

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5105

A bill to amend 1964 PA 284, entitled
"City income tax act,"
by amending section 3 of chapter 1 (MCL 141.503), as amended by
1998 PA 500.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER 1

Sec. 3. (1) The governing body of a city, by a lawfully
adopted ordinance that incorporates by reference the uniform city
income tax ordinance set forth in chapter 2, may levy, assess, and
collect an excise tax on income as provided in the ordinance. The
ordinance shall state the rate of the tax which shall be the rate
authorized by 1 of the following:

(a) The uniform city income tax ordinance under section 11 of

1 chapter 2.

2 (b) Subsection (2).

3 (c) Section 3a, 3b, or 3c of this chapter.

4 (2) Except as otherwise provided in subsections (3), (4), and
5 (5), in a city with a population of more than 750,000, the
6 governing body may levy and collect a tax at a rate to be
7 determined from time to time, that rate to be not more than 2% on
8 corporations and the following maximum tax rates on resident
9 individuals and nonresident individuals for the following years:

10 (a) Before July 1, 1999, 3.00% on resident individuals and
11 1.50% on nonresident individuals.

12 (b) Beginning July 1, 1999 and each July 1 after 1999, **EXCEPT**
13 **FOR 2008 AND 2009**, the maximum tax rate under this subsection on
14 resident individuals shall be reduced by 0.1 until the rate on
15 resident individuals is 2.0%. The tax rate imposed on nonresident
16 individuals shall be 50% of the tax rate imposed on resident
17 individuals each year.

18 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR**
19 **THE 2008 AND 2009 CALENDAR YEARS, THE CITY SHALL IMPOSE THE SAME**
20 **TAX RATE ON RESIDENT INDIVIDUALS AND NONRESIDENT INDIVIDUALS AS THE**
21 **CITY HAD IMPOSED FOR THE 2007 CALENDAR YEAR.**

22 (3) If any 3 of the following conditions exist in a city with
23 a population of 750,000 or more, the city may apply to the state
24 administrative board for certification that those conditions exist
25 and the maximum tax rate under subsection (2)(b) shall not be
26 further reduced as provided in subsections (4) and (5):

27 (a) Funds have been withdrawn from the city's budget

1 stabilization fund for 2 or more consecutive city fiscal years or
2 there is a balance of zero in the city's budget stabilization fund.

3 (b) The city's income tax revenue growth rate is 0.95 or less.

4 (c) The local tax base growth rate is 80% or less of the
5 statewide tax base growth rate.

6 (d) The city's unemployment rate is 10% or higher according to
7 the most recent statistics available from the Michigan jobs
8 commission.

9 (4) If the state administrative board certifies within 60 days
10 of application that any 3 of the conditions set forth under
11 subsection (3) are met, the maximum tax rate under subsection (2)
12 shall not be further reduced from the date of the state
13 administrative board's certification until the July 1 following the
14 expiration of 1 year after the state administrative board's
15 certification unless the city applies for certification that the
16 conditions continue to exist. Before the expiration of the
17 certification, the city may apply to the state administrative board
18 to certify that the conditions continue to exist and if the state
19 administrative board so certifies, the certification may continue
20 until the July 1 following the expiration of 1 year after the state
21 administrative board's certification that the conditions continue
22 to exist. The city may continue to apply for certification until
23 the conditions under subsection (3) no longer exist.

24 (5) Notwithstanding any other provision of this section, if on
25 July 1 the maximum tax rate on resident individuals is reduced
26 under subsection (2) after a year or years in which the maximum tax
27 rate was not reduced because of subsections (3) and (4), the

1 maximum tax rate on resident individuals shall be the maximum tax
2 rate in effect on June 30 of that year reduced by 0.1 and the rate
3 on nonresident individuals shall be 50% of the rate imposed on
4 resident individuals. On each subsequent July 1, subsection (2)
5 applies to the maximum tax rates, subject to subsections (3) and
6 (4).

7 (6) The governing body of a city may adopt the uniform city
8 income tax ordinance with the alternative sections as set forth in
9 chapter 3 instead of the similarly numbered sections as set forth
10 in chapter 2. The uniform city income tax ordinance may be lawfully
11 adopted or rescinded by the governing body at any time. The
12 adoption of an ordinance is effective on and after January 1 or
13 July 1 following adoption of the ordinance, as specified in the
14 ordinance, but an ordinance shall not become effective earlier than
15 45 days after adoption or until approved by the electors if a
16 referendum petition is filed as authorized in this act or a
17 referendum is otherwise required. The rescission of an ordinance
18 shall become effective on the following December 31. The ordinance
19 may be rescinded at any time by the governing body in the same
20 manner in which it was adopted and with appropriate enforcement,
21 collection, and refund provisions with respect to liabilities
22 incurred prior to the effective date of the rescission of the
23 ordinance. The ordinance shall not be amended except as provided by
24 the legislature. A city may amend the ordinance to change the tax
25 rate to a rate authorized by this act.

26 (7) Petitions for a referendum election on the question of
27 adopting an ordinance adopted by the governing body may be filed

1 with the city clerk not later than the sixth Monday following the
2 adoption of the ordinance. The petitions shall be signed by a
3 number of registered electors of the city equal to at least 10%,
4 but not more than 20%, of the registered electors of the city
5 voting in the last general municipal election prior to the adoption
6 of the ordinance by the governing body. If proper petitions are
7 filed, the question of adopting the ordinance shall be submitted by
8 the governing body to the city electors at the next primary or
9 general election or at a special election called for the purpose,
10 in any case held not less than 45 days nor more than 90 days after
11 the clerk has reported the filing of the referendum petition to the
12 city's governing body. The checking of names on the petitions, the
13 counting, canvassing, and return of the votes on the question, and
14 other procedures for the election shall be as provided by law or
15 charter. Upon a favorable vote of the city electors, the ordinance
16 shall be effective as specified in the ordinance which may be
17 amended by the governing body of the city following the election to
18 specify July 1 or January 1 as the effective date of the ordinance,
19 if the effective date originally specified in the ordinance is
20 considered impractical or inconvenient for any reason. The
21 provisions in this section for a referendum election, and for
22 delaying the effective date of the ordinance if petitions for a
23 referendum are filed, are not applicable to a city that on January
24 1, 1964 had in effect a valid ordinance levying and imposing an
25 excise tax levied on or measured by income. Notwithstanding any
26 other provision of this act, if an ordinance becomes effective on
27 any date other than January 1, each tax year shall end on December

1 31, and the provisions of the ordinance based on a full tax year
2 are modified accordingly to be applicable to the partial tax year.

3 (8) The city shall annualize the rates under this section as
4 necessary.

5 (9) As used in this section:

6 (a) "Consumer price index" means the Detroit consumer price
7 index for all urban consumers as defined and reported by the United
8 States department of labor, bureau of labor statistics, and as
9 certified by the state treasurer.

10 (b) "Income tax revenue growth rate" means a number the
11 numerator of which is the income tax collections of the city for
12 the city fiscal year immediately preceding the city's application
13 under subsection (3) and the denominator of which is the product of
14 the income tax collections of the city for the city fiscal year
15 immediately preceding the city fiscal year used to determine the
16 numerator multiplied by 1 plus the corresponding percentage change
17 in the average consumer price index for the calendar year ending in
18 the city fiscal year used to determine the numerator.

19 (c) "Local tax base growth rate" means the total taxable value
20 of real property and personal property in the city for the most
21 recent year for which data is available divided by the total
22 taxable value of real property and personal property in the city
23 for the second year immediately preceding the most recent year for
24 which the data is available.

25 (d) "Statewide tax base growth rate" means the total taxable
26 value of real property and personal property in the state for the
27 most recent year for which the data is available divided by the

- 1 total taxable value of real property and personal property in the
- 2 state for the second year immediately preceding the most recent
- 3 year for which the data is available.