

HOUSE BILL No. 4387

March 7, 2013, Introduced by Rep. Crawford and referred to the Committee on Tax Policy.

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 approved by the school electors of the
2 school district, the board of a school district may levy a tax of
3 not to exceed 5 mills on the ~~state equalized valuation~~ **TAXABLE**
4 **VALUE OF THE REAL AND PERSONAL PROPERTY** of the school district
5 each year for a period of not to exceed 20 years, for the purpose
6 of creating a sinking fund to be used for the purchase of real
7 estate for sites for, and the construction or repair of, school
8 buildings. **A SCHOOL DISTRICT THAT HAS A BALANCED BUDGET FOR THE**
9 **CURRENT SCHOOL YEAR MAY ALSO CREATE AND USE A SINKING FUND AS**

1 OTHERWISE ALLOWED UNDER THIS SUBSECTION, OR USE AN EXISTING
 2 SINKING FUND, FOR THE PURCHASE OR MAJOR MAINTENANCE OF SCHOOL
 3 BUSES OR FOR THE ACQUISITION OR UPGRADING OF TECHNOLOGY. The
 4 sinking fund tax levy is subject to the 15 mill tax limitation
 5 provisions of section 6 of article IX of the state constitution
 6 of 1963 and the property tax limitation act, 1933 PA 62, MCL
 7 211.201 to 211.217a.

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

19 (3) ~~(2)~~—The proposition of levying a sinking fund tax shall
 20 be submitted to the school electors of the school district at a
 21 regular or special school election.

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)
 27 to create a sinking fund for the purpose of _____

1 _____

2 for a period of _____ years?

3 Yes ()

4 No ()".

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

9 (6) AS USED IN THIS SECTION, "TECHNOLOGY" MEANS THAT TERM AS
10 DEFINED IN SECTION 1351A.