

SENATE BILL No. 68

January 25, 2005, Introduced by Senators JELINEK, CHERRY and GOSCHKA and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled
 "The general property tax act,"
 by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34d. (1) As used in this section or section 27a, or
 2 section 3 or 31 of article IX of the state constitution of 1963:

3 (a) For taxes levied before 1995, "additions" means all
 4 increases in value caused by new construction or a physical
 5 addition of equipment or furnishings, and the value of property
 6 that was exempt from taxes or not included on the assessment unit's
 7 immediately preceding year's assessment roll.

8 (b) ~~For~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION OR**
 9 **SUBDIVISION (C), FOR** taxes levied after 1994, "additions" means —

1 ~~except as provided in subdivision (c),~~ all of the following:

2 (i) Omitted real property. As used in this subparagraph,
3 "omitted real property" means previously existing tangible real
4 property not included in the assessment. Omitted real property
5 shall not increase taxable value as an addition unless the
6 assessing jurisdiction has a property record card or other
7 documentation showing that the omitted real property was not
8 previously included in the assessment. The assessing jurisdiction
9 has the burden of proof in establishing whether the omitted real
10 property is included in the assessment. Omitted real property for
11 the current and the 2 immediately preceding years, discovered after
12 the assessment roll has been completed, shall be added to the tax
13 roll pursuant to the procedures established in section 154. For
14 purposes of determining the taxable value of real property under
15 section 27a, the value of omitted real property is based on the
16 value and the ratio of taxable value to true cash value the omitted
17 real property would have had if the property had not been omitted.

18 (ii) Omitted personal property. As used in this subparagraph,
19 "omitted personal property" means previously existing tangible
20 personal property not included in the assessment. Omitted personal
21 property shall be added to the tax roll pursuant to section 154.

22 (iii) New construction. As used in this subparagraph,
23 **SUBPARAGRAPH (ix), AND SUBDIVISION (C) (iv),** "new construction" means
24 property not in existence on the immediately preceding tax day and
25 not replacement construction. New construction includes the
26 physical addition of equipment or furnishings, subject to the
27 provisions set forth in section 27(2) (a) to (o). For purposes of

1 determining the taxable value of property under section 27a, the
2 value of new construction is the true cash value of the new
3 construction multiplied by 0.50.

4 (iv) Previously exempt property. As used in this subparagraph,
5 "previously exempt property" means property that was exempt from ad
6 valorem taxation under this act on the immediately preceding tax
7 day but is subject to ad valorem taxation on the current tax day
8 under this act. For purposes of determining the taxable value of
9 real property under section 27a:

10 (A) The value of property previously exempt under section 7u
11 is the taxable value the entire parcel of property would have had
12 if that property had not been exempt, minus the product of the
13 entire parcel's taxable value in the immediately preceding year and
14 the lesser of 1.05 or the inflation rate.

15 (B) The taxable value of property that is a facility as that
16 term is defined in section 2 of ~~Act No. 198 of the Public Acts of~~
17 ~~1974, being section 207.552 of the Michigan Compiled Laws~~ **1974 PA**
18 **198, MCL 207.552**, that was previously exempt under section 7k is
19 the taxable value that property would have had under this act if it
20 had not been exempt.

21 (C) The value of property previously exempt under any other
22 section of law is the true cash value of the previously exempt
23 property multiplied by 0.50.

24 (v) Replacement construction. As used in this subparagraph,
25 "replacement construction" means construction that replaced
26 property damaged or destroyed by accident or act of God and that
27 occurred after the immediately preceding tax day to the extent the

1 construction's true cash value does not exceed the true cash value
2 of property that was damaged or destroyed by accident or act of God
3 in the immediately preceding 3 years. For purposes of determining
4 the taxable value of property under section 27a, the value of the
5 replacement construction is the true cash value of the replacement
6 construction multiplied by a fraction the numerator of which is the
7 taxable value of the property to which the construction was added
8 in the immediately preceding year and the denominator of which is
9 the true cash value of the property to which the construction was
10 added in the immediately preceding year, and then multiplied by the
11 lesser of 1.05 or the inflation rate.

12 (vi) An increase in taxable value attributable to the complete
13 or partial remediation of environmental contamination existing on
14 the immediately preceding tax day. The department of environmental
15 quality shall determine the degree of remediation based on
16 information available in existing department of environmental
17 quality records or information made available to the department of
18 environmental quality if the appropriate assessing officer for a
19 local tax collecting unit requests that determination. The increase
20 in taxable value attributable to the remediation is the increase in
21 true cash value attributable to the remediation multiplied by a
22 fraction the numerator of which is the taxable value of the
23 property had it not been contaminated and the denominator of which
24 is the true cash value of the property had it not been
25 contaminated.

26 (vii) An increase in the value attributable to the property's
27 occupancy rate if either a loss, as that term is defined in this

1 section, had been previously allowed because of a decrease in the
2 property's occupancy rate or if the value of new construction was
3 reduced because of a below-market occupancy rate. For purposes of
4 determining the taxable value of property under section 27a, the
5 value of an addition for the increased occupancy rate is the
6 product of the increase in the true cash value of the property
7 attributable to the increased occupancy rate multiplied by a
8 fraction the numerator of which is the taxable value of the
9 property in the immediately preceding year and the denominator of
10 which is the true cash value of the property in the immediately
11 preceding year, and then multiplied by the lesser of 1.05 or the
12 inflation rate.

13 (viii) Public services. As used in this subparagraph, "public
14 services" means water service, sewer service, a primary access
15 road, natural gas service, electrical service, telephone service,
16 sidewalks, or street lighting. For purposes of determining the
17 taxable value of real property under section 27a, the value of
18 public services is the amount of increase in true cash value of the
19 property attributable to the available public services multiplied
20 by 0.50 and shall be added in the calendar year following the
21 calendar year when those public services are initially available.

22 (ix) **FOR TAXES LEVIED AFTER DECEMBER 31, 2004, NEW**
23 **CONSTRUCTION, A MOBILE HOME ASSESSABLE AS REAL PROPERTY UNDER**
24 **SECTION 2A, OR A SIMILAR STRUCTURE, NOT PREVIOUSLY CONSIDERED AN**
25 **ADDITION PURSUANT TO SUBDIVISION (C) (iv), IF THE FAMILY MEMBER WHO**
26 **OCCUPIED THE NEW CONSTRUCTION, MOBILE HOME, OR SIMILAR STRUCTURE**
27 **HAS NOT OCCUPIED THE NEW CONSTRUCTION, MOBILE HOME, OR SIMILAR**

1 **STRUCTURE FOR 6 MONTHS OR MORE.**

2 (c) ~~For~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION,**
3 **FOR** taxes levied after 1994, additions do not include increased
4 value attributable to any of the following:

5 (i) Platting, splits, or combinations of property.

6 (ii) A change in the zoning of property.

7 (iii) For the purposes of the calculation of the millage
8 reduction fraction under subsection (7) only, increased taxable
9 value under section 27a(3) after a transfer of ownership of
10 property.

11 (iv) **FOR TAXES LEVIED AFTER DECEMBER 31, 2004, NEW**
12 **CONSTRUCTION, A MOBILE HOME ASSESSABLE AS REAL PROPERTY UNDER**
13 **SECTION 2A, OR A SIMILAR STRUCTURE, IF IT IS OCCUPIED OR WILL BE**
14 **OCCUPIED BY A FAMILY MEMBER WHO IS 62 YEARS OF AGE OR OLDER.**

15 (d) "Assessed valuation of property as finally equalized"
16 means taxable value under section 27a.

17 (e) "Financial officer" means the officer responsible for
18 preparing the budget of a unit of local government.

19 (f) "General price level" means the annual average of the 12
20 monthly values for the United States consumer price index for all
21 urban consumers as defined and officially reported by the United
22 States department of labor, bureau of labor statistics.

23 (g) For taxes levied before 1995, "losses" means a decrease in
24 value caused by the removal or destruction of real or personal
25 property and the value of property taxed in the immediately
26 preceding year that has been exempted or removed from the
27 assessment unit's assessment roll.

1 (h) For taxes levied after 1994, "losses" means, except as
2 provided in subdivision (i), all of the following:

3 (i) Property that has been destroyed or removed. For purposes
4 of determining the taxable value of property under section 27a, the
5 value of property destroyed or removed is the product of the true
6 cash value of that property multiplied by a fraction the numerator
7 of which is the taxable value of that property in the immediately
8 preceding year and the denominator of which is the true cash value
9 of that property in the immediately preceding year.

10 (ii) Property that was subject to ad valorem taxation under
11 this act in the immediately preceding year that is now exempt from
12 ad valorem taxation under this act. For purposes of determining the
13 taxable value of property under section 27a, the value of property
14 exempted from ad valorem taxation under this act is the amount
15 exempted.

16 (iii) An adjustment in value, if any, because of a decrease in
17 the property's occupancy rate, to the extent provided by law. For
18 purposes of determining the taxable value of real property under
19 section 27a, the value of a loss for a decrease in the property's
20 occupancy rate is the product of the decrease in the true cash
21 value of the property attributable to the decreased occupancy rate
22 multiplied by a fraction the numerator of which is the taxable
23 value of the property in the immediately preceding year and the
24 denominator of which is the true cash value of the property in the
25 immediately preceding year.

26 (iv) A decrease in taxable value attributable to environmental
27 contamination existing on the immediately preceding tax day. The

1 department of environmental quality shall determine the degree to
2 which environmental contamination limits the use of property based
3 on information available in existing department of environmental
4 quality records or information made available to the department of
5 environmental quality if the appropriate assessing officer for a
6 local tax collecting unit requests that determination. The
7 department of environmental quality's determination of the degree
8 to which environmental contamination limits the use of property
9 shall be based on the criteria established for the ~~classifications~~
10 **CATEGORIES** set forth in section 20120a(1) ~~of part 201~~
11 ~~(environmental remediation)~~ of the natural resources and
12 environmental protection act, ~~Act No. 451 of the Public Acts of~~
13 ~~1994, being section 324.20120a of the Michigan Compiled Laws 1994~~
14 **PA 451, MCL 324.20120A**. The decrease in taxable value attributable
15 to the contamination is the decrease in true cash value
16 attributable to the contamination multiplied by a fraction the
17 numerator of which is the taxable value of the property had it not
18 been contaminated and the denominator of which is the true cash
19 value of the property had it not been contaminated.

20 (i) For taxes levied after 1994, losses do not include
21 decreased value attributable to either of the following:

22 (i) Platting, splits, or combinations of property.

23 (ii) A change in the zoning of property.

24 (j) "New construction and improvements" means additions less
25 losses.

26 (k) "Current year" means the year for which the millage
27 limitation is being calculated.

1 (1) "Inflation rate" means the ratio of the general price level
2 for the state fiscal year ending in the calendar year immediately
3 preceding the current year divided by the general price level for
4 the state fiscal year ending in the calendar year before the year
5 immediately preceding the current year.

6 (2) On or before the first Monday in May of each year, the
7 assessing officer of each township or city shall tabulate the
8 tentative taxable value as approved by the local board of review
9 and as modified by county equalization for each classification of
10 property that is separately equalized for each unit of local
11 government and provide the tabulated tentative taxable values to
12 the county equalization director. The tabulation by the assessing
13 officer shall contain additions and losses for each classification
14 of property that is separately equalized for each unit of local
15 government or part of a unit of local government in the township or
16 city. If as a result of state equalization the taxable value of
17 property changes, the assessing officer of each township or city
18 shall revise the calculations required by this subsection on or
19 before the Friday following the fourth Monday in May. The county
20 equalization director shall compute these amounts and the current
21 and immediately preceding year's taxable values for each
22 classification of property that is separately equalized for each
23 unit of local government that levies taxes under this act within
24 the boundary of the county. The county equalization director shall
25 cooperate with equalization directors of neighboring counties, as
26 necessary, to make the computation for units of local government
27 located in more than 1 county. The county equalization director

1 shall calculate the millage reduction fraction for each unit of
2 local government in the county for the current year. The financial
3 officer for each taxing jurisdiction shall calculate the compounded
4 millage reduction fractions beginning in 1980 resulting from the
5 multiplication of successive millage reduction fractions and shall
6 recognize a local voter action to increase the compounded millage
7 reduction fraction to a maximum of 1 as a new beginning fraction.
8 Upon request of the superintendent of the intermediate school
9 district, the county equalization director shall transmit the
10 complete computations of the taxable values to the superintendent
11 of the intermediate school district within that county. At the
12 request of the presidents of community colleges, the county
13 equalization director shall transmit the complete computations of
14 the taxable values to the presidents of community colleges within
15 the county.

16 (3) On or before the first Monday in June of each year, the
17 county equalization director shall deliver the statement of the
18 computations signed by the county equalization director to the
19 county treasurer.

20 (4) On or before the second Monday in June of each year, the
21 treasurer of each county shall certify the immediately preceding
22 year's taxable values, the current year's taxable values, the
23 amount of additions and losses for the current year, and the
24 current year's millage reduction fraction for each unit of local
25 government that levies a property tax in the county.

26 (5) The financial officer of each unit of local government
27 shall make the computation of the tax rate using the data certified

1 by the county treasurer and the state tax commission. At the annual
2 session in October, the county board of commissioners shall not
3 authorize the levy of a tax unless the governing body of the taxing
4 jurisdiction has certified that the requested millage has been
5 reduced, if necessary, in compliance with section 31 of article IX
6 of the state constitution of 1963.

7 (6) The number of mills permitted to be levied in a tax year
8 is limited as provided in this section pursuant to section 31 of
9 article IX of the state constitution of 1963. A unit of local
10 government shall not levy a tax rate greater than the rate
11 determined by reducing its maximum rate or rates authorized by law
12 or charter by a millage reduction fraction as provided in this
13 section without voter approval.

14 (7) A millage reduction fraction shall be determined for each
15 year for each local unit of government. For ad valorem property
16 taxes that became a lien before January 1, 1983, the numerator of
17 the fraction shall be the total state equalized valuation for the
18 immediately preceding year multiplied by the inflation rate and the
19 denominator of the fraction shall be the total state equalized
20 valuation for the current year minus new construction and
21 improvements. For ad valorem property taxes that become a lien
22 after December 31, 1982 and through December 31, 1994, the
23 numerator of the fraction shall be the product of the difference
24 between the total state equalized valuation for the immediately
25 preceding year minus losses multiplied by the inflation rate and
26 the denominator of the fraction shall be the total state equalized
27 valuation for the current year minus additions. For ad valorem

1 property taxes that are levied after December 31, 1994, the
2 numerator of the fraction shall be the product of the difference
3 between the total taxable value for the immediately preceding year
4 minus losses multiplied by the inflation rate and the denominator
5 of the fraction shall be the total taxable value for the current
6 year minus additions. For each year after 1993, a millage reduction
7 fraction shall not exceed 1.

8 (8) The compounded millage reduction fraction for each year
9 after 1980 shall be calculated by multiplying the local unit's
10 previous year's compounded millage reduction fraction by the
11 current year's millage reduction fraction. Beginning with 1980 tax
12 levies, the compounded millage reduction fraction for the year
13 shall be multiplied by the maximum millage rate authorized by law
14 or charter for the unit of local government for the year, except as
15 provided by subsection (9). A compounded millage reduction fraction
16 shall not exceed 1.

17 (9) The millage reduction shall be determined separately for
18 authorized millage approved by the voters. The limitation on
19 millage authorized by the voters on or before May 31 of a year
20 shall be calculated beginning with the millage reduction fraction
21 for that year. Millage authorized by the voters after May 31 shall
22 not be subject to a millage reduction until the year following the
23 voter authorization which shall be calculated beginning with the
24 millage reduction fraction for the year following the
25 authorization. The first millage reduction fraction used in
26 calculating the limitation on millage approved by the voters after
27 January 1, 1979 shall not exceed 1.

1 (10) A millage reduction fraction shall be applied separately
2 to the aggregate maximum millage rate authorized by a charter and
3 to each maximum millage rate authorized by state law for a specific
4 purpose.

5 (11) A unit of local government may submit to the voters for
6 their approval the levy in that year of a tax rate in excess of the
7 limit set by this section. The ballot question shall ask the voters
8 to approve the levy of a specific number of mills in excess of the
9 limit. The provisions of this section do not allow the levy of a
10 millage rate in excess of the maximum rate authorized by law or
11 charter. If the authorization to levy millage expires after 1993
12 and a local governmental unit is asking voters to renew the
13 authorization to levy the millage, the ballot question shall ask
14 for renewed authorization for the number of expiring mills as
15 reduced by the millage reduction required by this section. If the
16 election occurs before June 1 of a year, the millage reduction is
17 based on the immediately preceding year's millage reduction
18 applicable to that millage. If the election occurs after May 31 of
19 a year, the millage reduction shall be based on that year's millage
20 reduction applicable to that millage had it not expired.

21 (12) A reduction or limitation under this section shall not be
22 applied to taxes imposed for the payment of principal and interest
23 on bonds or other evidence of indebtedness or for the payment of
24 assessments or contract obligations in anticipation of which bonds
25 are issued that were authorized before December 23, 1978, as
26 provided by former section 4 of chapter I of ~~the municipal finance~~
27 ~~act, Act No. 202 of the Public Acts of 1943~~ **FORMER 1943 PA 202**, or

1 to taxes imposed for the payment of principal and interest on bonds
2 or other evidence of indebtedness or for the payment of assessments
3 or contract obligations in anticipation of which bonds are issued
4 that are approved by the voters after December 22, 1978.

5 (13) If it is determined subsequent to the levy of a tax that
6 an incorrect millage reduction fraction has been applied, the
7 amount of additional tax revenue or the shortage of tax revenue
8 shall be deducted from or added to the next regular tax levy for
9 that unit of local government after the determination of the
10 authorized rate pursuant to this section.

11 (14) If as a result of an appeal of county equalization or
12 state equalization the taxable value of a unit of local government
13 changes, the millage reduction fraction for the year shall be
14 recalculated. The financial officer shall effectuate an addition or
15 reduction of tax revenue in the same manner as prescribed in
16 subsection (13).

17 (15) The fractions calculated pursuant to this section shall
18 be rounded to 4 decimal places, except that the inflation rate
19 shall be computed by the state tax commission and shall be rounded
20 to 3 decimal places. The state tax commission shall publish the
21 inflation rate before March 1 of each year.

22 (16) Beginning with taxes levied in 1994, the millage
23 reduction required by section 31 of article IX of the state
24 constitution of 1963 shall permanently reduce the maximum rate or
25 rates authorized by law or charter. The reduced maximum authorized
26 rate or rates for 1994 shall equal the product of the maximum rate
27 or rates authorized by law or charter before application of this

1 section multiplied by the ~~compound~~ **COMPOUNDED** millage reduction
2 applicable to that millage in 1994 pursuant to subsections (8) to
3 (12). The reduced maximum authorized rate or rates for 1995 and
4 each year after 1995 shall equal the product of the immediately
5 preceding year's reduced maximum authorized rate or rates
6 multiplied by the current year's millage reduction fraction and
7 shall be adjusted for millage for which authorization has expired
8 and new authorized millage approved by the voters pursuant to
9 subsections (8) to (12).