

HOUSE BILL No. 5098

October 23, 2013, Introduced by Reps. Victory and Jacobsen and referred to the Committee on Financial Liability Reform.

A bill to amend 2005 PA 92, entitled
"School bond qualification, approval, and loan act,"
by amending section 3 (MCL 388.1923), as amended by 2012 PA 437.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Computed millage" means the number of mills in any year,
3 not less than 7 mills and not more than 13 mills, determined on the
4 date of issuance of the order qualifying the bonds or on a later
5 date if requested by the school district and approved by the state
6 treasurer, that, if levied by the school district, will generate
7 sufficient annual proceeds to pay principal and interest on all the
8 school district's qualified bonds plus principal and interest on
9 all qualified loans related to those qualified bonds no later than

1 the final mandatory repayment date. Based on changes of
2 circumstances, including, but not limited to, additional bond
3 qualification, refundings, changes in qualified loan interest
4 rates, changes in taxable values, and assumptions contained in any
5 then currently effective guidelines issued by the state treasurer
6 pursuant to section 5(2)(c), the school district shall not less
7 than annually, beginning on October 1, 2013, using methods
8 prescribed in this act, recalculate the computed millage necessary
9 to generate sufficient annual levy proceeds to pay principal and
10 interest on all of the school district's qualified bonds and
11 principal and interest on all qualified loans related to those
12 qualified bonds not later than the final mandatory repayment date.
13 If the school district determines that the recalculated computed
14 millage is lower than its current millage levy rate, the school
15 district shall promptly notify the state treasurer in writing of
16 the recalculated computed millage. Immediately thereafter, the
17 school district shall decrease its millage levy rate to the
18 recalculated computed millage, but not below the computed millage
19 established pursuant to the most recent order qualifying bonds,
20 **OTHER THAN AN ORDER QUALIFYING REFUNDING BONDS**, for that school
21 district, or to the minimum levy prescribed by law for receipt of
22 qualified loans, whichever rate is higher. If the school district
23 determines that the recalculated computed millage is higher than
24 its current millage levy rate, the school district shall promptly
25 notify the state treasurer in writing of the recalculated computed
26 millage. Immediately thereafter, the school district shall increase
27 its millage levy rate to the recalculated computed millage, subject

1 to 1 of the following exceptions, and subject to any maximum
2 millage levy rate otherwise prescribed for by law:

3 (i) For each school district's first recalculated computed
4 millage required as of October 1, 2013, increase its millage levy
5 by a percentage amount equal to the equivalent percentage of
6 taxable value change for that school district over the immediately
7 preceding 5 years, but not higher than the recalculated computed
8 millage **OR INCREASE ITS MILLAGE LEVY BY A MINIMUM OF 33% OF THE**
9 **INCREASE IN THE RECALCULATED MILLAGE.**

10 (ii) **FOR EACH SCHOOL DISTRICT'S RECALCULATED COMPUTED MILLAGE**
11 **AS OF OCTOBER 1, 2014, INCREASE ITS MILLAGE LEVY BY A PERCENTAGE**
12 **AMOUNT EQUAL TO THE PERCENTAGE OF TAXABLE VALUE DECLINE FOR THE**
13 **IMMEDIATELY PRECEDING YEAR ENDING SEPTEMBER 30, BUT NOT TO A RATE**
14 **HIGHER THAN THE RECALCULATED COMPUTED MILLAGE, OR INCREASE ITS**
15 **MILLAGE LEVY BY A MINIMUM OF 66% OF THE INCREASE IN THE**
16 **RECALCULATED MILLAGE.**

17 (iii) ~~(ii)~~—For each school district's subsequent recalculated
18 computed millage beginning October 1, ~~2014~~—2015 and each year
19 thereafter, increase its millage levy by a percentage amount equal
20 to the percentage of taxable value decline for the immediately
21 preceding year ending September 30, but not to a rate higher than
22 the recalculated computed millage.

23 (iv) ~~(iii)~~—If it is determined that a district's current computed
24 millage is sufficient to pay all qualified loans by the mandatory
25 final loan repayment date, no recalculation of the computed millage
26 is required.

27 (b) "Final mandatory repayment date" means the final mandatory

1 repayment date determined by the state treasurer under section 9.

2 (c) "Michigan finance authority" means the Michigan finance
3 authority created under Executive Reorganization Order No. 2010-2,
4 MCL 12.194.

5 (d) "Qualified bond" means a bond that is qualified under this
6 act for state loans as provided in section 16 of article IX of the
7 state constitution of 1963. A qualified bond includes the interest
8 amount required for payment of a school district's net interest
9 obligation under an interest rate exchange or swap, hedge, or other
10 agreement entered into pursuant to the revised municipal finance
11 act, 2001 PA 34, MCL 141.2101 to 141.2821, but does not include a
12 termination payment or similar payment related to the termination
13 or cancellation of an interest rate exchange or swap, hedge, or
14 other similar agreement. A qualified bond may include a bond issued
15 to refund loans owed to the state under this act.

16 (e) "Qualified loan" means a loan made under this act or
17 former 1961 PA 108 from this state to a school district to pay debt
18 service on a qualified bond.

19 (f) "Revolving loan fund" means the school loan revolving fund
20 created under section 16c of the shared credit rating act, 1985 PA
21 227, MCL 141.1066c.

22 (g) "School district" means a general powers school district
23 organized under the revised school code, 1976 PA 451, MCL 380.1 to
24 380.1852, or a school district of the first class as described in
25 the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, having
26 the power to levy ad valorem property taxes.

27 (h) "State treasurer" means the state treasurer or his or her

1 duly authorized designee.

2 (i) "Taxable value" means the value determined under section
3 27a of the general property tax act, 1893 PA 206, MCL 211.27a.