CERTIFICATE IN THE EVENT OF ANY
20 SUCH LEASE OR TRANSFER OF OWNERSHIP.