

SENATE BILL No. 962

May 28, 2014, Introduced by Senators ROBERTSON and ANANICH and referred to the Committee on Economic Development.

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 7 (MCL 207.557), as amended by 2013 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Within 60 days after receipt of an approved
2 application or an appeal of a disapproved application that was
3 submitted to the commission before October 31 of that year, the
4 commission shall determine whether the facility is a speculative

1 building or designed and acquired primarily for the purpose of
2 restoration or replacement of obsolete industrial property or the
3 construction of new industrial property, and whether the facility
4 otherwise complies with section 9 and with the other provisions of
5 this act. If the commission so finds, it shall issue an industrial
6 facilities exemption certificate. Before issuing a certificate the
7 commission shall notify the state treasurer of the application and
8 shall obtain the written concurrence of the department of ~~energy,~~
9 ~~labor, and economic growth~~ **LICENSING AND REGULATORY AFFAIRS** that
10 the application complies with the requirements in section 9. Except
11 as otherwise provided in this section and section 7a, the effective
12 date of the certificate for a replacement facility or new facility
13 is the immediately succeeding December 31 following the date the
14 certificate is issued. For a speculative building or a portion of a
15 speculative building, except as otherwise provided in section 7a,
16 the effective date of the certificate is the immediately succeeding
17 December 31 following the date the speculative building, or the
18 portion of a speculative building, is used as a manufacturing
19 facility.

20 (2) The commission shall send an industrial facilities
21 exemption certificate, when issued, by mail to the applicant, and a
22 certified copy by mail to the assessor of the assessing unit in
23 which the facility is located or to be located, and that copy shall
24 be filed in his or her office. Notice of the commission's refusal
25 to issue a certificate shall be sent by mail to the same persons.

26 (3) Notwithstanding any other provision of this act, if on
27 December 29, 1986 a local governmental unit passed a resolution

1 approving an exemption certificate for 10 years for real and
2 personal property but the commission did not receive the
3 application until 1992 and the application was not made complete
4 until 1995, then the commission shall issue, for that property, an
5 industrial facilities exemption certificate that begins December
6 30, 1987 and ends December 30, 1997.

7 (4) Notwithstanding any other provision of this act, if
8 pursuant to section 16a a local governmental unit passed a
9 resolution approving an industrial facilities exemption certificate
10 for a new facility on October 14, 2003 for a certificate that
11 expired in December 2002, the commission shall issue for that
12 property an industrial facilities exemption certificate that begins
13 on December 30, 2002 and ends December 30, 2009.

14 (5) Notwithstanding any other provision of this act, if on or
15 before February 10, 2007 a local governmental unit passed a
16 resolution approving an amendment of an industrial facilities
17 exemption certificate for a replacement facility and that
18 certificate was revoked by the commission effective December 30,
19 2005 with the order of revocation issued by the commission on April
20 10, 2006, notwithstanding the revocation, the commission shall
21 retroactively amend the certificate and give full effect to the
22 amended certificate, which shall include the additional personal
23 property expenditures described in the resolution amending the
24 certificate, for the period of time beginning when the certificate
25 was originally approved until the certificate was revoked.

26 (6) Notwithstanding any other provision of this act, if on
27 July 23, 2012, a local governmental unit passed a resolution

1 approving an industrial facilities exemption certificate for a new
2 facility, but the application was not made complete until 2013, the
3 commission shall issue for that property an industrial facilities
4 exemption certificate that begins on December 31, 2012 and ends
5 December 31, 2024.

6 (7) Notwithstanding any other provision of this act, if on
7 February 21, 2012, a local governmental unit passed a resolution
8 approving an industrial facilities exemption certificate for a new
9 facility, but the application was not made complete until 2013, the
10 commission shall issue for that property an industrial facilities
11 exemption certificate that begins on December 31, 2012.

12 (8) If the commission receives an application under this act
13 for an industrial facilities exemption certificate for a new
14 facility or a replacement facility and the application is made
15 complete before October 31 following the year in which the
16 application is received by the commission, the commission may issue
17 for that property an industrial facilities exemption certificate
18 that has an effective date of December 31 of the year in which the
19 application was received by the commission.

20 (9) If an error or mistake in an application for an industrial
21 facilities exemption certificate is discovered after the local
22 governmental unit has passed a resolution approving the application
23 or after the commission has issued a certificate for the
24 application, an applicant may submit an amended application in the
25 same manner as an original application under this act that corrects
26 the error or mistake. The legislative body of the local
27 governmental unit and the commission may approve or deny the

1 amended application. If the commission previously issued a
2 certificate for the original application and approves an amended
3 application under this subsection, the commission shall issue an
4 amended certificate for the amended application with the same
5 effective date as the original certificate.

6 (10) If the clerk of the qualified local governmental unit
7 failed to forward an application, **AN AMENDED OR TRANSFER**
8 **APPLICATION, OR A REQUEST TO REVOKE A CERTIFICATE** that was approved
9 by the legislative body of the qualified local governmental unit
10 before October 31 of that year to the commission before October 31
11 but filed the application, **THE AMENDED OR TRANSFER APPLICATION, OR**
12 **THE REQUEST TO REVOKE A CERTIFICATE** before October 31 of the
13 immediately succeeding year and the commission approves the
14 application, **THE AMENDED OR TRANSFER APPLICATION, OR THE REQUEST TO**
15 **REVOKE A CERTIFICATE**, notwithstanding any other provision of this
16 act, the certificate shall be considered to be issued, **TRANSFERRED,**
17 **AMENDED, OR REVOKED** on December 31 of the year in which the local
18 governmental unit approved the application, **THE AMENDED OR TRANSFER**
19 **APPLICATION, OR THE REQUEST TO REVOKE THE CERTIFICATE.**

20 (11) Beginning October 1, 2013, the commission shall do all of
21 the following for each industrial facilities exemption certificate
22 approved or disapproved by the commission under subsection (8),
23 (9), or (10):

24 (a) Notify the office of the member of the house of
25 representatives of this state and the office of the senator of this
26 state, who represent the geographic area in which the property
27 covered by the application for a certificate is located, that an

1 application for a certificate has been approved or disapproved
2 under subsection (8), (9), or (10).

3 (b) Publish on its website a copy of the certificate if
4 approved, or a copy of the denial notice if disapproved, under
5 subsection (8), (9), or (10) and whatever additional information
6 the commission considers appropriate regarding the application.