

SENATE BILL NO. 63

February 09, 2023, Introduced by Senators POLEHANKI, KLINEFELT, MCBROOM, GEISS, BAYER, SHINK, DALEY, BELLINO and CAVANAGH and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1212 (MCL 380.1212), as amended by 2016 PA 319.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1212. (1) If approved by the school electors of the
2 school district, the board of a school district may levy a tax on
3 the taxable value of the real and personal property of the school
4 district each year for the purpose of creating a sinking fund. All
5 of the following apply to a sinking fund tax authorized under this
6 section:

1 (a) For a sinking fund tax authorized before ~~the effective~~
2 ~~date of the amendatory act that added subsection (6),~~ **March 29,**
3 **2017,** the sinking fund tax may be used for the purchase of real
4 estate for sites for, and the construction or repair of, school
5 buildings. For a sinking fund tax authorized on or after ~~the~~
6 ~~effective date of the amendatory act that added subsection (6),~~
7 **March 29, 2017 and before the effective date of the amendatory act**
8 **that added the following sentence,** the sinking fund tax may be used
9 for the purchase of real estate for sites for, and the construction
10 or repair of, school buildings, for school security improvements,
11 or for the acquisition or upgrading of technology. **For a sinking**
12 **fund tax authorized on or after the effective date of the**
13 **amendatory act that added this sentence, the sinking fund tax may**
14 **be used for the purchase of real estate for sites for, and the**
15 **construction or repair of, school buildings, for school security**
16 **improvements, for the acquisition or upgrading of technology, or**
17 **for school transportation.**

18 (b) For a sinking fund tax authorized before ~~the effective~~
19 ~~date of the amendatory act that added subsection (6),~~ **March 29,**
20 **2017,** the sinking fund tax ~~shall~~**must** not exceed 5 mills. For a
21 sinking fund tax authorized on or after ~~the effective date of the~~
22 ~~amendatory act that added subsection (6),~~ **March 29, 2017,** the
23 sinking fund tax ~~shall~~**must** not exceed 3 mills.

24 (c) For a sinking fund tax authorized before ~~the effective~~
25 ~~date of the amendatory act that added subsection (6),~~ **March 29,**
26 **2017,** the sinking fund tax may be levied each year for a period not
27 to exceed 20 years. For a sinking fund tax authorized on or after
28 ~~the effective date of the amendatory act that added subsection (6),~~
29 **March 29, 2017,** the sinking fund tax may be levied each year for a

1 period not to exceed 10 years.

2 (d) The sinking fund tax levy is subject to the 15 mill tax
3 limitation provisions of section 6 of article IX of the state
4 constitution of 1963 and the property tax limitation act, 1933 PA
5 62, MCL 211.201 to 211.217a.

6 (2) A school district that levies a sinking fund tax under
7 this section ~~shall~~**must** have an independent audit of its sinking
8 fund conducted annually, including a review of the uses of the
9 sinking fund, and shall submit the audit report to the department
10 of treasury. If the department of treasury determines from the
11 audit report that the sinking fund has been used for a purpose
12 other than those authorized for the sinking fund under this
13 section, the school district shall repay the misused funds to the
14 sinking fund from the school district's operating funds and shall
15 not levy a sinking fund tax under this section after the date the
16 department of treasury makes that determination.

17 (3) ~~The~~**A school district shall submit the** proposition of
18 levying a sinking fund tax ~~shall be submitted~~ to the school
19 electors of the school district at a regular or special school
20 election.

21 (4) The question of levying taxes for the purpose of creating
22 a sinking fund ~~shall~~**must** be by ballot in substantially the
23 following form:

24 "Shall _____ levy _____ mills
25 (legal name of school district)
26 to create a sinking fund for the purpose of _____
27 _____
28 for a period of _____ years?
29 Yes ()

1 No ()".

2 (5) For the purposes of this section, millage approved by the
3 school electors before December 1, 1993 for which the authorization
4 has not expired is considered to be approved by the school
5 electors.

6 (6) As used in this section:

7 (a) "School security improvement" means any capital
8 improvement or purchase that is designed to act as a deterrent to
9 unauthorized entry of persons or items onto school premises or to
10 otherwise promote security, including, but not limited to, metal
11 detectors, locks, doors, lighting, cameras, and enhancements to
12 entryways. School security improvement also includes a mobile
13 telephone application that provides the ability to communicate with
14 personnel on site while also connecting an emergency telephone call
15 to a 9-1-1 center. School security improvement does not include
16 personnel costs or operation costs related to a capital improvement
17 or purchase or related to a mobile telephone application.

18 (b) "Technology" means that term as defined in section 1351a.

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