

# HOUSE BILL No. 4196

February 11, 2003, Introduced by Reps. Stakoe, Ward, Stahl, Nofs and Hune and referred to the Committee on Tax Policy.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending section 20 (MCL 388.1620), as amended by 2002  
PA 521.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 20. (1) For 2001-2002, the basic foundation allowance  
2 is \$6,300.00 per membership pupil. For 2002-2003 and for  
3 2003-2004, the basic foundation allowance is \$6,700.00 per  
4 membership pupil.

5       (2) The amount of each district's foundation allowance shall  
6 be calculated as provided in this section, using a basic  
7 foundation allowance in the amount specified in subsection (1).

8       (3) Except as otherwise provided in this section, the amount  
9 of a district's foundation allowance shall be calculated as  
10 follows, using in all calculations the total amount of the

1 district's foundation allowance as calculated before any  
2 proration:

3 (a) Except as otherwise provided in this subsection, for a  
4 district that in the immediately preceding state fiscal year had  
5 a foundation allowance in an amount at least equal to the amount  
6 of the basic foundation allowance for the immediately preceding  
7 state fiscal year, the district shall receive a foundation  
8 allowance in an amount equal to the sum of the district's  
9 foundation allowance for the immediately preceding state fiscal  
10 year plus the dollar amount of the adjustment from the  
11 immediately preceding state fiscal year to the current state  
12 fiscal year in the basic foundation allowance. However, for  
13 2002-2003, the foundation allowance for a district under this  
14 subdivision is an amount equal to the sum of the district's  
15 foundation allowance for the immediately preceding state fiscal  
16 year plus \$200.00.

17 (b) For a district that in the 1994-95 state fiscal year had  
18 a foundation allowance greater than \$6,500.00, the district's  
19 foundation allowance is an amount equal to the sum of the  
20 district's foundation allowance for the immediately preceding  
21 state fiscal year plus the lesser of the increase in the basic  
22 foundation allowance for the current state fiscal year, as  
23 compared to the immediately preceding state fiscal year, or the  
24 product of the district's foundation allowance for the  
25 immediately preceding state fiscal year times the percentage  
26 increase in the United States consumer price index in the  
27 calendar year ending in the immediately preceding fiscal year as

1 reported by the May revenue estimating conference conducted under  
2 section 367b of the management and budget act, 1984 PA 431,  
3 MCL 18.1367b. For 2002-2003, for a district that in the 1994-95  
4 state fiscal year had a foundation allowance greater than  
5 \$6,500.00, the district's foundation allowance is an amount equal  
6 to the sum of the district's foundation allowance for the  
7 immediately preceding state fiscal year plus the lesser of  
8 \$200.00 or the product of the district's foundation allowance for  
9 the immediately preceding state fiscal year times the percentage  
10 increase in the United States consumer price index in the  
11 calendar year ending in the immediately preceding fiscal year as  
12 reported by the May revenue estimating conference conducted under  
13 section 367b of the management and budget act, 1984 PA 431,  
14 MCL 18.1367b.

15 (c) For a district that has a foundation allowance that is  
16 not a whole dollar amount, the district's foundation allowance  
17 shall be rounded up to the nearest whole dollar.

18 (d) Beginning in 2002-2003, for a district that receives a  
19 payment under **former** section 22c for 2001-2002, the district's  
20 2001-2002 foundation allowance shall be considered to have been  
21 an amount equal to the sum of the district's actual 2001-2002  
22 foundation allowance as otherwise calculated under this section  
23 plus the per pupil amount of the district's equity payment for  
24 2001-2002 under **former** section 22c.

25 (4) Except as otherwise provided in this subsection, the  
26 state portion of a district's foundation allowance is an amount  
27 equal to the district's foundation allowance or \$6,500.00,

1 whichever is less, minus the difference between the product of  
2 the taxable value per membership pupil of all property in the  
3 district that is not a ~~homestead~~ **principal residence** or  
4 qualified agricultural property times the lesser of 18 mills or  
5 the number of mills of school operating taxes levied by the  
6 district in 1993-94 and the quotient of the ad valorem property  
7 tax revenue of the district captured under 1975 PA 197,  
8 MCL 125.1651 to 125.1681, the tax increment finance authority  
9 act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development  
10 financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or the  
11 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651  
12 to 125.2672, divided by the district's membership excluding  
13 special education pupils. For a district described in subsection  
14 (3)(b), the state portion of the district's foundation allowance  
15 is an amount equal to \$6,962.00 plus the difference between the  
16 district's foundation allowance for the current state fiscal year  
17 and the district's foundation allowance for 1998-99, minus the  
18 difference between the product of the taxable value per  
19 membership pupil of all property in the district that is not a  
20 ~~homestead~~ **principal residence** or qualified agricultural  
21 property times the lesser of 18 mills or the number of mills of  
22 school operating taxes levied by the district in 1993-94 and the  
23 quotient of the ad valorem property tax revenue of the district  
24 captured under 1975 PA 197, MCL 125.1651 to 125.1681, the tax  
25 increment finance authority act, 1980 PA 450, MCL 125.1801 to  
26 125.1830, the local development financing act, 1986 PA 281,  
27 MCL 125.2151 to 125.2174, or the brownfield redevelopment

1 financing act, 1996 PA 381, MCL 125.2651 to 125.2672, divided by  
2 the district's membership excluding special education pupils.  
3 For a district that has a millage reduction required under  
4 section 31 of article IX of the state constitution of 1963, the  
5 state portion of the district's foundation allowance shall be  
6 calculated as if that reduction did not occur. The \$6,500.00  
7 amount prescribed in this subsection shall be adjusted each year  
8 by an amount equal to the dollar amount of the difference between  
9 the basic foundation allowance for the current state fiscal year  
10 and \$5,000.00. However, beginning in 2002-2003, the \$6,500.00  
11 amount prescribed in this subsection shall be adjusted each year  
12 by an amount equal to the dollar amount of the difference between  
13 the basic foundation allowance for the current state fiscal year  
14 and \$5,000.00, minus \$200.00.

15 (5) The allocation calculated under this section for a pupil  
16 shall be based on the foundation allowance of the pupil's  
17 district of residence. However, for a pupil enrolled pursuant to  
18 section 105 or 105c in a district other than the pupil's district  
19 of residence, the allocation calculated under this section shall  
20 be based on the lesser of the foundation allowance of the pupil's  
21 district of residence or the foundation allowance of the  
22 educating district. For a pupil in membership in a K-5, K-6, or  
23 K-8 district who is enrolled in another district in a grade not  
24 offered by the pupil's district of residence, the allocation  
25 calculated under this section shall be based on the foundation  
26 allowance of the educating district if the educating district's  
27 foundation allowance is greater than the foundation allowance of

1 the pupil's district of residence. The calculation under this  
2 subsection shall take into account a district's per pupil  
3 allocation under section 20j(2).

4 (6) Subject to subsection (7) and section 22b(3) and except  
5 as otherwise provided in this subsection, for pupils in  
6 membership, other than special education pupils, in a public  
7 school academy or a university school, the allocation calculated  
8 under this section is an amount per membership pupil other than  
9 special education pupils in the public school academy or  
10 university school equal to the sum of the local school operating  
11 revenue per membership pupil other than special education pupils  
12 for the district in which the public school academy or university  
13 school is located and the state portion of that district's  
14 foundation allowance, or the sum of the basic foundation  
15 allowance under subsection (1) plus \$500.00, whichever is less.  
16 However, beginning in 2002-2003, this \$500.00 amount shall  
17 instead be \$300.00. Notwithstanding section 101(2), for a public  
18 school academy that begins operations in 2001-2002, 2002-2003, or  
19 2003-2004, as applicable, after the pupil membership count day,  
20 the amount per membership pupil calculated under this subsection  
21 shall be adjusted by multiplying that amount per membership pupil  
22 by the number of hours of pupil instruction provided by the  
23 public school academy after it begins operations, as determined  
24 by the department, divided by the minimum number of hours of  
25 pupil instruction required under section 101(3). The result of  
26 this calculation shall not exceed the amount per membership pupil  
27 otherwise calculated under this subsection.

1 (7) If more than 25% of the pupils residing within a district  
2 are in membership in 1 or more public school academies located in  
3 the district, then the amount per membership pupil calculated  
4 under this section for a public school academy located in the  
5 district shall be reduced by an amount equal to the difference  
6 between the product of the taxable value per membership pupil of  
7 all property in the district that is not a ~~homestead~~ **principal**  
8 **residence** or qualified agricultural property times the lesser of  
9 18 mills or the number of mills of school operating taxes levied  
10 by the district in 1993-94 and the quotient of the ad valorem  
11 property tax revenue of the district captured under 1975 PA 197,  
12 MCL 125.1651 to 125.1681, the tax increment finance authority  
13 act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development  
14 financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or the  
15 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651  
16 to 125.2672, divided by the district's membership excluding  
17 special education pupils, in the school fiscal year ending in the  
18 current state fiscal year, calculated as if the resident pupils  
19 in membership in 1 or more public school academies located in the  
20 district were in membership in the district. In order to receive  
21 state school aid under this act, a district described in this  
22 subsection shall pay to the authorizing body that is the fiscal  
23 agent for a public school academy located in the district for  
24 forwarding to the public school academy an amount equal to that  
25 local school operating revenue per membership pupil for each  
26 resident pupil in membership other than special education pupils  
27 in the public school academy, as determined by the department.

1           (8) If a district does not receive an amount calculated under  
2 subsection (9); if the number of mills the district may levy on a  
3 ~~homestead~~ **principal residence** and qualified agricultural  
4 property under section 1211(1) of the revised school code,  
5 MCL 380.1211, is 0.5 mills or less; and if the district elects  
6 not to levy those mills, the district instead shall receive a  
7 separate supplemental amount calculated under this subsection in  
8 an amount equal to the amount the district would have received  
9 had it levied those mills, as determined by the department of  
10 treasury. A district shall not receive a separate supplemental  
11 amount calculated under this subsection for a fiscal year unless  
12 in the calendar year ending in the fiscal year the district  
13 levies 18 mills or the number of mills of school operating taxes  
14 levied by the district in 1993, whichever is less, on property  
15 that is not a ~~homestead~~ **principal residence** or qualified  
16 agricultural property.

17           (9) For a district that had combined state and local revenue  
18 per membership pupil in the 1993-94 state fiscal year of more  
19 than \$6,500.00 and that had fewer than 350 pupils in membership,  
20 if the district elects not to reduce the number of mills from  
21 which a ~~homestead~~ **principal residence** and qualified  
22 agricultural property are exempt and not to levy school operating  
23 taxes on a ~~homestead~~ **principal residence** and qualified  
24 agricultural property as provided in section 1211(1) of the  
25 revised school code, MCL 380.1211, and not to levy school  
26 operating taxes on all property as provided in section 1211(2) of  
27 the revised school code, MCL 380.1211, there is calculated under



1 this subsection for 1994-95 and each succeeding fiscal year a  
2 separate supplemental amount in an amount equal to the amount the  
3 district would have received per membership pupil had it levied  
4 school operating taxes on a ~~homestead~~ **principal residence** and  
5 qualified agricultural property at the rate authorized for the  
6 district under section 1211(1) of the revised school code,  
7 MCL 380.1211, and levied school operating taxes on all property  
8 at the rate authorized for the district under section 1211(2) of  
9 the revised school code, MCL 380.1211, as determined by the  
10 department of treasury. If in the calendar year ending in the  
11 fiscal year a district does not levy 18 mills or the number of  
12 mills of school operating taxes levied by the district in 1993,  
13 whichever is less, on property that is not a ~~homestead~~  
14 **principal residence** or qualified agricultural property, the  
15 amount calculated under this subsection will be reduced by the  
16 same percentage as the millage actually levied compares to the 18  
17 mills or the number of mills levied in 1993, whichever is less.

18 (10) For a district that is formed or reconfigured after  
19 June 1, 2002 by consolidation of 2 or more districts or by  
20 annexation, the resulting district's foundation allowance under  
21 this section beginning after the effective date of the  
22 consolidation or annexation shall be the lesser of an amount  
23 equal to the sum of the highest foundation allowance, as  
24 calculated under this section, among the original or affected  
25 districts plus \$50.00 or an amount equal to \$6,500.00 adjusted by  
26 the dollar amount of the difference between the basic foundation  
27 allowance under this section for the current state fiscal year

1 and \$5,000.00. However, beginning in 2002-2003, the \$6,500.00  
2 amount prescribed in this subsection shall be adjusted each year  
3 by an amount equal to the dollar amount of the difference between  
4 the basic foundation allowance for the current state fiscal year  
5 and \$5,000.00, minus \$200.00.

6 (11) Each fraction used in making calculations under this  
7 section shall be rounded to the fourth decimal place and the  
8 dollar amount of an increase in the basic foundation allowance  
9 shall be rounded to the nearest whole dollar.

10 (12) State payments related to payment of the foundation  
11 allowance for a special education pupil are not calculated under  
12 this section but are instead calculated under section 51a.

13 (13) To assist the legislature in determining the basic  
14 foundation allowance for the subsequent state fiscal year, each  
15 revenue estimating conference conducted under section 367b of the  
16 management and budget act, 1984 PA 431, MCL 18.1367b, shall  
17 calculate a pupil membership factor, a revenue adjustment factor,  
18 and an index as follows:

19 (a) The pupil membership factor shall be computed by dividing  
20 the estimated membership in the school year ending in the current  
21 state fiscal year, excluding intermediate district membership, by  
22 the estimated membership for the school year ending in the  
23 subsequent state fiscal year, excluding intermediate district  
24 membership. If a consensus membership factor is not determined  
25 at the revenue estimating conference, the principals of the  
26 revenue estimating conference shall report their estimates to the  
27 house and senate subcommittees responsible for school aid

1 appropriations not later than 7 days after the conclusion of the  
2 revenue conference.

3       (b) The revenue adjustment factor shall be computed by  
4 dividing the sum of the estimated total state school aid fund  
5 revenue for the subsequent state fiscal year plus the estimated  
6 total state school aid fund revenue for the current state fiscal  
7 year, adjusted for any change in the rate or base of a tax the  
8 proceeds of which are deposited in that fund and excluding money  
9 transferred into that fund from the countercyclical budget and  
10 economic stabilization fund under section 353e of the management  
11 and budget act, 1984 PA 431, MCL 18.1353e, by the sum of the  
12 estimated total school aid fund revenue for the current state  
13 fiscal year plus the estimated total state school aid fund  
14 revenue for the immediately preceding state fiscal year, adjusted  
15 for any change in the rate or base of a tax the proceeds of which  
16 are deposited in that fund. If a consensus revenue factor is not  
17 determined at the revenue estimating conference, the principals  
18 of the revenue estimating conference shall report their estimates  
19 to the house and senate subcommittees responsible for school aid  
20 appropriations not later than 7 days after the conclusion of the  
21 revenue conference.

22       (c) The index shall be calculated by multiplying the pupil  
23 membership factor by the revenue adjustment factor. If a  
24 consensus index is not determined at the revenue estimating  
25 conference, the principals of the revenue estimating conference  
26 shall report their estimates to the house and senate  
27 subcommittees responsible for school aid appropriations not later

1 than 7 days after the conclusion of the revenue conference.

2 (14) If the principals at the revenue estimating conference  
3 reach a consensus on the index described in subsection (13)(c),  
4 the basic foundation allowance for the subsequent state fiscal  
5 year shall be at least the amount of that consensus index  
6 multiplied by the basic foundation allowance specified in  
7 subsection (1).

8 (15) If at the January revenue estimating conference it is  
9 estimated that pupil membership, excluding intermediate district  
10 membership, for the subsequent state fiscal year will be greater  
11 than 101% of the pupil membership, excluding intermediate  
12 district membership, for the current state fiscal year, then it  
13 is the intent of the legislature that the executive budget  
14 proposal for the school aid budget for the subsequent state  
15 fiscal year include a general fund/general purpose allocation  
16 sufficient to support the membership in excess of 101% of the  
17 current year pupil membership.

18 (16) For a district that had combined state and local revenue  
19 per membership pupil in the 1993-94 state fiscal year of more  
20 than \$6,500.00, that had fewer than 7 pupils in membership in the  
21 1993-94 state fiscal year, that has at least 1 child educated in  
22 the district in the current state fiscal year, and that levies  
23 the number of mills of school operating taxes authorized for the  
24 district under section 1211 of the revised school code,  
25 MCL 380.1211, a minimum amount of combined state and local  
26 revenue shall be calculated for the district as provided under  
27 this subsection. The minimum amount of combined state and local

1 revenue for 1999-2000 shall be \$67,000.00 plus the district's  
2 additional expenses to educate pupils in grades 9 to 12 educated  
3 in other districts as determined and allowed by the department.  
4 The minimum amount of combined state and local revenue under this  
5 subsection, before adding the additional expenses, shall increase  
6 each fiscal year by the same percentage increase as the  
7 percentage increase in the basic foundation allowance from the  
8 immediately preceding fiscal year to the current fiscal year.  
9 The state portion of the minimum amount of combined state and  
10 local revenue under this subsection shall be calculated by  
11 subtracting from the minimum amount of combined state and local  
12 revenue under this subsection the sum of the district's local  
13 school operating revenue and an amount equal to the product of  
14 the sum of the state portion of the district's foundation  
15 allowance plus the amount calculated under section 20j times the  
16 district's membership. As used in this subsection, "additional  
17 expenses" means the district's expenses for tuition or fees, not  
18 to exceed \$6,500.00 as adjusted each year by an amount equal to  
19 the dollar amount of the difference between the basic foundation  
20 allowance for the current state fiscal year and \$5,000.00, plus a  
21 room and board stipend not to exceed \$10.00 per school day for  
22 each pupil in grades 9 to 12 educated in another district, as  
23 approved by the department. However, beginning in 2002-2003, the  
24 \$6,500.00 amount prescribed in this subsection shall be adjusted  
25 each year by an amount equal to the dollar amount of the  
26 difference between the basic foundation allowance for the current  
27 state fiscal year and \$5,000.00, minus \$200.00.

1           (17) For a district in which 7.75 mills levied in 1992 for  
2 school operating purposes in the 1992-93 school year were not  
3 renewed in 1993 for school operating purposes in the 1993-94  
4 school year, the district's combined state and local revenue per  
5 membership pupil shall be recalculated as if that millage  
6 reduction did not occur and the district's foundation allowance  
7 shall be calculated as if its 1994-95 foundation allowance had  
8 been calculated using that recalculated 1993-94 combined state  
9 and local revenue per membership pupil as a base. A district is  
10 not entitled to any retroactive payments for fiscal years before  
11 2000-2001 due to this subsection.

12           (18) For a district in which an industrial facilities  
13 exemption certificate that abated taxes on property with a state  
14 equalized valuation greater than the total state equalized  
15 valuation of the district at the time the certificate was issued  
16 or \$700,000,000.00, whichever is greater, was issued under 1974  
17 PA 198, MCL 207.551 to 207.572, before the calculation of the  
18 district's 1994-95 foundation allowance, the district's  
19 foundation allowance for 2002-2003 is an amount equal to the sum  
20 of the district's foundation allowance for 2002-2003, as  
21 otherwise calculated under this section, plus \$250.00.

22           (19) For a district that received a grant under former  
23 section 32e for 2001-2002, the district's foundation allowance  
24 for 2002-2003 shall be adjusted to be an amount equal to the sum  
25 of the district's foundation allowance, as otherwise calculated  
26 under this section, plus the quotient of the amount of the grant  
27 award to the district for 2001-2002 under former section 32e

1 divided by the district's membership for 2001-2002. A district  
2 qualifying for a foundation allowance adjustment under this  
3 section shall use the funds resulting from this adjustment for  
4 purposes allowable under former section 32e as in effect for  
5 2001-2002.

6 (20) For a district that is a qualifying school district with  
7 a school reform board in place under part 5a of the revised  
8 school code, MCL 380.371 to 380.376, the district's foundation  
9 allowance for 2002-2003 shall be adjusted to be an amount equal  
10 to the sum of the district's foundation allowance, as otherwise  
11 calculated under this section, plus the quotient of  
12 \$15,000,000.00 divided by the district's membership for  
13 2002-2003. If a district ceases to meet the requirements of this  
14 subsection, the department shall adjust the district's foundation  
15 allowance in effect at that time based on a 2002-2003 foundation  
16 allowance for the district that does not include the 2002-2003  
17 adjustment under this subsection.

18 (21) Payments to districts, university schools, or public  
19 school academies shall not be made under this section. Rather,  
20 the calculations under this section shall be used to determine  
21 the amount of state payments under section 22b.

22 (22) If an amendment to section 2 of article VIII of the  
23 state constitution of 1963 allowing state aid to some or all  
24 nonpublic schools is approved by the voters of this state, each  
25 foundation allowance or per pupil payment calculation under this  
26 section may be reduced.

27 (23) As used in this section:

1 (a) "Combined state and local revenue" means the aggregate of  
2 the district's state school aid received by or paid on behalf of  
3 the district under this section and the district's local school  
4 operating revenue.

5 (b) "Combined state and local revenue per membership pupil"  
6 means the district's combined state and local revenue divided by  
7 the district's membership excluding special education pupils.

8 (c) "Current state fiscal year" means the state fiscal year  
9 for which a particular calculation is made.

10 ~~(d) "Homestead" means that term as defined in section 1211~~  
11 ~~of the revised school code, MCL 380.1211.~~

12 ~~(d)~~ ~~—(e)—~~ "Immediately preceding state fiscal year" means the  
13 state fiscal year immediately preceding the current state fiscal  
14 year.

15 ~~(e)~~ ~~—(f)—~~ "Local school operating revenue" means school  
16 operating taxes levied under section 1211 of the revised school  
17 code, MCL 380.1211.

18 ~~(f)~~ ~~—(g)—~~ "Local school operating revenue per membership  
19 pupil" means a district's local school operating revenue divided  
20 by the district's membership excluding special education pupils.

21 ~~(g)~~ ~~—(h)—~~ "Membership" means the definition of that term  
22 under section 6 as in effect for the particular fiscal year for  
23 which a particular calculation is made.

24 ~~(h)~~ **"Principal residence" means that term as defined in**  
25 **section 7dd of the general property tax act, 1893 PA 206, MCL**  
26 **211.7dd.**

27 (i) "Qualified agricultural property" means that term as



1 defined in section 1211 of the revised school code,  
2 MCL 380.1211.

3 (j) "School operating purposes" means the purposes included  
4 in the operation costs of the district as prescribed in  
5 sections 7 and 18.

6 (k) "School operating taxes" means local ad valorem property  
7 taxes levied under section 1211 of the revised school code,  
8 MCL 380.1211, and retained for school operating purposes.

9 (l) "Taxable value per membership pupil" means taxable value,  
10 as certified by the department of treasury, for the calendar year  
11 ending in the current state fiscal year divided by the district's  
12 membership excluding special education pupils for the school year  
13 ending in the current state fiscal year.

14 Enacting section 1. This amendatory act does not take  
15 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 4189  
16 (request no. 01070'03) of the 92nd Legislature is enacted into  
17 law.