

# HOUSE BILL NO. 6212

November 26, 2024, Introduced by Reps. Grant and Martus and referred to the Committee on Economic Development and Small Business.

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 2014 PA 514.

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

24           (2) The commission shall send an industrial facilities  
25 exemption certificate, when issued, by mail to the applicant, and a  
26 certified copy by mail to the assessor of the assessing unit in  
27 which the facility is located or to be located, and that copy ~~shall~~  
28 **must** be filed in ~~his or her~~ **the assessor's** office. Notice of the

1 commission's refusal to issue a certificate ~~shall~~**must** be sent by  
2 mail to the same persons.

3 (3) Notwithstanding any other provision of this act, if on  
4 December 29, 1986 a local governmental unit passed a resolution  
5 approving an exemption certificate for 10 years for real and  
6 personal property but the commission did not receive the  
7 application until 1992 and the application was not made complete  
8 until 1995, then the commission shall issue, for that property, an  
9 industrial facilities exemption certificate that begins December  
10 30, 1987 and ends December 30, 1997.

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

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

1    revoked.

2           (6) Notwithstanding any other provision of this act, if on  
3    July 23, 2012, a local governmental unit passed a resolution  
4    approving an industrial facilities exemption certificate for a new  
5    facility, but the application was not made complete until 2013, the  
6    commission shall issue for that property an industrial facilities  
7    exemption certificate that begins on December 31, 2012 and ends  
8    December 31, 2024.

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

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

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

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

7 (10) If the clerk of the qualified local governmental unit  
8 failed to forward an application, an amended or transfer  
9 application, or a request to revoke a certificate that was approved  
10 by the legislative body of the qualified local governmental unit  
11 before October 31 of that year to the commission before October 31  
12 but filed the application, the amended or transfer application, or  
13 the request to revoke a certificate before October 31 of the  
14 immediately succeeding year and the commission approves the  
15 application, the amended or transfer application, or the request to  
16 revoke a certificate, notwithstanding any other provision of this  
17 act, the certificate ~~shall be~~ **is** considered to be issued,  
18 transferred, amended, or revoked on December 31 of the year in  
19 which the local governmental unit approved the application, the  
20 amended or transfer application, or the request to revoke the  
21 certificate.

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

26 (a) Notify the office of the member of the house of  
27 representatives of this state and the office of the senator of this  
28 state, who represent the geographic area in which the property  
29 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.

7 Enacting section 1. This amendatory act does not take effect  
8 unless all of the following bills of the 102nd Legislature are  
9 enacted into law:

10 (a) Senate Bill No. 536.

11 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 6211 (request no.  
12 07009'24).