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Senate Bill 218 (as enacted)

**PUBLIC ACT 515 of 2008**

Sponsor: Senator Raymond E. Basham

First Senate Committee: Economic Development and Regulatory Reform

Second Senate Committee: Government Operations and Reform

House Committee: Commerce

Date Completed: 4-17-09

**RATIONALE**

The plant rehabilitation and industrial development Act, commonly referred to as PA 198, allows local units of government, with the approval of the State Tax Commission, to grant industrial facilities exemption certificates to new and speculative buildings and replacement facilities located in an industrial development district. A certificate essentially grants a property tax abatement to an industrial facility, which is subject to an industrial facilities tax that is lower than standard property taxes. A local governmental unit may not approve an application and the State Tax Commission may not grant an exemption certificate unless the district was established before restoration, replacement, or construction began, and the restoration, replacement, or construction did not begin earlier than six months before application for the exemption certificate was filed. On several occasions, amendments to the Act have provided exceptions to these requirements for particular projects that had been approved by local legislative bodies but did not meet the procedural timeline requirements. It was suggested that the Act should prescribe a procedure for administrative approval of exceptions so that each similar situation in the future would not require an amendment to PA 198.

**CONTENT**

**The bill amended the plant rehabilitation and industrial development Act to allow an industrial facilities exemption certificate to be approved for a facility located in an industrial development district that has**

**received approval from the chairperson of the Michigan Economic Growth Authority (MEGA), and that meets requirements of the Act other than certain procedural timetables.**

The bill took effect on January 13, 2009.

Under the Act, except for an application for a speculative building, the legislative body of a local governmental unit (a city, village, or township) may not approve an application and the State Tax Commission may not grant an industrial facilities exemption certificate unless the applicant complies with various requirements, which include the following:

- The proposed facility must be located within a plant rehabilitation district or industrial development district that was duly established in an eligible local governmental unit upon a request filed, or by the local unit's own initiative taken, before the restoration, replacement, or construction of the facility commenced.
- The restoration, replacement, or construction of the facility must not have commenced earlier than six months before the application for the industrial facilities exemption certificate was filed.

Additionally, except as otherwise provided, a request for the establishment of a proposed plant rehabilitation or industrial development district may be filed only in connection with a proposed replacement facility or new facility whose construction, acquisition, alteration, or installation has not commenced at the time the request is filed. The legislative body of a local governmental

unit may not establish a plant rehabilitation or an industrial development district if it finds that the request for the district was filed after the commencement of construction, alteration, or installation of, or an acquisition related to, the proposed replacement facility or new facility.

Under the bill, these criteria do not apply to a facility located in an industrial development district that otherwise meets the criteria of the Act that has received written approval from the MEGA chairperson.

MCL 207.559

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

The Act makes several exceptions to procedural requirements regarding when a restoration, replacement, or construction project may begin relative to the establishment of a district and the filing of an application for an exemption certificate. Each of those exceptions is for a particular project in which, for various reasons, the procedural timetables were not met. In each case, an amendment was enacted specifically to allow an exemption certificate to be issued despite noncompliance with the statutory time frames. By providing that those requirements do not apply to a facility located in an industrial development district that otherwise meets the Act's criteria, if the facility receives written approval from the MEGA chairperson, the bill establishes an administrative avenue to deal on a case-by-case basis with projects that involve a procedural oversight. The bill thus avoids the need to amend the Act each time a similar situation arises in the future.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill will reduce State and local unit revenue and increase School Aid Fund expenditures by an unknown amount. The impact on State revenue depends on whether 0, 3, or 6 mills of the State education tax will be abated under any certificate granted under the new provisions.

Any reduction in local school district operating revenue will be offset by increased expenditures from the School Aid Fund in order to maintain per-pupil funding guarantees.

The magnitude of the impact also will depend upon the characteristics of the properties affected. If any certificates are issued for a new facility, the revenue impact will represent an increase in revenue that will not be realized when the construction is completed.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.