



HOUSE BILL No. 5320

October 25, 1995, Introduced by Rep. Freeman and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 673, 1211d, and 1262a of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," section 1211d as added by Act No. 258 of the Public Acts of 1994 and section 1262a as added by Act No. 141 of the Public Acts of 1992, being sections 380.673, 380.1211d, and 380.1262a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 673, 1211d, and 1262a of Act No. 451 of
2 the Public Acts of 1976, section 1211d as added by Act No. 258 of
3 the Public Acts of 1994 and section 1262a as added by Act No. 141
4 of the Public Acts of 1992, being sections 380.673, 380.1211d,
5 and 380.1262a of the Michigan Compiled Laws, are amended to read
6 as follows:

1 Sec. 673. An intermediate school board ~~which~~ THAT has an
2 agreement with an appropriate local authority may operate an
3 educational recreation program ~~if the facilities used in the~~
4 ~~educational program are acquired under Act No. 108 of the Public~~
5 ~~Acts of 1969, being sections 318.371 to 318.387 of the Michigan~~
6 ~~Compiled Laws, and~~ if the educational recreation program oper-
7 ated by the intermediate school district under this section is
8 approved by the state board.

9 Sec. 1211d. (1) Except as otherwise provided in subsection
10 (2), as used in this section and in section 1211:

11 (a) "Homestead" means that portion of a dwelling or unit in
12 a multiple-unit dwelling that is subject to ad valorem taxes and
13 is owned and occupied as a principal residence by an owner of the
14 dwelling or unit. Homestead also includes all of an owner's
15 unoccupied property classified as residential that is adjoining
16 or contiguous to the dwelling subject to ad valorem taxes and
17 that is owned and occupied as a principal residence by the
18 owner. Contiguity is not broken by a road or a right-of-way.
19 Homestead also includes any portion of a principal single-family
20 dwelling or a single-family unit in a multiple-unit dwelling used
21 as a residence of an owner that is rented or leased to another
22 person as a residence as long as that portion of the principal
23 residence that is rented or leased is less than 50% of the total
24 square footage of living space in the principal residence.
25 Homestead also includes a life care facility registered under the
26 living care disclosure act, Act No. 440 of the Public Acts of
27 1976, being sections 554.801 to 554.844 of the Michigan Compiled

1 Laws. Homestead also includes property owned by a cooperative
2 housing corporation and occupied as a principal residence by
3 tenant stockholders.

4 (b) "Owner" means a person who is 1 of the following:

5 (i) A person who owns property or who is purchasing property
6 under a land contract.

7 (ii) A person who is a partial owner of property.

8 (iii) A person who owns property as a result of being a ben-
9 eficiary of a will or trust or as a result of intestate
10 succession.

11 (iv) A person who owns or is purchasing a dwelling on leased
12 land.

13 (v) A person holding a life lease in property previously
14 sold or transferred to another.

15 (vi) A grantor who has placed the property in a revocable
16 trust or a qualified personal residence trust.

17 (c) "Person", for purposes of a homestead, means an individ-
18 ual and, for purposes of qualified agricultural property, means
19 an individual, partnership, corporation, limited liability com-
20 pany, association, or other legal entity.

21 (d) "Principal residence" means the 1 place where a person
22 has his or her true, fixed, and permanent home to which, whenever
23 absent, he or she intends to return and that shall continue as a
24 principal residence until another principal residence is
25 established.

26 (e) "Qualified agricultural property" means unoccupied
27 property and related buildings classified as agricultural, or

1 other unoccupied property and related buildings located on that
2 property devoted primarily to agricultural use as defined in sec-
3 tion ~~2 of the farmland and open space preservation act, Act~~
4 ~~No. 116 of the Public Acts of 1974, being section 554.702- 36101~~
5 OF PART 361 (FARMLAND AND OPEN SPACE PRESERVATION) OF THE NATURAL
6 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
7 PUBLIC ACTS OF 1994, BEING SECTION 324.36101 of the Michigan
8 Compiled Laws. Related buildings include a residence occupied by
9 a person employed in or actively involved in the agricultural use
10 and who has not claimed an exemption on a homestead on other
11 property. Property used for commercial storage, commercial pro-
12 cessing, commercial distribution, commercial marketing, or com-
13 mercial shipping operations or other commercial or industrial
14 purposes is not qualified agricultural property. A parcel of
15 property is devoted primarily to agriculture use only if more
16 than 50% of the parcel's acreage is devoted to agricultural use.
17 An owner shall not receive an exemption for that portion of the
18 total state equalized valuation of the property that is used for
19 a commercial or industrial purpose or a residence that is not a
20 related building.

21 (2) If a term defined in this section is defined in section
22 7dd of the general property tax act, Act No. 206 of the Public
23 Acts of 1893, being section 211.7dd of the Michigan Compiled
24 Laws, differently than that term is defined in subsection (1),
25 then that term as used in this section and in section 1211 means
26 that term as defined in section 7dd of Act No. 206 of the Public
27 Acts of 1893.

1 Sec. 1262a. (1) As used in this section:

2 (a) "Agricultural property" means that term as defined in
3 section ~~3 of the environmental response act, being~~
4 ~~section 299.603~~ 20101 OF PART 201 (ENVIRONMENTAL REMEDIATION) OF
5 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT
6 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.20101 of
7 the Michigan Compiled Laws.

8 (b) "Board" means the board of a school district, a local
9 act school district, or an intermediate school district.

10 ~~(c) "Environmental response act" means the environmental~~
11 ~~response act, Act No. 307 of the Public Acts of 1982, being sec-~~
12 ~~tions 299.601 to 299.618 of the Michigan Compiled Laws.~~

13 (C) ~~(d)~~ "Hazardous substance" means that term as defined
14 in section ~~3 of the environmental response act~~ 20101 OF PART
15 201 OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994.

16 (D) ~~(e)~~ "Property" means real property, and includes a
17 structure on real property.

18 (E) ~~(f)~~ "Release" means that term as defined in section ~~3~~
19 ~~of the environmental response act~~ 20101 OF PART 201 OF ACT
20 NO. 451 OF THE PUBLIC ACTS OF 1994.

21 (2) Subject to subsection (3), before commencing construc-
22 tion that requires grading, foundation or footing work, or other
23 ground breaking activities for a new structure, expansion of an
24 existing structure, or improvement to an outdoor recreation area,
25 any of which is intended for student use, a board shall do all of
26 the following:

1 (a) Conduct a visual inspection of the property upon or
2 within which the structure will be situated and review the
3 ownership and history of use of the property, using reasonably
4 available government records, to determine whether a probability
5 exists that a hazardous substance has been released, deposited,
6 stored, disposed of, or otherwise located upon the property. If
7 the review of ownership and use history indicates that the site
8 is or has been agricultural property, the application of any fer-
9 tilizer, soil conditioner, manure, or pesticide is presumed to
10 have been applied to that agricultural property in accordance
11 with label instructions and generally accepted agricultural and
12 management practices, and is consequently presumed not to be a
13 release. The presumption established by this section is rebutta-
14 ble, and does not apply to a house, barn, or other permanent
15 structure on agricultural property, or to agricultural property
16 upon which a fertilizer, soil conditioner, manure, or pesticide
17 is or was stored.

18 (b) If the visual inspection or review of the ownership or
19 use history indicates that a release or threat of release has
20 occurred or may occur, or if the history of use cannot be ascer-
21 tained, the board shall conduct an environmental assessment of
22 the property that includes an on-site evaluation of the nature
23 and extent, if any, of the release or threat of release, and an
24 inspection of each permanent structure, if any, on the property
25 for the presence of a hazardous substance.

1 (c) If the environmental assessment described in subdivision
2 (b) discloses a release or threat of a release, the board shall
3 do all of the following:

4 (i) Prepare a report of the findings and conclusions of the
5 environmental assessment, and make that report available to the
6 public.

7 (ii) Provide public notice of the availability of the report
8 described in subparagraph (i).

9 (iii) Submit the report described in subparagraph (i) to the
10 department of natural resources.

11 (3) This section does not apply to a minor improvement or to
12 the maintenance and repair of an existing structure. As used in
13 this section, "minor improvement" means an improvement to prop-
14 erty valued at a total of \$10,000.00 or less. The amount of the
15 minor improvement shall be adjusted each year to reflect the
16 annual average percentage increase or decrease in the Detroit
17 consumer price index. The adjustment shall be made by multiply-
18 ing the annual average percentage increase or decrease in the
19 Detroit consumer price index for the immediately preceding calen-
20 dar year by the maximum amount of a minor improvement exempt from
21 this section in the immediately preceding calendar year. The
22 resultant product shall be added to the maximum dollar amount of
23 the minor improvement exempt from this section in the immediately
24 preceding tax year and then rounded off to the nearest whole
25 number, which shall be the new amount of minor improvement exemp-
26 tion for the current year. As used in this section, "Detroit
27 consumer price index" means the most comprehensive index of

1 consumer prices available for the Detroit area from the United
2 States department of labor, bureau of labor statistics.