

HOUSE BILL No. 5242

November 9, 2017, Introduced by Reps. Webber, Lilly and Albert and referred to the Committee on Elections and Ethics.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 36 (MCL 211.36), as amended by 1997 PA 138.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36. (1) The township clerk of each township, on or before
2 September 30 of each year, shall make and deliver to the supervisor
3 of the clerk's township and to the county clerk, a certified copy
4 of all statements and certificates on file and of all records of
5 any vote or resolution in the clerk's office authorizing or
6 directing money to be raised in the township by taxation for
7 township, school, highway, drain, and all other purposes, together
8 with a statement of the aggregate amount to be raised. However, if
9 the issuance of bonds or notes or the levy of taxes for school

1 purposes has been approved by the electors before September 30,
2 this subsection does not preclude delivery by the clerk after
3 September 30 of a resolution authorizing additional millage to be
4 levied in the year voted. The clerk shall present the copies to the
5 county board of commissioners at its annual meeting and file the
6 copies in the clerk's office. The county board of commissioners
7 shall not levy in the year voted a tax levy voted on or after
8 September 30. This subsection does not apply if 1 of subsections
9 (2) through (4) applies.

10 (2) The amount of taxes that are to be levied for school
11 purposes in a school district, an intermediate school district, or
12 community or junior college district that holds an election on or
13 after September 30 and on or before November 15, or, **SUBJECT TO**
14 **SUBSECTION (7)**, that holds a second millage election under this
15 subsection allowable pursuant to subsection (3) on or before
16 December 7, and that are approved, ~~shall~~**MUST** be certified for the
17 calendar year in which the election is held, only if 1 of the
18 following applies:

19 (a) ~~For~~**SUBJECT TO SUBSECTION (7)**, **FOR** a school district, a
20 school millage in that district has been defeated in a prior
21 election in the same calendar year.

22 (b) For a school district, the school millage election is held
23 in November on the date that school district elects its board
24 members.

25 (c) ~~For~~**SUBJECT TO SUBSECTION (7)**, **FOR** a community or junior
26 college district, a community or junior college millage in that
27 district has been defeated in a prior election in the same calendar

1 year.

2 (d) For an intermediate school district, the district has a
3 population greater than 1,400,000.

4 (e) For an intermediate school district with a population of
5 less than 1,400,000, the millage election is held on or before
6 October 15.

7 (3) Except as otherwise provided in this subsection, a school
8 district, an intermediate school district, or a community or junior
9 college district shall not conduct more than 1 millage election
10 pursuant to subsection (2). ~~If~~**SUBJECT TO SUBSECTION (7), IF** a
11 district's operating revenue is less than the total operating
12 revenue for the previous school year, the district may hold a
13 second school millage election pursuant to subsection (2) on or
14 before December 7.

15 (4) Notwithstanding subsections (2) and (3), and except as
16 otherwise provided in this subsection, the amount of taxes that are
17 to be levied for any purpose by a taxing unit that holds an
18 election in any year on or before the first Tuesday after the first
19 Monday in November and that are approved by the electors of that
20 taxing unit shall be certified for that calendar year. In 1997
21 only, the amount of taxes that are to be levied for any purpose by
22 a taxing unit that holds an election in any year on or before
23 November 30 and that are approved by the electors of that taxing
24 unit shall be certified for that calendar year.

25 (5) After a millage is certified pursuant to subsections (2)
26 through (4), the appropriate county board of commissioners shall
27 meet and direct or amend its direction for the spread of millages

1 by local units in the county pursuant to the certification or
2 amended certification. If a millage is certified pursuant to
3 subsection (4) for library purposes, if a taxing unit requests by
4 resolution, the county board of commissioners for the county in
5 which the library is located also may reduce or eliminate the
6 millage previously authorized or dedicated for library purposes to
7 be levied by that taxing unit for that year and direct the
8 reduction or removal of the levy to be spread by the local units in
9 the county.

10 (6) The reasonable and actual expenses incurred by a township,
11 county, or city in assessing and collecting the school district,
12 intermediate school district, or community or junior college
13 district taxes levied and spread pursuant to an election under
14 subsection (2) or (3) that is held after September 30, to the
15 extent these expenses are in addition to the expense of collection
16 and assessing any other taxes at the same time and exceed the
17 amount of any fees imposed for the collection of these taxes, ~~shall~~
18 **MUST** be billed to and paid by the school district, intermediate
19 school district, or community or junior college district.

20 **(7) BEGINNING JANUARY 1, 2018, THIS SECTION IS SUBJECT TO THE**
21 **LIMITATION IN SECTION 24F(4) .**

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 99th Legislature are
26 enacted into law:

27 (a) House Bill No. 4814.

1 (b) House Bill No. 4815.