

SUBSTITUTE FOR  
HOUSE BILL NO. 6212

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1211 (MCL 380.1211), as amended by 2008 PA 455.

**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, and  
7 industrial personal property are exempt from the mills levied under  
8 this subsection except for the number of mills by which that  
9 exemption is reduced under this subsection. ~~The~~**EXCEPT AS OTHERWISE**  
10 **PROVIDED IN SUBSECTION (9), THE** board of a school district that had  
11 a foundation allowance ~~calculated under section 20 of the state~~

1 ~~school aid act of 1979, MCL 388.1620,~~ for the 1994-95 state fiscal  
2 year ~~of more~~ **GREATER** than \$6,500.00, may reduce the number of  
3 mills from which a principal residence, qualified agricultural  
4 property, qualified forest property, supportive housing property,  
5 and industrial personal property are exempted under this subsection  
6 by 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, and industrial personal property for the school  
10 district's combined state and local revenue per membership pupil  
11 for the school fiscal year ending in 1995 to be equal to the school  
12 district's foundation allowance for the state fiscal year ending in  
13 1995, and the board also may levy in 1994 or a succeeding year that  
14 number of mills for school operating purposes on a principal  
15 residence, qualified agricultural property, qualified forest  
16 property, supportive housing property, and industrial personal  
17 property.

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

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

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

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

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

15 (5) Millage levied under this section must be approved by the  
16 school electors. For the purposes of this section, millage approved  
17 by the school electors before January 1, 1994 for which the  
18 authorization has not expired is considered to be approved by the  
19 school electors.

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

24 (7) If a school district levies millage for school operating  
25 purposes that is less than the limits of this section, the board of  
26 the school district may levy at the school district's next regular  
27 tax levy an additional number of mills not to exceed the additional

1 millage needed to make up the shortfall.

2 (8) A school district shall not levy mills allocated under the  
3 property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a,  
4 other than mills allocated to a school district of the first class  
5 for payment to a public library commission under section 11(4) of  
6 the property tax limitation act, 1933 PA 62, MCL 211.211, after  
7 1993.

8 (9) BEGINNING WITH TAXES LEVIED FOR 2011, IF A SCHOOL DISTRICT  
9 HAD A FOUNDATION ALLOWANCE FOR THE 1994-95 STATE FISCAL YEAR  
10 GREATER THAN \$6,500.00 AND IF THE SCHOOL DISTRICT'S FOUNDATION  
11 ALLOWANCE FOR THE 2009-2010 STATE FISCAL YEAR WAS LESS THAN THE  
12 BASIC FOUNDATION ALLOWANCE PRESCRIBED FOR THE 2009-2010 STATE  
13 FISCAL YEAR UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979,  
14 MCL 388.1620, THE SCHOOL DISTRICT MAY NOT REDUCE THE NUMBER OF  
15 MILLS FROM WHICH CERTAIN CLASSES OF PROPERTY ARE EXEMPTED FROM THE  
16 LEVY OF MILLAGE UNDER SUBSECTION (1) AND MAY NOT LEVY THAT NUMBER  
17 OF MILLS ON THOSE CLASSES OF PROPERTY AS WOULD OTHERWISE BE ALLOWED  
18 UNDER SUBSECTION (1).

19 (10) ~~(9)~~—As used in this section:

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

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

26 (c) "Foundation allowance" means a school district's  
27 foundation allowance as calculated under section 20 of the state

1 school aid act of 1979, MCL 388.1620.

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

4 (e) "Industrial personal property" means property classified  
5 as industrial personal property under section 34c of the general  
6 property tax act, 1893 PA 206, MCL 211.34c.

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

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

12 (h) "Qualified forest property" means that term as defined in  
13 section 7jj of the general property tax act, 1893 PA 206, MCL  
14 211.7jj[1].

15 (i) "School operating purposes" includes expenditures for  
16 furniture and equipment, for alterations necessary to maintain  
17 school facilities in a safe and sanitary condition, for funding the  
18 cost of energy conservation improvements in school facilities, for  
19 deficiencies in operating expenses for the preceding year, and for  
20 paying the operating allowance due from the school district to a  
21 joint high school district in which the school district is a  
22 participating school district under former part 3a. Taxes levied  
23 for school operating purposes do not include any of the following:

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

26 (ii) Taxes levied under section 1212.

27 (iii) Taxes levied under section 1356 for eliminating an

1 operating deficit.

2 (iv) Taxes levied for operation of a library under section 1451  
3 or for operation of a library established pursuant to 1913 PA 261,  
4 MCL 397.261 to 397.262, that were not included in the operating  
5 millage reported by the district to the department as of April 1,  
6 1993. However, a district may report to the department not later  
7 than April 1, 1994 the number of mills it levied in 1993 for a  
8 purpose described in this subparagraph that the school district  
9 does not want considered as operating millage and then that number  
10 of mills is excluded under this section from taxes levied for  
11 school operating purposes.

12 (v) Taxes paid by a school district of the first class to a  
13 public library commission pursuant to section 11(4) of the property  
14 tax limitation act, 1933 PA 62, MCL 211.211.

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

25 (j) "Supportive housing property" means real property  
26 certified as supportive housing property under chapter 3B of the  
27 state housing development authority act of 1966, 1966 PA 346, MCL

1 125.1459 to 125.1459b.