

HOUSE BILL No. 4570

May 12, 2015, Introduced by Rep. Nesbitt and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1211 (MCL 380.1211), as amended by 2012 PA 285.

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,
6 qualified forest property, supportive housing property, property
7 occupied by a public school academy, and industrial personal
8 property are exempt from the mills levied under this subsection
9 except for the number of mills by which that exemption is reduced
10 under this subsection. Except as otherwise provided in subsection
11 (9), the board of a school district that had a foundation allowance

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

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

1 state and local revenue per membership pupil for the school fiscal
2 year ending in 1995 to be equal to the school district's foundation
3 allowance for the state fiscal year ending in 1995. However, the
4 board of a school district described in this subsection, by board
5 resolution, may elect to exempt each principal residence and all
6 qualified agricultural property, qualified forest property,
7 supportive housing property, property occupied by a public school
8 academy, and industrial personal property located in the school
9 district from some or all of the mills that the board is authorized
10 to levy under this subsection.

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

1 is allowed to levy under this section in a year after 1994 is less
2 than the number of mills the school district was allowed to levy
3 under this section in the immediately preceding year, any reduction
4 required by this subsection in the school district's millage rate
5 shall be calculated by first reducing the number of mills the
6 school district is allowed to levy under subsection (2) and then
7 increasing the number of mills from which a principal residence,
8 qualified agricultural property, qualified forest property,
9 supportive housing property, property occupied by a public school
10 academy, and industrial personal property are exempted under
11 subsection (1).

12 (4) Commercial personal property is exempt from 12 of the
13 mills levied under this section. However, if the number of mills
14 from which industrial personal property is exempted for a specific
15 school district is reduced under this section, then the number of
16 mills from which commercial personal property is exempted for that
17 school district shall be reduced by that same number of mills.

18 (5) Except as otherwise provided under this subsection,
19 millage levied under this section must be approved by the school
20 electors. For the purposes of this section, millage approved by the
21 school electors before January 1, 1994 for which the authorization
22 has not expired is considered to be approved by the school
23 electors. With the approval of the state treasurer, a school
24 district may pledge millage levied under this section for the
25 repayment of a loan under the emergency municipal loan act, 1980 PA
26 243, MCL 141.931 to 141.942, money borrowed by the school district
27 under section 1225, or the repayment of advances, overpayments, or

1 other obligations of the school district to this state under
2 section 15 of the state school aid act of 1979, MCL 388.1615.

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

7 (7) If a school district levies millage for school operating
8 purposes that is less than the limits of this section, the board of
9 the school district may levy at the school district's next regular
10 tax levy an additional number of mills not to exceed the additional
11 millage needed to make up the shortfall.

12 (8) A school district shall not levy mills allocated under the
13 property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a,
14 other than mills allocated to a school district of the first class
15 or a school district that was previously a school district of the
16 first class, for payment to a public library commission under
17 section 11(4) of the property tax limitation act, 1933 PA 62, MCL
18 211.211, after 1993.

19 (9) Beginning with taxes levied for 2011, if a school district
20 had a foundation allowance for the 1994-95 state fiscal year
21 greater than \$6,500.00 and if the school district's foundation
22 allowance for the 2009-2010 state fiscal year was less than the
23 basic foundation allowance prescribed for the 2009-2010 state
24 fiscal year under section 20 of the state school aid act of 1979,
25 MCL 388.1620, the school district may not reduce the number of
26 mills from which certain classes of property are exempted from the
27 levy of millage under subsection (1) and may not levy that number

1 of mills on those classes of property as would otherwise be allowed
2 under subsection (1).

3 (10) As used in this section:

4 (a) "Combined state and local revenue per membership pupil"
5 means that term as defined in section 20 of the state school aid
6 act of 1979, MCL 388.1620.

7 (b) "Commercial personal property" means property classified
8 as commercial personal property under section 34c of the general
9 property tax act, 1893 PA 206, MCL 211.34c.

10 (c) "Foundation allowance" means a school district's
11 foundation allowance as calculated under section 20 of the state
12 school aid act of 1979, MCL 388.1620.

13 (d) "General price level" means that term as defined in
14 section 33 of article IX of the state constitution of 1963.

15 (e) "Industrial personal property" means the following:

16 (i) Except as otherwise provided in subparagraph (ii), property
17 classified as industrial personal property under section 34c of the
18 general property tax act, 1893 PA 206, MCL 211.34c.

19 (ii) Beginning December 31, 2011, industrial personal property
20 does not include a turbine powered by gas, steam, nuclear energy,
21 coal, or oil the primary purpose of which is the generation of
22 electricity for sale.

23 (f) "Membership" means that term as defined in section 6 of
24 the state school aid act of 1979, MCL 388.1606.

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

1 (h) "Property occupied by a public school academy" means
2 property occupied by a public school academy ~~, urban high school~~
3 ~~academy, or school of excellence~~ that is used exclusively for
4 educational purposes.

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

8 (j) "School operating purposes" includes expenditures for
9 furniture and equipment, for alterations necessary to maintain
10 school facilities in a safe and sanitary condition, for funding the
11 cost of energy conservation improvements in school facilities, for
12 deficiencies in operating expenses for the preceding year or
13 preceding years, including, but not limited to, repayment of an
14 emergency loan under the emergency municipal loan act, 1980 PA 243,
15 MCL 141.931 to 141.942, and for paying the operating allowance due
16 from the school district to a joint high school district in which
17 the school district is a participating school district under former
18 part 3a. Taxes levied for school operating purposes do not include
19 any of the following:

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

22 (ii) Taxes levied under section 1212.

23 (iii) Taxes levied under section 1356 for eliminating an
24 operating deficit.

25 (iv) Taxes levied for operation of a library under section 1451
26 or for operation of a library established pursuant to 1913 PA 261,
27 MCL 397.261 to 397.262, that were not included in the operating

1 millage reported by the district to the department as of April 1,
2 1993. However, a district may report to the department not later
3 than April 1, 1994 the number of mills it levied in 1993 for a
4 purpose described in this subparagraph that the school district
5 does not want considered as operating millage and then that number
6 of mills is excluded under this section from taxes levied for
7 school operating purposes.

8 (v) Taxes paid by a school district of the first class or a
9 school district that was previously a school district of the first
10 class to a public library commission pursuant to section 11(4) of
11 the property tax limitation act, 1933 PA 62, MCL 211.211.

12 (vi) Taxes levied under former section 1512 for operation of a
13 community swimming pool. In addition, if a school district included
14 the millage it levied in 1993 for operation of a community swimming
15 pool as part of its operating millage reported to the department
16 for 1993, the school district may report to the department not
17 later than June 17, 1994 the number of mills it levied in 1993 for
18 operation of a community swimming pool that the school district
19 does not want considered as operating millage and then that number
20 of mills is excluded under this section from taxes levied for
21 school operating purposes.

22 (k) "Supportive housing property" means real property
23 certified as supportive housing property under chapter 3B of the
24 state housing development authority act of 1966, 1966 PA 346, MCL
25 125.1459 to 125.1459a.

26 (l) **"TURBINE" MEANS ALL PERSONAL PROPERTY, INCLUDING, BUT NOT**
27 **LIMITED TO, THE TURBINE, FUEL, AIR, LUBRICATION, AND EXHAUST GAS**

1 SYSTEMS, CONTROL SYSTEMS EXCEPT EMISSIONS CONTROL SYSTEMS,
2 GENERATORS, HEAT RECOVERY SYSTEMS, AND ANY ANCILLARY COMPONENTS AND
3 SUBCOMPONENTS COMPRISING ANY SIMPLE CYCLE COMBUSTION
4 TURBOGENERATOR, ANY REGENERATIVE OR RECUPERATIVE CYCLE COMBUSTION
5 TURBOGENERATOR, THE COMBUSTION TURBOGENERATOR PORTION OF ANY
6 COGENERATION CYCLE COMBUSTION SYSTEM, OR THE COMBUSTION
7 TURBOGENERATOR PORTION OF ANY COMBINED CYCLE STEAM OR ELECTRIC
8 GENERATING SYSTEM, AND ANY OTHER PERSONAL PROPERTY THAT CONTAINS
9 THE TURBINE PROPERTY OR THAT IS NECESSARY FOR THE INSTALLATION OF
10 THE TURBINE PROPERTY.