



# HOUSE BILL No. 4214

February 11, 1993, Introduced by Reps. Walberg, Nye, Johnson, Weeks, Kaza and Dobb and referred to the Committee on Education.

A bill to amend section 1613 of Act No. 451 of the Public Acts of 1976, entitled as amended  
"The school code of 1976,"  
as added by Act No. 333 of the Public Acts of 1982, being section 380.1613 of the Michigan Compiled Laws.

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

1 Section 1. Section 1613 of Act No. 451 of the Public Acts  
2 of 1976, as added by Act No. 333 of the Public Acts of 1982,  
3 being section 380.1613 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 1613. (1) By adoption of a resolution of its board  
6 before February 1, 1983, or before January 1 in any year  
7 ~~thereafter~~ AFTER 1983, a school district or intermediate school  
8 district may determine to impose a summer property tax levy,

1 which resolution by its terms may be applicable until revoked by  
2 the board of the school district or intermediate school district  
3 or for levies in any year specified ~~therein~~ IN THE RESOLUTION.  
4 For each year such a resolution applies, the SUPERINTENDENT OF  
5 THE school district or intermediate school district that has  
6 adopted the resolution shall request ~~, before February 1, 1983~~  
7 ~~or before January 1 in any year thereafter,~~ each city and  
8 township in which it is located to agree to collect the summer  
9 levy in that year of either the total or 1/2, as specified in the  
10 resolution, of the school property taxes. THE SCHOOL DISTRICT OR  
11 INTERMEDIATE SCHOOL DISTRICT IS NOT REQUIRED TO TAKE ANY FORMAL  
12 ACTION FOR THE SUPERINTENDENT'S REQUEST TO BE EFFECTIVE. Notice  
13 of the meeting of the respective school district board or inter-  
14 mediate school district board at which this resolution will be  
15 offered for adoption shall be published by the district ~~---~~ not  
16 less than 6 days before holding the meeting ~~---~~ in a newspaper of  
17 general circulation in the school district or intermediate school  
18 district. This notice shall specify the time, date, and place of  
19 the public meeting, shall be not less than 8 vertical inches and  
20 4 horizontal inches, shall be in not less than 12-point type,  
21 shall be preceded by a headline in not less than 18-point type  
22 stating "Notice of a public meeting to institute a summer prop-  
23 erty tax levy", shall contain a concise statement of the contents  
24 and purpose of the proposed resolution, and shall not be placed  
25 in that portion of the newspaper reserved for legal notices and  
26 classified advertisements. Upon receipt of the request, the  
27 governing body of the city or township shall negotiate the

1 reasonable expenses for collection of the school district's or  
2 intermediate school district's summer property tax levy that the  
3 city or township may bill under section 1611 or 1612. If a city  
4 or township and the school district or intermediate school dis-  
5 trict reach an agreement within 30 days of receipt of the  
6 district's request for the collection of the district's summer  
7 property tax levy, including an agreement to the amount of rea-  
8 sonable expenses that the city or township may bill under section  
9 1611 or 1612, section 1611 ~~shall govern~~ GOVERNS the other terms  
10 of a city's agreement and section 1612 ~~shall govern~~ GOVERNS the  
11 other terms of a township's agreement.

12 (2) If a city or township and the school district or inter-  
13 mediate school district fail to reach an agreement pursuant to  
14 subsection (1) for the collection of the summer property tax levy  
15 of a school district or intermediate school district subject to  
16 subsection (3), the school district or intermediate school dis-  
17 trict then may negotiate ~~—~~ until April 1 ~~—~~ a proposed agree-  
18 ment with the county treasurer to collect its summer property tax  
19 levy against property located in that city or township. If a  
20 proposed agreement with the county treasurer has not been reached  
21 by April 1, the school district or intermediate school district  
22 may determine to serve as the property tax collecting unit and  
23 collect its own summer property tax levy against property in that  
24 city or township.

25 (3) If ~~—~~ pursuant to subsection (2) ~~—~~ the school dis-  
26 trict or intermediate school district has determined to collect  
27 its own summer property tax levy or has reached a proposed

1 agreement with a county treasurer on the collection of its summer  
2 property tax levy against property located in a city or township  
3 with which an agreement to collect this levy could not be made  
4 pursuant to subsection (1), the school district shall notify by  
5 April 15 that city or township of the terms of the statement  
6 required by subsection (4)(b) and the city or township ~~shall~~  
7 ~~have~~ THEN HAS 15 days in which to exercise an option to collect  
8 the school district's or intermediate school district's summer  
9 property tax levy pursuant to the terms of section 1611 or 1612.

10 (4) Collection of all or part of a school district's or  
11 intermediate school district's property tax levy by a county  
12 treasurer or by the school district or intermediate school dis-  
13 trict shall comply with all of the following:

14 (a) Collection shall be either 1/2 or the total of the prop-  
15 erty tax levy against the properties, as specified for that year  
16 in the resolution of the district.

17 (b) The actual cost of the collection ~~which~~ THAT the  
18 school district or intermediate school district has agreed to  
19 incur itself or to pay the county treasurer that is in addition  
20 to any fees imposed pursuant to subdivision (g), and the aggre-  
21 gate amount of costs of collection the district has agreed to  
22 incur or the county treasurer may receive from district payments  
23 and from fees and charges imposed pursuant to subdivision (g)  
24 shall be stated in writing and reported to the state treasurer.

25 (c) Before June 30 the county treasurer or, if the district  
26 is collecting its own summer property tax levy, the treasurer of  
27 the school district or intermediate school district shall spread

1 the taxes being collected in terms of millages on the assessment  
2 roll, assess the amount of tax levied in proportion to the state  
3 equalized valuation, and prepare a tax roll ~~which~~ THAT commands  
4 the appropriate treasurer to collect on July 1 the taxes indi-  
5 cated as due on the tax roll.

6 (d) Taxes authorized to be collected ~~shall~~ become a lien  
7 against the property on which assessed ~~—~~ and BECOME due from  
8 the owner of that property ~~—~~ on July 1.

9 (e) Taxes shall be collected on or before September 14 and  
10 all taxes and interest imposed pursuant to subdivision (f) THAT  
11 ARE unpaid before March 1 shall be returned as delinquent on  
12 March 1. Taxes delinquent under this subdivision shall be col-  
13 lected pursuant to THE GENERAL PROPERTY TAX ACT, Act No. 206 of  
14 the Public Acts of 1893, as amended, BEING SECTIONS 211.1 TO  
15 211.157 OF THE MICHIGAN COMPILED LAWS.

16 (f) Interest shall be added to taxes collected after  
17 September 14 at ~~that~~ THE rate imposed by section 59 of Act No.  
18 206 of the Public Acts of 1893, being section 211.59 of the  
19 Michigan Compiled Laws, on delinquent property tax levies ~~which~~  
20 THAT became a lien in the same year.

21 (g) All or a portion of fees or charges, or both, authorized  
22 under section 44 of Act No. 206 of the Public Acts of 1893,  
23 being section 211.44 of the Michigan Compiled Laws, may be  
24 imposed on taxes paid before March 1 and shall be retained by the  
25 treasurer actually performing the collection of the summer prop-  
26 erty tax levy of the school district or intermediate school

1 district, regardless of whether all or part of these fees or  
2 charges, or both, have been waived by the township or city.

3 (5) An agreement for the collection of a summer property tax  
4 levy of a school district or intermediate school district with a  
5 county treasurer shall include a schedule for delivering collec-  
6 tions to the school district or intermediate school district.

7 (6) To the extent applicable and consistent with the  
8 requirements of this section, ~~the provisions of~~ Act No. 206 of  
9 the Public Acts of 1893 ~~, shall apply~~ APPLIES to proceedings in  
10 relation to the assessment, spreading, and collection of taxes  
11 pursuant to this section. Additionally, in relation to the  
12 assessment, spreading, and collection of taxes pursuant to this  
13 section, the county treasurer or, if the district is collecting  
14 its own summer property tax levy, the treasurer of the school  
15 district or intermediate school district ~~shall have~~ HAS powers  
16 and duties similar to those prescribed by Act No. 206 of the  
17 Public Acts of 1893 ~~, for township supervisors, township~~  
18 clerks, and township treasurers. However, this section ~~shall~~  
19 DOES not ~~be considered to~~ transfer any authority over the  
20 assessment of property.

21 (7) If a county treasurer or the treasurer of a school dis-  
22 trict or intermediate school district collects the summer prop-  
23 erty tax levy of the district, the township or city shall deliver  
24 by June 1 a certified copy of the assessment roll containing  
25 state equalized valuations for each parcel of taxable property in  
26 the township or city to the treasurer collecting the summer  
27 property tax levy of the school district or intermediate school

1 district. The county treasurer or the treasurer of a school  
2 district or intermediate school district receiving this certified  
3 copy of the assessment roll shall remit the necessary cost inci-  
4 dent to the reproduction of the assessment roll to the township  
5 or city.

6 (8) A county treasurer or treasurer of a school district or  
7 intermediate school district collecting taxes pursuant to this  
8 section shall be bonded for tax collection in the same amount and  
9 in the same manner as a township treasurer would be for undertak-  
10 ing the duties prescribed by this section.

11 (9) An agreement for the collection of a summer property tax  
12 levy between a school district or intermediate school district  
13 and a county may cover summer collections for 2 years. If an  
14 agreement covers summer collections for 2 years, the resolution  
15 and request required by subsection (1), the notice required by  
16 subsection (2), and the option to reconsider provided by subsec-  
17 tion (3) ~~shall~~ DO not apply for summer collections in the  
18 second year.

19 (10) If collections are made pursuant to this section by a  
20 county treasurer or by the treasurer of a school district or  
21 intermediate school district, all payments from a school district  
22 or intermediate school district for collecting its summer prop-  
23 erty tax levy and all revenues generated from collection fees  
24 shall be deposited, when received or collected, in a current  
25 school tax collection fund, which fund shall be used by the  
26 county treasurer or treasurer of the school district or  
27 intermediate school district to pay for the cost of collecting

1 the district's summer property tax levy. The current school tax  
2 collection fund shall be segregated from all other funds and once  
3 the current school tax collection fund has been established money  
4 shall not be withdrawn except upon an order, check, or draft of  
5 the collecting treasurer for the purpose of paying 1 or more of  
6 the following costs:

7 (a) The cost of special deputy treasurers and equipment  
8 directly involved in the collection of current property taxes.

9 (b) The cost of all services determined necessary by the  
10 collecting treasurer to collect the summer property tax levy of  
11 the school district or intermediate school district.

12 (c) The contract payments to any person, firm, or corpora-  
13 tion employed by the collecting treasurer to assist in the col-  
14 lection of the current property taxes.

15 (11) All surplus money in a current school tax collection  
16 fund shall be invested by the collecting treasurer in any invest-  
17 ment authorized by Act No. 20 of the Public Acts of 1943, being  
18 sections 129.91 to ~~129.93~~ 129.94 of the Michigan Compiled  
19 Laws. The county treasurer and the treasurer of a school dis-  
20 trict or intermediate school district shall publish ~~—~~ on March  
21 1 of the year after the treasurer first collects the summer prop-  
22 erty tax levy of a school district or intermediate school dis-  
23 trict and each year thereafter ~~—~~ an annual report on the status  
24 of the fund for the ~~last~~ IMMEDIATELY PRECEDING year ending  
25 December 31. The report shall show the total charges, expenses,  
26 and year-end surplus.



1 (12) Money in the current school tax collection fund shall  
2 not be transferred to the general fund of the county, school  
3 district, or intermediate school district or made the subject of  
4 appropriation by the county, school district, or intermediate  
5 school district. Any surplus in a current school tax collection  
6 fund shall be used by the county treasurer, school district trea-  
7 surer, or intermediate school district treasurer to reduce the  
8 following costs for the next summer property tax levy of a school  
9 district or intermediate school district that is collected by the  
10 county treasurer, school district treasurer, or intermediate  
11 school district treasurer:

12 (a) The costs of collection, in excess of fees and charges,  
13 incurred or paid pursuant to subsection (4)(b).

14 (b) The fees and charges imposed pursuant to subsection  
15 (4)(g).

16 (13) A city treasurer, township treasurer, county treasurer,  
17 school district treasurer, or intermediate school district trea-  
18 surer that collects pursuant to this section, section 1611, or  
19 section 1612 the summer property tax levy of a school district or  
20 intermediate school district against property eligible for a  
21 deferral of summer property taxes under section 51 of Act No.  
22 206 of the Public Acts of 1893, being section 211.51 of the  
23 Michigan Compiled Laws, and, if not otherwise eligible for defer-  
24 ral ~~thereunder~~ UNDER THAT SECTION, against property classified  
25 as agricultural real property if the gross receipts of the agri-  
26 cultural or horticultural operations in the ~~previous~~  
27 IMMEDIATELY PRECEDING year or the average gross receipts of such

1 operations in the ~~previous~~ IMMEDIATELY PRECEDING 3 years are  
2 not less than the household income of the owner in the ~~previous~~  
3 IMMEDIATELY PRECEDING year shall defer the collection of these  
4 summer property taxes without penalty or interest until the fol-  
5 lowing February 15 upon a filing by the taxpayer of an intent to  
6 defer with the property tax collecting treasurer in the same  
7 manner as provided by section 51 of Act No. 206 of the Public  
8 Acts of 1893. The treasurer of a city, township, school dis-  
9 trict, intermediate school district, or county who collects the  
10 summer property tax levy of a school district or intermediate  
11 school district also shall comply with the publication and  
12 assistance requirements of section 51 of Act No. 206 of the  
13 Public Acts of 1893 ~~—~~ with respect to property eligible for a  
14 deferral under this subsection.