

1998 PUBLIC AND LOCAL ACTS

[No. 548]

(SB 1370)

AN ACT to amend 1990 PA 100, entitled "An act to permit the imposition, revival, and continued collection by cities of a population of 1,000,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals," by amending the title and section 2 (MCL 141.1152).

The People of the State of Michigan enact:

TITLE

An act to permit the imposition, revival, and continued collection by cities of a population of 750,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals.

141.1152 Uniform city utility users tax ordinance; authorization; adoption; rescission; amendment; notice; report; use of revenue; excess funds; noncompliance. [M.S.A. 5.3188(252)]

Sec. 2. (1) The governing body of a city having a population of 750,000 or more, by a lawfully adopted ordinance that incorporates by reference the uniform city utility users tax ordinance set forth in chapter 2, may levy, assess, and collect from those users in that city a utility users tax as provided in the ordinance. However, a uniform city utility users tax ordinance containing substantially the same provisions provided for in chapter 2 adopted by the governing body of a city before June 13, 1990 that has not been rescinded by that governing body is considered an ordinance adopted under this act and a tax imposed and collected under that ordinance is revived. The governing body shall set the rate of tax in increments of 1/4 of 1% that shall not exceed 5%.

(2) A uniform city utility users tax ordinance may be lawfully adopted or rescinded by the governing body at any time and its adoption shall become effective on the first day of any month, following adoption of the ordinance, as specified in the ordinance. The ordinance may be rescinded at any time by the governing body in the same manner in which the ordinance was adopted and with appropriate enforcement, collection, and refund provisions with respect to liabilities incurred before the effective date of its rescission. The ordinance shall not be amended except as provided by the legislature. A village and a city under 750,000 population shall not impose and collect a utility users tax. A city that adopts or rescinds the tax shall notify within 7 days by certified mail all public utilities or resale customers affected by the action of the governing body. Except as otherwise provided in this section, a city now having or that may attain a population of 750,000 or more shall not impose a utility users tax except by adopting the entire uniform city utility users tax ordinance as set forth in chapter 2.

(3) The administrator, as that term is defined in chapter 2, of the tax shall file a report indicating the total amount of revenue collected in the prior fiscal year with the state revenue commissioner by August 1 of each year, beginning on August 1, 1985. The administrator shall make the report available to the public at the same time.

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(4) The first \$45,000,000.00 of revenue generated from this tax shall be used exclusively to retain or hire police officers.

(5) If the amount of revenue collected in a fiscal year is in excess of \$45,000,000.00 and if the amount of excess funds collected equals or exceeds 5% of \$45,000,000.00, the city shall comply with 1 of the following:

(a) The rate of tax imposed for the following fiscal year shall be lowered in decrements of 1/4 of 1% for each full 5% collected in excess of \$45,000,000.00. By August 1 of a fiscal year following a fiscal year in which the amount of revenue collected was in excess of \$45,000,000.00, the city shall notify by certified mail each collector of the tax subject to this act and the state revenue commissioner of the rate of tax to be applied. The rate shall become effective for bills issued beginning October 1 of a fiscal year following a fiscal year in which the amount of revenue collected was in excess of \$45,000,000.00. If the tax expires, an adjustment shall not be made for an excess or deficiency in collections for a fiscal year or other period not already adjusted pursuant to this section.

(b) The amount collected in excess of \$45,000,000.00 shall be dedicated and used exclusively to hire and retain additional police officers over the level of police officers employed on November 1, 1984. The hiring and retaining of additional police shall be limited to police officers, investigators, and police sergeants. The governing body or any other official of the city shall not intentionally lay off any police officers in anticipation of rehiring the officers with the additional revenue from this tax nor shall the general fund contribution towards the police budget be reduced from the prior year.

(6) If a city fails to comply with subsection (5) by August 1 in any fiscal year following a fiscal year in which the amount of revenue is in excess of \$45,000,000.00, the state revenue commissioner shall implement the provisions of subsection (5)(a).

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5391 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved January 19, 1999.

Filed with Secretary of State January 20, 1999.

Compiler's note: House Bill No. 5391, referred to in enacting section 1, was filed with the Secretary of State January 5, 1999, and became P.A. 1998, No. 500, Eff. Jan. 12, 1999.
