

PROPERTY TAX LIMITATION ACT
Act 62 of 1933

AN ACT to provide limits on the rate of taxation on property; to provide for a division of the rate of taxation between counties, townships, municipal corporations, intermediate school districts, and other local units; to earmark funds raised by increasing the total tax limitation; to prescribe penalties and provide remedies; and to repeal all acts and parts of acts and charters and parts of charters of municipal corporations inconsistent with or contravening the provisions of this act.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1947, Act 293, Eff. Oct. 11, 1947;—Am. 1994, Act 190, Imd. Eff. June 21, 1994;—Am. 1998, Act 162, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

211.201 Short title; property tax limitation act.

Sec. 1. Short title. This act shall be known and may be cited as the “Property Tax Limitation Act.”

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—CL 1948, 211.201.

211.202 Definitions.

Sec. 2. As used in this act:

(a) “Local unit” means counties, townships, villages, cities, a first-class school district, community college districts, intermediate school districts, and all other divisions, districts, and organizations of government that are or may be established by law and that have the power to levy taxes against property located within their respective areas, except villages and cities for which there are provisions in their charters or general law fixing maximum limits on the power to levy taxes against property for purposes as authorized by law to be supported under the municipal budget and school districts.

(b) “Municipal corporation” means villages and cities.

(c) “Board” means the county tax allocation board created by section 5.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.202;—Am. 1957, Act 155, Eff. Sept. 27, 1957;—Am. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.203 Limitation on amount of taxes; exception as to debt service tax rates; charter or general law limitation on power to levy taxes; charter tax rates; election to increase tax rate limitation; ballots; filing certified copy of election results; effective date of increase; notice of election; “taxable value” defined.

Sec. 3. (1) Except as otherwise provided in this section, the total amount of taxes levied against property for all purposes in any 1 year shall not exceed the limits provided by or fixed under section 6 of article IX of the state constitution of 1963, except taxes levied for the payment of interest and principal on obligations incurred before December 8, 1932, which shall be known and referred to as debt service tax rates.

(2) If a municipal corporation is limited by a provision in its charter or general law in its power to levy taxes against property for purposes authorized by law to be supported under the municipal budget, the municipal corporation shall levy the taxes under those provisions and those taxes shall be in addition to the taxes that may be levied under the limitation set forth in subsection (1). Taxes levied under this subsection shall be known and referred to as charter tax rates. If any portion of the net limitation tax rate is allocated to the municipal corporation by the board, the allocated tax rate shall be included within the total tax rate levied by the municipal corporation under this subsection.

(3) If any local unit holds an election for the purpose of increasing the total tax rate limitation, as provided for by section 6 of article IX of the state constitution of 1963, the vote at the election shall be taken by ballot and the ballots shall be cast and counted in the manner provided by the general election laws of this state. The ballots shall state the amount in dollars per thousand dollars of taxable value by which it is proposed that the total tax rate limitation on property in the local unit be increased and the number of years for which it is proposed that the increase shall be effective. If a previous increase in the total tax limitation on property is about to expire and a new increase for the identical amount levied in the immediately preceding year or a lesser amount is proposed, the ballot proposal may be presented as a renewal or continuation of the previous increase for a specified number of years. The ballot shall specify the intended purpose of the renewed or new funds. The ballot may also state the purpose for which the funds derived from the voted increase over the constitutional tax rate limitation may be used, and those funds shall not be considered by the board in dividing the net limitation tax rate among the various governmental units under this act. Within 5 days after every election held in any local unit to increase the tax rate limitation, a certified copy of the official declaration of

the result of the election shall be filed with the treasurer of the county or counties in which the local unit is located. The voted increase in the tax rate limitation shall be effective in the local unit only when the certified copy of the official declaration of the result of the election is filed. The notice of an election in which an increase in the total tax rate limitation is to be voted upon shall contain a statement by the county treasurer of the county or counties in which the local unit voting on the increase is located of the total of all voted increases in the total tax rate limitation, in any local units, affecting the taxable property in the local unit voting on the increase, and the years the increases are effective.

(4) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.27a of the Michigan Compiled Laws.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1947, Act 293, Eff. Oct. 11, 1947;—CL 1948, 211.203;—Am. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1975, Act 136, Imd. Eff. July 3, 1975;—Am. 1996, Act 580, Imd. Eff. Jan. 17, 1997.

211.204 Net limitation tax rate; notice to county clerks; property tax levied for payment of interest and principal on certain state obligations; allocation for charter county purposes.

Sec. 4. (1) The tax rate in mills allocated for charter county purposes pursuant to subsection (3) plus the tax rate in mills that is provided by law for state purposes and is in force and effect on the last day specified by this act for the filing of budgets and statements of local units with the board, except tax rates levied for the purpose of payment of interest and principal on state obligations incurred before December 8, 1932, shall be deducted from the maximum tax rates determined pursuant to section 3(1) as the tax rates fixed by section 6 of article IX of the state constitution of 1963 without approval of the voters. The remainder of these maximum tax rates determined pursuant to section 3(1), after deducting the total tax rates levied for state purposes and a tax rate in mills allocated for charter county purposes pursuant to subsection (3), if any, shall be known and referred to as the net limitation tax rate.

(2) If a state tax is levied for any year other than 1994, the state treasurer shall notify by registered mail the county clerk of each county, on or before the day after the last day provided by this act for the filing of budgets and statements of local units with the board, stating the total amount of the state tax rates. On or before September 1 of each year, the state treasurer shall notify by registered mail the county clerk of each county of any change in the amount of the tax rate for state purposes in that county that is necessitated by state equalization of county assessed valuations. If a state property tax is levied for the payment of interest and principal on state obligations incurred before December 8, 1932, it shall be provided by law before August 1 of each year and shall be apportioned among each county in the manner now provided by law.

(3) Each county that adopts a charter shall be allocated for charter county purposes, from the maximum tax rate that is fixed pursuant to section 6 of article IX of the state constitution of 1963 without approval of the voters, a tax rate in mills equal to the number of mills allocated to the county either by a county tax allocation board or a separate tax limitation under this act in the year immediately preceding the year in which the county adopts a charter.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.204;—Am. 1980, Act 24, Imd. Eff. Mar. 7, 1980;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

***** 211.204a SUBSECTION (2) DOES NOT APPLY AFTER 1996: See subsection (2) of 211.204a *****

211.204a Separate tax limitation vote; reduction of number of mills allocated; school district allocated less than 6 mills; applicability of subsection (2); expiration of fixed allocation.

Sec. 4a. (1) The number of mills allocated to a local school district under a separate tax limitation approved before 1994 shall be reduced by the number of mills levied by the state. For a separate tax limitation vote held after 1993, the number of mills that may be allocated shall be reduced by the number of mills allocated to a local school district for school district operating purposes in 1993 or the number of mills levied by the state, whichever is greater, and mills shall not be allocated to a local school district.

(2) For a township that is located in a county that allocated under a separate tax limitation less than 6 mills for school districts, the amount of allocated mills that township may levy in 1994 is reduced by the difference between 6 mills and the amount allocated to school districts in 1993. This subsection applies only in a year in which the legislature specifically appropriates the amount of revenue lost to the township due to the operation of this subsection. This subsection does not apply after 1996.

(3) A fixed allocation under a separate tax limitation approved before 1994 in a county in which a school district was allocated less than 6 mills expires after the 1996 allocation.

History: Add. 1993, Act 314, Eff. Apr. 30, 1994;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.205 County tax allocation board; creation; membership.

Sec. 5. A county tax allocation board is created for each county and shall be composed of the following:

- (a) The county treasurer.
- (b) The chairperson of the board of county auditors if there is a board, and if not, the chairperson of the finance or ways and means committee of the county board of commissioners.
- (c) The intermediate school district superintendent or his or her representative.
- (d) A resident of a municipality within the county who shall be selected by the judge or judges of probate of the county, except that in counties containing 1 or more municipal corporations having a population of 10,000 or more, the member shall be a resident of a municipal corporation having a population of 10,000 or more. However, in counties in which are located municipalities subject to this act, the member shall be an official of 1 of the municipalities and if there is only 1 municipality within the county, then the member shall be selected by the governing body of the municipality either from its own members or its municipal officers.
- (e) A member not officially connected with or employed by any local or county unit, who shall be selected by the board of county commissioners.
- (f) A member who shall be a township supervisor and who shall be selected by a majority of the township supervisors in the county.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1937, Act 30, Imd. Eff. May 4, 1937;—Am. 1941, Act 150, Imd. Eff. May 29, 1941;—CL 1948, 211.205;—Am. 1963, Act 71, Eff. Sept. 6, 1963;—Am. 1964, Act 5, Imd. Eff. Mar. 13, 1964;—Am. 1970, Act 220, Imd. Eff. Nov. 24, 1970;—Am. 1974, Act 128, Imd. Eff. May 29, 1974;—Am. 1976, Act 339, Imd. Eff. Dec. 15, 1976;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.205a Initiatory petition for separate tax limitation; signatures; filing; violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 5a. (1) A vote on adopting separate tax limitations shall be initiated by petition signed by not less than 4% of the registered electors of each township and city within the county. The petition shall be filed with the county clerk not less than 30 days before the convening of the board in regular session, or any special session called for the purpose of considering the petition.

(2) A petition under this section, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1998, Act 162, Eff. Mar. 23, 1999.

211.205b Form of petition; warning; circulator of petition; signature and acknowledgment.

Sec. 5b. (1) The petition for the adoption of a separate tax limitation shall be in substantially the following form:

"Petition initiating procedures for the adoption of separate tax limitations to the county board of commissioners:
We, the undersigned qualified and registered electors and residents of the city or township of, in the county of, and state of Michigan, petition the county board of commissioners to place before the voters of this county the question of establishing separate tax limitation millage rates for a period of years or for an indefinite period, or until altered by the voters of the county, for the county of and the townships and intermediate school districts within the county, the aggregate of which shall not exceed mills, as follows:

	Mills
County of	
Townships	
Intermediate school districts	
Total	"

(2) In addition to the requirements of subsection (1), the petition shall also include a warning as prescribed in section 482 of the Michigan election law, 1954 PA 116, MCL 168.482.

(3) The circulator of the petition shall be a qualified and registered elector of the county in which he or she circulates the petition. Petitions shall be signed and acknowledged by the circulator before a person

authorized by law to take acknowledgments.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1965, Act 104, Imd. Eff. June 30, 1965;—Am. 1966, Act 303, Imd. Eff. Sept. 14, 1966;—Am. 1966, Act 335, Eff. Mar. 10, 1967;—Am. 1979, Act 98, Imd. Eff. Aug. 3, 1979;—Am. 1994, Act 190, Imd. Eff. June 21, 1994;—Am. 1998, Act 162, Eff. Mar. 23, 1999.

211.205c Petition by tax allocation board for separate tax limitation.

Sec. 5c. A petition to submit separate tax limitations to the electors of the county also may be initiated by a resolution adopted by a majority of the members of a county tax allocation board. The petition shall be in substantially the same form and processed in the same manner as provided in this act for initiatory petitions signed by registered electors of the county. The question shall be submitted to a vote of the registered and qualified electors of the county subject to the same conditions and in the same manner as an initiatory petition signed by registered electors. The ballot shall be in substantially the same form, and subsequent to the vote the same proceedings shall be had, as provided in this act.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964.

211.205d Sufficiency of petition; order by resolution submitting question to electors; special election.

Sec. 5d. Upon receipt of a petition, the county clerk shall check it as to its sufficiency as provided by section 552 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.552 of the Michigan Compiled Laws. If the petition substantially complies with this act, the county board of commissioners shall order by resolution that the question of providing separate tax limitations be submitted to the registered and qualified electors of the county at the next general election, state presidential primary election, or state general primary election, occurring in not less than 49 days after adoption of the resolution. If such election will not be held within 90 days after adoption of the resolution, the resolution may fix a date for a special election on the question not less than 49 days after adoption of the resolution.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1979, Act 98, Imd. Eff. Aug. 3, 1979.

211.205e County tax allocation board; separate tax limitations.

Sec. 5e. Before adoption of a resolution submitting to a vote a question proposed by the initiatory petition of electors, the county board of supervisors shall request the county tax allocation board to submit to the county board of supervisors the separate tax limitations for the county and the intermediate school districts and townships in the county, aggregating not less than the same number of mills as in the electors' petition that the majority of the members of the allocation board considers calculated to provide for the financial needs of the local units.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.205f County clerk; transmittal to local clerks for submission of question.

Sec. 5f. The county clerk, within 3 days after passage of a resolution to submit the question to the electors of the county, shall transmit a certified copy of the initiatory petition, the suggested tax rate limitations submitted by the county tax allocation board, and the resolution submitting the questions to a vote, to the clerk of each city and township in the county who shall conduct the election on the question in the same manner as provided by law for other county elections.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964.

211.205g Form of question submitted to electors.

Sec. 5g. The question of adopting separate tax limitations shall be submitted to the registered and qualified electors of the county in substantially the following form:

"Shall separate tax limitations be established for a period of years or for an indefinite period, or until altered by the voters of the county, for the county of and the townships and intermediate school districts within the county, the aggregate of which shall not exceed mills as follows:

	Mills
County of	
Townships	
Intermediate school districts	
Total	
Yes ()	
No ()"	

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1965, Act 104, Imd. Eff. June 30, 1965;—Am. 1966, Act 303, Imd. Eff. Sept. 14, 1966;—Am. 1966, Act 335, Eff. Mar. 10, 1967;—Am. 1979, Act 98, Imd. Eff. Aug. 3, 1979;—Am. 1994, Act 190, Imd. Eff. June 21, 1994;—Am. 1998, Act 162, Eff. Mar. 23, 1999.

June 21, 1994.

211.205h Separate tax limitations; adoption of plan.

Sec. 5h. At an election upon the question of adopting separate tax limitations, the tax limitations proposed by electors' initiatory petitions and the tax limitations proposed by the county tax allocation board shall be separately submitted to the voters. If the allocation board has recommended separate tax limitations identical to those proposed by the initiatory petitions, only 1 question shall be submitted to the voters. If more than 1 question receives more "yes" than "no" votes, the set of separate tax limitations which received the greater number of "yes" votes shall be adopted. If more than 1 question receives the same number of "yes" votes being the highest number of "yes" votes, the question adopted shall be the one receiving the greater excess of "yes" votes over "no" votes.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964.

211.205i Separate tax limitations; effective date.

Sec. 5i. (1) Except as otherwise provided in this section, upon the filing in the offices of the secretary of state and the county clerk of a copy of the initiatory petition; the separate tax limitations recommended by the county tax allocation board; all resolutions of the board; and the certificate of the county board of canvassers showing that a majority of the electors voting on either the separate tax limitations proposed by petition of electors or of the county tax allocation board, or both, has approved the separate tax limitations and stating the number of votes cast on the separate questions and the number cast for and against the questions, the separate tax limitations for the county and for the townships and intermediate school districts in the county are effective and shall apply to all subsequent tax levies until altered by another vote under this act or expiration of the period for which the separate tax limitations were voted.

(2) Except as otherwise provided in subsections (3), (4), and (5) if the election is held after April 1 in any year, the adopted limitations shall be first effective in the immediately succeeding calendar year.

(3) In 2001 only, if the election is held August 7, 2001, the adopted limitations shall be first effective in 2001.

(4) In 2004 only, if the election is held August 3, 2004, the adopted limitations shall be first effective in 2004.

(5) In 2010 only, if the election is held August 3, 2010, the adopted limitations shall be first effective in 2010.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1980, Act 279, Imd. Eff. Oct. 9, 1980;—Am. 1994, Act 190, Imd. Eff. June 21, 1994;—Am. 2001, Act 146, Imd. Eff. Oct. 31, 2001;—Am. 2004, Act 391, Imd. Eff. Oct. 13, 2004;—Am. 2010, Act 335, Imd. Eff. Dec. 21, 2010.

211.205j Separate tax limitations; adoption; abolition of county tax allocation board; re-establishment.

Sec. 5j. Whenever a majority of the registered and qualified electors of a county voting upon the question adopt separate tax limitations as authorized by section 6 of article 9 of the state constitution, the county tax allocation board created for such county by section 5 is abolished. If a specified period of years for the separate tax limitations expires and no limitations have been voted for any additional time, the allocation board shall be re-established.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964.

211.205k Separate tax limitations; initiatory petition or resolution to alter or extend; procedure; notice; county advisory tax limitation committee; election.

Sec. 5k. When an initiatory petition is received by the county board of commissioners to alter or extend within the 18 mill limitation existing separate tax limitations of the county and the townships and intermediate school districts in the county, or when the county board of commissioners resolves to alter or extend within an existing 18 mill limitation existing separate tax limitations of the county and the townships and intermediate school districts in the county, the county board of commissioners shall proceed in the same manner as provided in this act for an original initiatory petition. The county board of commissioners shall notify the persons and bodies having appointive powers under section 5 of the receipt of the petition or the resolution by the county board of commissioners. Those persons and bodies shall select the same persons provided by section 5 for a county tax allocation board to serve as members of a county advisory tax limitation committee that is created. The committee shall meet within 10 days of its selection and shall prepare separate tax limitations for the county and the townships and intermediate school districts in the county, aggregating not more than 18 mills that the majority of the committee considers will provide for the financial needs of the county, townships, and intermediate school districts. The separate tax limitations shall be promptly

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transmitted to the county board of commissioners and the functions of the committee shall then cease. The question shall be submitted to a vote of the registered and qualified electors of the county at the same time as the separate tax limitations proposed by initiatory petitions. The election, determination of results, and procedure after the determination shall be the same as provided in this act for an election held upon original petitions.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1976, Act 339, Imd. Eff. Dec. 15, 1976;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.205/ Separate tax limitations; prior voted millage increases; additional millage increases.

Sec. 5l. The establishment and alteration of separate tax limitations shall not affect prior voted millage increases or the power of a local unit to vote additional millage increases, pursuant to section 3 or other law.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964.

211.205m Repealed. 1994, Act 190, Imd. Eff. June 21, 1994.

Compiler's note: The repealed section pertains to separate millage rates for separate districts.

211.206 County tax allocation board; term; officers; assistance.

Sec. 6. The members of the board selected by the judge or judges of probate shall be selected on or before the second Monday of April in each year, and shall hold office for a term of 1 year. The board shall select 1 of its members as chairperson. The county clerks shall act as clerk of the board, and shall keep a full and accurate record of all its proceedings. The board may employ clerical and other assistance considered necessary.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.206;—Am. 1949, Act 288, Eff. Sept. 23, 1949;—Am. 1964, Act 5, Imd. Eff. Mar. 13, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.207 County tax allocation board; compensation and expenses.

Sec. 7. The members and clerk of the board shall receive the same per diem compensation and actual and necessary traveling expenses as are allowed to members of the board of supervisors of the county. The per diem and mileage of the board, the county clerk when serving as clerk of said board and its members, when certified by the board to the county treasurer, shall be paid from the general fund of the county, and the board of supervisors of the county is hereby authorized and empowered to raise by taxation amounts necessary for such purposes: Provided, however, That no member of the board or the county clerk when serving as clerk of said board shall receive compensation for their services for more than 20 days in any one year unless otherwise authorized by resolution of the board of supervisors.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1941, Act 150, Imd. Eff. May 29, 1941;—Am. 1943, Act 91, Imd. Eff. Apr. 13, 1943;—CL 1948, 211.207;—Am. 1958, Act 7, Imd. Eff. Mar. 6, 1958.

211.208 County tax allocation board; meetings; examination of local records.

Sec. 8. The board shall meet for the purpose of organization on the third Monday in April, 1950, and each year thereafter at the office of the county clerk at 1 p.m. and shall hold meetings thereafter at such times and places as it may deem necessary. The board may act by a majority vote of its members. The board may order any officer or employee of any local unit to appear before it and testify and/or produce books, papers and records of such local unit. The board or its agents shall have the right to examine the books, papers and records of any local unit wherever such documents may be located. It shall be the duty of any officer or employee of any local unit to appear before the board and testify and/or produce books, papers and records of such local unit and/or permit such books, papers and records in his custody to be examined by the board or its agents when so ordered by the board.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.208;—Am. 1949, Act 288, Eff. Sept. 23, 1949.

211.209 Budgets and statements of local units; preparation; form.

Sec. 9. Budgets and statements of local units; preparation. Each local unit as defined in this act shall prepare each year a budget containing an itemized statement of its proposed expenditures and estimated revenues, covering all its departments and activities. Such budget shall cover that fiscal year of the local unit, the expenditures of which year are to be met wholly or partly from the next tax levy. Items of proposed capital outlay, items for the payment of interest and principal on obligations incurred prior to December eighth, 1932, and items for the payment of interest and principal on obligations incurred subsequent to December eighth, 1932, shall be listed separately. Each local unit shall also prepare each year a statement of the total assessed valuation of property located within its area. The board may require of any local unit a summary statement of

its expenditures and revenues for each of the last 2 fiscal years, and a statement of its tax levies and total assessed valuation for such years. The form of such budgets and statements may be prescribed by the state tax commission.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.209.

211.210 Budgets and statements of local units; filing with county tax allocation board.

Sec. 10. Such local unit shall file its budget and statements provided for in the preceding section with the board on or before the third Monday in April of each year. Each local unit which has voted to increase the total tax rate limitation as provided in the last sentence of the first paragraph of section 6 of article 9 of the state constitution shall also file with the board a sworn statement showing the date on which the election was held, the number of votes cast for and the number of votes cast against such increase, the total tax rate limitation voted at such election, and the number of years for which such limitation was voted. If any local unit shall fail to file its budget and statements by such date, the board shall proceed with its duties and act on the basis of such information with respect to such local unit as it may derive from other sources.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.210;—Am. 1949, Act 288, Eff. Sept. 23, 1949;—Am. 1964, Act 278, Eff. Aug. 28, 1964.

211.211 County tax allocation board; powers and duties in determining tax rates.

Sec. 11. (1) The board shall examine the budgets and statements of local units that are filed with it, and shall determine the tax rates, exclusive of debt service tax rates, that are required pursuant to its proposed budget. The board may request additional statements and examine financial records to verify the tax rate request of a local unit. For the purpose of determining its tax rate, a local unit shall submit a statement accounting for the amount of money contained in the budget stabilization fund. In submitting the budget to the board, the amount contained in the budget stabilization fund shall not be a factor used by the board in determination of the tax rate, if that amount does not exceed the permitted level of funding for that fund as provided by law.

(2) If the board finds that the total of all tax rates that are required to be levied on property located within the area of a local unit does not exceed the net limitation tax rate, the board shall approve the tax rates as maximum tax rates, except tax rates required to be determined under subsections (3) to (8).

(3) If the board finds that the total of all tax rates that are required to be levied on property located within the area of a local unit exceeds the net limitation tax rate, the board shall proceed according to subsections (4), (5), and (6).

(4) The board shall approve minimum tax rates for the county if other than a charter county, of 3 mills; for community college districts organized after April 15, 1957, of 1/4 of 1 mill; for intermediate school districts, 1/10 of 1 mill; for townships other than charter townships, of 1 mill; and to a first-class school district to be collected and paid by the school district to the public library commission existing in the district for services of an educational nature rendered by the library to the residents of that school district, of .64 mills. If the community college district votes to increase the total tax limitation as provided in section 6 of article IX of the state constitution of 1963, the board, during the period the increase is in effect, shall not allocate the 1/4 of 1 mill minimum tax rate to the community college district, but the community college district shall raise all of its tax revenues from the amount of increase so voted. A local unit shall not be allowed a tax rate in excess of what is required pursuant to its proposed budget.

(5) The board shall divide the balance of the net limitation tax rate between all local units after due consideration of the needs of the several local units, the importance to the public of functions of local units that may have to be curtailed, the need of local units for construction or repair of public works, the proposed or accomplished transfer of functions from 1 local unit to others, and other facts or matters concerning the operations of local units that the board considers relevant. A local unit shall not be allowed a tax rate in excess of what is required pursuant to its proposed budget. The board shall approve a maximum limitation tax rate to be levied from the tax rate fixed by section 6 of article IX of the state constitution of 1963 without approval of the voters for each local unit consisting of the minimum tax rate, if any, provided in subsection (4), added to the tax rate determined under this subsection.

(6) The board shall approve a maximum tax rate for each local unit that votes to increase the total tax rate limitation as provided in the last sentence of the first paragraph of section 6 of article IX of the state constitution of 1963, and as provided for in this act. The maximum tax rate for each local unit, with other maximum tax rates that may be levied within the area of the local unit, shall not exceed the limitation voted. In approving a maximum limitation tax rate under subsection (5) for the various local units, the board shall not take into consideration any increase of the tax rate limitation voted by a local unit.

(7) The board shall not approve a tax rate for a local unit that does not submit a budget or statements as

required.

(8) The approval by the board of a maximum tax rate for a local unit, which will necessitate a reduction in the total proposed expenditures as listed in the budget of the local unit, shall not be construed as a reduction or elimination of any specific items in the list of proposed expenditures, and the board may not reduce or eliminate those specific items. A local unit, in the budget of which a reduction in the total proposed expenditure is necessitated by the action of the board, or of the state tax commission on an appeal, may revise its budget and amend and alter its tax levy to the extent made necessary by that action. Budgets previously prepared to be met from taxes levied pursuant to this act may likewise be revised.

(9) Beginning in 1994, the number of mills that may be allocated by the board under this section shall be reduced by the number of mills in excess of the mills levied under the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, allocated to a local school district, other than to a first class school district for payment to the public library commission existing in the district, for school district operating purposes in 1993 and the board shall not allocate mills to a local school district for school district operating purposes.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1937, Act 40, Imd. Eff. May 13, 1937;—Am. 1945, Act 158, Imd. Eff. May 16, 1945;—Am. 1947, Act 293, Eff. Oct. 11, 1947;—CL 1948, 211.211;—Am. 1952, Act 87, Eff. Sept. 18, 1952;—Am. 1957, Act 155, Eff. Sept. 27, 1957;—Am. 1959, Act 88, Imd. Eff. June 29, 1959;—Am. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1971, Act 139, Imd. Eff. Sept. 29, 1971;—Am. 1975, Act 102, Imd. Eff. June 3, 1975;—Am. 1978, Act 359, Imd. Eff. July 22, 1978;—Am. 1980, Act 24, Imd. Eff. Mar. 7, 1980;—Am. 1993, Act 314, Eff. Apr. 30, 1994;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.211a Intercounty intermediate school district; maximum tax rate.

Sec. 11a. Notwithstanding any other provision of this act, the county tax allocation board of a county containing other than the greatest part of the area of an intercounty intermediate school district shall approve a maximum tax rate for that district, determined in accordance with section 14a. The provisions of this section shall not result in a grant by an allocation board of a tax rate to the intercounty intermediate school district in excess of the rate required according to its proposed budget.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.212 Tax levies; statement in rates; limits; debt service.

Sec. 12. Tax levies to be in rates. In order that the maximum tax rates ordered by the board and tax levies pursuant thereto may not be invalidated by any process of determination or review of assessments subsequent to the allocation of the net limitation tax rate, all tax levies shall hereafter be made by prescribing the rate of taxes and the sums of money to be raised thereby, which shall be imposed upon property. No such levy shall be a rate in excess of the maximum tax rate ordered by the board or by the state tax commission in case of appeal: Provided, That nothing in this act shall be construed to limit or restrict the power of the state or local units to make tax levies separately in excess of such maximum tax rates for the purpose of payment of interest and principal on obligations incurred prior to December eighth, 1932.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 161, Imd. Eff. May 16, 1945;—CL 1948, 211.212.

Compiler's note: Former section 13 of this act, providing for equalization of assessments by state and counties, was repealed by Act 161 of 1945.

211.214 District located in more than 1 county; establishment of rate; notice.

Sec. 14. If an intermediate school district is located in 2 or more counties, the chairperson of the allocation board of the county in which the greatest part of the area of the intermediate school district is located, immediately upon the making of the final order approving a maximum tax rate for each local unit in the county, shall notify the chairpersons of the allocation boards of the counties in which other portions of the intermediate school district are located. The notice shall set forth the maximum tax rate approved by the allocation board for the purposes of the intermediate school district.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.214;—Am. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.214a District located in more than 1 county; establishment of rates in all counties; proposed budget.

Sec. 14a. (1) The allocation board of a county in which other than the greatest part of the area of an intercounty intermediate school district is located shall remain in session to receive the notice. If the notice indicates that a higher rate was approved for the intermediate school district by the allocation board of the county in which the greatest part of the intermediate school district is located, the allocation board of any

county that has adopted a lower rate shall change it to the rate approved by the allocation board of the county in which the greatest part of the area of the intermediate school district is located.

(2) The allocation board of a county containing other than the greatest part of the area of an intercounty intermediate school district shall adopt a maximum rate for the intermediate school district that is not less than the separate tax rate for the intermediate school district adopted by the qualified electors of the county containing the greatest part of the area of the intermediate school district, if there has been a vote. Notwithstanding any other provision of this act, an intermediate school district shall not be allowed a tax rate in excess of the rate required according to its proposed budget.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

211.215 County tax allocation board; maximum tax rate; final hearing; redetermination.

Sec. 15. In each year, on the third Monday of May, the board shall make a preliminary order approving a maximum tax rate for the purposes of each local unit and shall give written notice of such order to each local unit. At the same time the board shall give to each local unit written notice of the time and place for final hearing before the board on the maximum tax rate of such local unit, which shall not be less than 8 nor more than 12 days thereafter. At such final hearing any local unit may object by its duly authorized officers or agents to the maximum tax rate as ordered by the board and request a redetermination thereof.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.215;—Am. 1949, Act 288, Eff. Sept. 23, 1949;—Am. 1955, Act 17, Imd. Eff. Mar. 29, 1955;—Am. 1961, Act 159, Eff. Sept. 8, 1961;—Am. 1962, Act 149, Eff. Mar. 28, 1963.

211.216 Final order approving maximum tax rate; time; notice; certification of tax levy.

Sec. 16. Within 5 days after the final hearing for each local unit, but not later than the second Monday in June, the board shall make a final order approving a maximum tax rate for the purposes of the local unit and shall give written notice of such order to the local unit. A local unit, required by law or city charter, to certify its tax levy for apportionment prior to the second Monday in June may, any such law or charter to the contrary notwithstanding, certify its tax levy on or before the Wednesday following the second Monday in June.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.216;—Am. 1955, Act 17, Imd. Eff. Mar. 29, 1955;—Am. 1973, Act 33, Imd. Eff. June 14, 1973.

211.217 Orders of board; appeal to state tax commission; judicial review.

Sec. 17. Within 15 days after the giving of notice of such final order any aggrieved local unit may appeal in writing to the state tax commission. The commission shall give at least 10 days' written notice to all interested parties of the time and place for a hearing on such appeal, and at the hearing shall give all such parties an opportunity to be heard. The commission shall apply the method provided in section 11 for the division of the net limitation tax rate, and if it finds a material mistake of fact, fraud or an error of law in the proceedings under this act, may make an order increasing or decreasing the maximum tax rate of any local unit as ordered by the board, and adjusting the tax rates of other local units affected by such action. The commission shall give written notice of its order to all interested parties within 15 days after such hearing. The order of the commission, or of the board in case of no appeal, shall be final and shall not be reviewable in any court by mandamus, certiorari, appeal or any other method of direct or collateral attack, nor shall any court of this state issue any injunction to prohibit the carrying out of any order made under this act.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—CL 1948, 211.217;—Am. 1964, Act 278, Eff. Aug. 28, 1964.

211.217a State tax commission's orders; intercounty intermediate school district; increase or decrease of tax rates.

Sec. 17a. If the order of the state tax commission increases or decreases the maximum tax rate of an intercounty intermediate school district and if the greatest part of the area of the district is affected by the order, the commission shall promptly proceed to assure that the tax rate available for the district's purposes in counties in which its other areas are located is likewise increased or decreased.

History: Add. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1994, Act 190, Imd. Eff. June 21, 1994.

Compiler's note: Former section 18 of this act, a procedural provision, was repealed by Act 30 of 1934. Former sections 19 and 20 of this act, severability and repeal provisions, were repealed by Act 129 of 1947.