

HOUSE BILL No. 4281

February 19, 2013, Introduced by Reps. McCready, Kesto, Schor, Heise, Pscholka, Callton, MacMaster and Townsend and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1212 (MCL 380.1212), as amended by 2003 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1212. (1) ~~IF~~**SUBJECT TO SUBSECTION (6), IF** approved by
2 the school electors of the school district, the board of a school
3 district may levy a tax of not to exceed 5 mills on the ~~state~~
4 ~~equalized valuation~~**TAXABLE VALUE OF THE REAL AND PERSONAL**
5 **PROPERTY** of the school district each year ~~for a period of not to~~
6 ~~exceed 20 years,~~ for the purpose of creating a sinking fund to be
7 used for the purchase of real estate for sites for, and the
8 construction or repair of, school buildings, **FOR SCHOOL SECURITY,**
9 **OR FOR THE ACQUISITION OR UPGRADING OF TECHNOLOGY. THE MAXIMUM**
10 **TIME PERIOD FOR A SINKING FUND TAX LEVY IS AS PRESCRIBED IN**

1 **SUBSECTION (6)**. The sinking fund tax levy is subject to the 15
 2 mill tax limitation provisions of section 6 of article IX of the
 3 state constitution of 1963 and the property tax limitation act,
 4 1933 PA 62, MCL 211.201 to 211.217a.

5 (2) A school district that levies a sinking fund tax under
 6 this section shall have an independent audit of its sinking fund
 7 conducted annually, including a review of the uses of the sinking
 8 fund, and shall submit the audit report to the department of
 9 treasury. If the department of treasury determines from the audit
 10 report that the sinking fund has been used for a purpose other
 11 than those authorized for the sinking fund under this section,
 12 the school district shall repay the misused funds to the sinking
 13 fund from the school district's operating funds and shall not
 14 levy a sinking fund tax under this section after the date the
 15 department of treasury makes that determination.

16 (3) ~~(2)~~—The proposition of levying a sinking fund tax shall
 17 be submitted to the school electors of the school district at a
 18 regular or special school election. **THIS ELECTION SHALL BE HELD**
 19 **ON EITHER THE MAY REGULAR ELECTION DATE OR THE NOVEMBER REGULAR**
 20 **ELECTION DATE, AS PROVIDED UNDER SECTION 641 OF THE MICHIGAN**
 21 **ELECTION LAW, 1954 PA 116, MCL 168.641.**

22 (4) ~~(3)~~—The question of levying taxes for the purpose of
 23 creating a sinking fund shall be by ballot in substantially the
 24 following form:

25 "Shall _____ levy _____ mills
 26 (legal name of school district)

1 to create a sinking fund for the purpose of _____
 2 _____

3 for a period of _____ years?

4 Yes ()

5 No ()".

6 (5) ~~(4)~~—For the purposes of this section, millage approved
 7 by the school electors before December 1, 1993 for which the
 8 authorization has not expired is considered to be approved by the
 9 school electors.

10 (6) A SINKING FUND TAX LEVIED UNDER THIS SECTION FOR
 11 CREATING A SINKING FUND TO BE USED FOR THE PURCHASE OF REAL
 12 ESTATE FOR SITES FOR, AND THE CONSTRUCTION OR REPAIR OF, SCHOOL
 13 BUILDINGS OR FOR SCHOOL SECURITY MAY BE LEVIED EACH YEAR FOR A
 14 PERIOD OF NOT TO EXCEED 20 YEARS. A SINKING FUND TAX LEVIED UNDER
 15 THIS SECTION FOR CREATING A SINKING FUND TO BE USED FOR THE
 16 ACQUISITION OR UPGRADING OF TECHNOLOGY MAY BE LEVIED EACH YEAR
 17 FOR A PERIOD OF NOT TO EXCEED 10 YEARS.

18 (7) AS USED IN THIS SECTION, "TECHNOLOGY" MEANS THAT TERM AS
 19 DEFINED IN SECTION 1351A.