

HOUSE BILL No. 4369

March 1, 2007, Introduced by Reps. Brown, Simpson, Valentine, Lindberg, Lahti, Bennett, Ebli, Donigan, Constan and Condino and referred to the Committee on Tax Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1211 (MCL 380.1211), as amended by 2006 PA 648.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1211. (1) Except as otherwise provided in this section
2 and section 1211c, the board of a school district shall levy not
3 more than 18 mills for school operating purposes or the number of
4 mills levied in 1993 for school operating purposes, whichever is
5 less. A principal residence, qualified agricultural property, ~~and~~
6 qualified forest property, **AND QUALIFIED PERSONAL PROPERTY** are
7 exempt from the mills levied under this subsection except for the
8 number of mills by which that exemption is reduced under this
9 subsection. The board of a school district that had a foundation
10 allowance calculated under section 20 of the state school aid act

1 of 1979, MCL 388.1620, for the 1994-95 state fiscal year of more
2 than \$6,500.00, may reduce the number of mills from which a
3 principal residence, qualified agricultural property, ~~and~~ qualified
4 forest property, **AND QUALIFIED PERSONAL PROPERTY** are exempted under
5 this subsection by up to the number of mills, as certified under
6 section 1211a, required to be levied on a principal residence,
7 qualified agricultural property, ~~and~~ qualified forest property, **AND**
8 **QUALIFIED PERSONAL PROPERTY** for the school district's combined
9 state and local revenue per membership pupil for the school fiscal
10 year ending in 1995 to be equal to the school district's foundation
11 allowance for the state fiscal year ending in 1995, and the board
12 also may levy in 1994 or a succeeding year that number of mills for
13 school operating purposes on a principal residence, qualified
14 agricultural property, ~~and~~ qualified forest property, **AND QUALIFIED**
15 **PERSONAL PROPERTY.**

16 (2) Subject to subsection (3), if the department of treasury
17 determines that the maximum number of mills allowed to be levied
18 under subsection (1) on all classes of property was not sufficient
19 for a school district's combined state and local revenue per
20 membership pupil for the school fiscal year ending in 1995 to be
21 equal to the school district's foundation allowance for that school
22 fiscal year, the board of the school district may levy in 1994 or a
23 succeeding year additional mills uniformly on all property up to
24 the number of mills required for the school district's combined
25 state and local revenue per membership pupil for the school fiscal
26 year ending in 1995 to be equal to the school district's foundation
27 allowance for the state fiscal year ending in 1995. However, the

1 board of a school district described in this subsection, by board
2 resolution, may elect to exempt each principal residence and all
3 qualified agricultural property, ~~and~~ qualified forest property, **AND**
4 **QUALIFIED PERSONAL PROPERTY** located in the school district from
5 some or all of the mills that the board is authorized to levy under
6 this subsection.

7 (3) After 1994, the number of mills a school district may levy
8 under this section on any class of property shall not exceed the
9 lesser of the number of mills the school district was certified by
10 the department of treasury under section 1211a to levy on that
11 class of property under this section in 1994 or the number of mills
12 required to be levied on that class of property under this section
13 to ensure that the increase from the immediately preceding state
14 fiscal year in the school district's combined state and local
15 revenue per membership pupil, calculated as if the school district
16 had levied the maximum number of mills the school district was
17 allowed to levy under this section regardless of the number of
18 mills the school district actually levied, does not exceed the
19 lesser of the dollar amount of the increase in the basic foundation
20 allowance under section 20 of the state school aid act of 1979, MCL
21 388.1620, from the immediately preceding state fiscal year or the
22 percentage increase in the general price level in the immediately
23 preceding calendar year. If the number of mills a school district
24 is allowed to levy under this section in a year after 1994 is less
25 than the number of mills the school district was allowed to levy
26 under this section in the immediately preceding year, any reduction
27 required by this subsection in the school district's millage rate

1 shall be calculated by first reducing the number of mills the
2 school district is allowed to levy under subsection (2) and then
3 increasing the number of mills from which a principal residence,
4 qualified agricultural property, ~~and~~ qualified forest property, **AND**
5 **QUALIFIED PERSONAL PROPERTY** are exempted under subsection (1).

6 (4) Millage levied under this section must be approved by the
7 school electors. For the purposes of this section, millage approved
8 by the school electors before January 1, 1994 for which the
9 authorization has not expired is considered to be approved by the
10 school electors.

11 (5) If a school district levies millage for school operating
12 purposes that is in excess of the limits of this section, the
13 amount of the resulting excess tax revenue shall be deducted from
14 the school district's next regular tax levy.

15 (6) If a school district levies millage for school operating
16 purposes that is less than the limits of this section, the board of
17 the school district may levy at the school district's next regular
18 tax levy an additional number of mills not to exceed the additional
19 millage needed to make up the shortfall.

20 (7) A school district shall not levy mills allocated under the
21 property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a,
22 other than mills allocated to a school district of the first class
23 for payment to a public library commission under section 11(4) of
24 the property tax limitation act, 1933 PA 62, MCL 211.211, after
25 1993.

26 (8) As used in this section:

27 (a) "Combined state and local revenue per membership pupil"

1 means that term as defined in section 20 of the state school aid
2 act of 1979, MCL 388.1620.

3 (b) "Foundation allowance" means a school district's
4 foundation allowance as calculated under section 20 of the state
5 school aid act of 1979, MCL 388.1620.

6 (c) "General price level" means that term as defined in
7 section 33 of article IX of the state constitution of 1963.

8 (d) "Membership" means that term as defined in section 6 of
9 the state school aid act of 1979, MCL 388.1606.

10 (e) "Owner", "person", "principal residence", and "qualified
11 agricultural property" mean those terms as defined in section 7dd
12 of the general property tax act, 1893 PA 206, MCL 211.7dd.

13 (f) "Qualified forest property" means that term as defined in
14 section 7jj of the general property tax act, 1893 PA 206, MCL
15 211.7jj[1].

16 **(G) "QUALIFIED PERSONAL PROPERTY" MEANS PROPERTY CLASSIFIED AS**
17 **COMMERCIAL PERSONAL PROPERTY OR INDUSTRIAL PERSONAL PROPERTY UNDER**
18 **SECTION 34C OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL**
19 **211.34C.**

20 **(H) ~~(g)~~**—"School operating purposes" includes expenditures for
21 furniture and equipment, for alterations necessary to maintain
22 school facilities in a safe and sanitary condition, for funding the
23 cost of energy conservation improvements in school facilities, for
24 deficiencies in operating expenses for the preceding year, and for
25 paying the operating allowance due from the school district to a
26 joint high school district in which the school district is a
27 participating school district under former part 3a. Taxes levied

1 for school operating purposes do not include any of the following:

2 (i) Taxes levied by a school district for operating a community
3 college under part 25.

4 (ii) Taxes levied under section 1212.

5 (iii) Taxes levied under section 1356 for eliminating an
6 operating deficit.

7 (iv) Taxes levied for operation of a library under section 1451
8 or for operation of a library established pursuant to 1913 PA 261,
9 MCL 397.261 to 397.262, that were not included in the operating
10 millage reported by the district to the department as of April 1,
11 1993. However, a district may report to the department not later
12 than April 1, 1994 the number of mills it levied in 1993 for a
13 purpose described in this subparagraph that the school district
14 does not want considered as operating millage and then that number
15 of mills is excluded under this section from taxes levied for
16 school operating purposes.

17 (v) Taxes paid by a school district of the first class to a
18 public library commission pursuant to section 11(4) of the property
19 tax limitation act, 1933 PA 62, MCL 211.211.

20 (vi) Taxes levied under former section 1512 for operation of a
21 community swimming pool. In addition, if a school district included
22 the millage it levied in 1993 for operation of a community swimming
23 pool as part of its operating millage reported to the department
24 for 1993, the school district may report to the department not
25 later than June 17, 1994 the number of mills it levied in 1993 for
26 operation of a community swimming pool that the school district
27 does not want considered as operating millage and then that number

1 of mills is excluded under this section from taxes levied for
2 school operating purposes.

3 Enacting section 1. This amendatory act applies to taxes
4 levied after December 31, 2007.

5 Enacting section 2. This amendatory act does not take effect
6 unless all of the following bills of the 94th Legislature are
7 enacted into law:

8 (a) Senate Bill No.____ or House Bill No. 4367(request no.
9 01846'07).

10 (b) Senate Bill No.____ or House Bill No. 4370(request no.
11 01848'07 *).

12 (c) Senate Bill No.____ or House Bill No. 4371(request no.
13 01849'07 *).

14 (d) Senate Bill No.____ or House Bill No. 4372(request no.
15 01850'07 *).

16 (e) Senate Bill No.____ or House Bill No. 4375(request no.
17 01852'07).