



HOUSE BILL No. 5527

May 4 1994 Introduced by Reps Martin McBryde McNutt and Kukuk and referred to the Committee on Taxation

A bill to amend sections 10f, 44, 51 56, 59 60, 61, 87b, 89 and 107 of Act No 206 of the Public Acts of 1893, entitled as amended

The general property tax act, ' section 10f as added by Act No 223 of the Public Acts of 1986, section 44 as amended by Act No 124 of the Public Acts of 1989, section 51 as amended by Act No 97 of the Public Acts of 1992, sections 56 and 107 as amended by Act No 539 of the Public Acts of 1982, section 59 as amended by Act No 254 of the Public Acts of 1983, sections 60 and 61 as amended by Act No 291 of the Public Acts of 1993, section 87b as amended by Act No 264 of the Public Acts of 1984, and section 89 as amended by Act No 503 of the Public Acts of 1982, being sections 211 10f, 211 44, 211 51, 211 56, 211 59, 211 60, 211 61, 211 87b, 211 89, and 211 107 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 10f, 44, 51, 56, 59, 60, 61 87b, 89,
2 and 107 of Act No 206 of the Public Acts of 1893, section 10f as
3 added by Act No 223 of the Public Acts of 1986, section 44 as
4 amended by Act No 124 of the Public Acts of 1989, section 51 as
5 amended by Act No 97 of the Public Acts of 1992, sections 56 and
6 107 as amended by Act No 539 of the Public Acts of 1982,
7 section 59 as amended by Act No 254 of the Public Acts of 1983,
8 sections 60 and 61 as amended by Act No 291 of the Public Acts
9 of 1993 section 87b as amended by Act No 264 of the Public Acts
10 of 1984, and section 89 as amended by Act No 503 of the Public
11 Acts of 1982 being sections 211 10f 211 44 211 51 211 56,
12 211 59 211 60, 211 61, 211 87b 211 89, and 211 107 of the
13 Michigan Compiled Laws, are amended to read as follows

14 Sec 10f (1) If a local assessing district does not have
15 an assessment roll ~~which~~ THAT has been certified by a qualified
16 certified assessing officer the state tax commission shall
17 assume jurisdiction over the assessment roll and provide for the
18 preparation of a certified roll The STATE TAX commission may
19 order the county tax or equalization department to prepare the
20 roll may provide for the use of state employees to prepare the
21 roll or may order the local assessing unit to contract with a
22 commercial appraisal firm to conduct an appraisal of the property
23 in the assessing unit under the supervision of the county tax or
24 equalization department and the commission The LOCAL ASSESSING
25 DISTRICT SHALL PAY THE costs of an appraisal and the preparation
26 of the roll by the county tax or equalization department or by

1 the STATE TAX commission ~~shall be paid by the local assessing~~
2 ~~district~~ as provided by section 10d The STATE TAX commission
3 shall consider the quality of the tax maps and appraisal records
4 required by section 10e as part of its investigation of the facts
5 before ordering the local assessing unit to contract for an
6 appraisal

7 (2) If a certified assessment roll cannot be provided in
8 sufficient time for a summer tax levy, or for the annual levy on
9 December 1, the STATE TAX commission shall order the levy of
10 interim taxes based on the state equalized valuations of individ-
11 ual properties as determined by the STATE TAX commission sitting
12 as the state board of equalization, apportioned to the local
13 assessing unit by the county board of commissioners and appor-
14 tioned to each property in proportion to the assessed valuations
15 entered in the current uncertified assessment roll If there is
16 no current assessment roll, the STATE TAX commission shall sub-
17 stitute the latest complete assessment roll for the current roll
18 for the interim tax levy The payment of a tax levied as an
19 interim tax levy shall not constitute a final and ultimate dis-
20 charge of the taxpayer s liability for the tax levied against
21 that property An interim tax levy made pursuant to this subsec-
22 tion shall be clearly labeled as an "interim tax levy subject to
23 adjustment after an assessment roll is certified"

24 (3) Within 30 days after the final determination by the
25 STATE TAX commission of the assessed valuations for each individ-
26 ual property listed on the assessment roll, the STATE TAX
27 commission shall cause to be mailed a notice of the new

1 assessment to each owner An owner ~~has the right to~~ MAY
2 petition the MICHIGAN tax tribunal directly for a hearing on the
3 assessed valuation within 30 days after the date of the notice in
4 the ~~same~~ manner ~~as~~ provided under section 35 of THE TAX TRI-
5 BUNAL ACT, Act No 186 of the Public Acts of 1973, being section
6 205 735 of the Michigan Compiled Laws The notice shall specify
7 each parcel of property, the assessed valuation for the year, the
8 assessed valuation for the previous year, the state equalized
9 valuation for the previous year, the tentative equalized valua-
10 tion for the year, the net change in the assessed valuation, and
11 the net change between the tentative equalized valuation for the
12 year and the state equalized valuation for the previous year
13 The notice shall ~~also~~ include a statement informing the owner
14 that an appeal of the assessment must be made within 30 days of
15 the date of the assessment notice directly to the Michigan tax
16 tribunal and shall ALSO include information on how and where ~~an~~
17 TO appeal ~~can be made~~

18 (4) After the final determination of the equalized assessed
19 valuations by the STATE TAX commission, the assessing officer ~~—~~
20 or, if there is no assessing officer, ~~by~~ an agent designated by
21 the commission ~~—~~ shall determine the difference in tax if any,
22 between the interim levy and a levy made on the equalized
23 assessed valuations as finally determined by the commission,
24 which may be referred to as the "final levy" The final levy
25 shall be at the rates which were approved and ordered spread for
26 the year in which there was not a certified assessment roll

1 (5) A difference in the tax determined in subsection (4)
2 shall be reported to the county board of commissioners, which
3 shall order that additional taxes or credits against individual
4 properties ~~shall~~ be added to or subtracted from the next suc-
5 ceeding annual tax roll ~~, together with a proportionate share~~
6 ~~of a property tax administration fee, if a fee is charged, appli-~~
7 ~~cable to the difference~~

8 (6) Additional taxes collected or credits against tax
9 liability made under this section shall be shared by taxing units
10 in the respective proportions they share the revenue received
11 from the final levy

12 (7) The STATE TAX commission shall render technical assist-
13 ance when necessary to implement the provisions of this section

14 (8) The STATE TAX commission shall provide the MICHIGAN tax
15 tribunal with a certified copy of its orders and a copy of each
16 final determination made under this section

17 Sec 44 (1) Upon receipt of the tax roll the township
18 treasurer or other collector shall proceed to collect the taxes
19 The township treasurer or other collector shall mail to each tax-
20 payer at the taxpayer s last known address on the tax roll, or to
21 the taxpayer's designated agent a statement showing the descrip-
22 tion of the property against which the tax is levied, the
23 assessed valuation of the property, THE STATE EQUALIZED VALUATION
24 OF THE PROPERTY, and the amount of the tax on the property ~~The~~
25 ~~tax statement shall set forth the state equalized valuation~~ If
26 a tax statement is mailed to the taxpayer, a tax statement sent
27 to a taxpayer's designated agent may be in a summary form or may

1 be in an electronic data processing format If the tax statement
2 information is provided to both a taxpayer and the taxpayer's
3 designated agent the tax statement mailed to the taxpayer may be
4 identified as an informational copy A township treasurer or
5 other collector electing to send a tax statement to a taxpayer's
6 designated agent or electing not to include an itemization in the
7 manner described in subsection ~~(9)(c)~~ (8)(C) in a tax statement
8 mailed to the taxpayer shall upon request mail a detailed copy
9 of the tax statement, including an itemization of the amount of
10 tax in the manner described by subsection ~~(9)(c)~~ (8)(C) to the
11 taxpayer without charge, as previously required by this section

12 (2) The expense of preparing and mailing the statement shall
13 be paid from the county township, city, or village funds
14 Failure to send or receive the notice shall not prejudice the
15 right to collect or enforce the payment of the tax The township
16 treasurer shall remain in the office of the township treasurer at
17 some convenient place in the township on each Friday in the month
18 of December, from 9 a m to 5 p m to receive taxes, but shall
19 receive taxes upon a weekday when they are offered However if
20 a Friday in the month of December is Christmas eve Christmas
21 day, New Year s eve, or a day designated by the township as a
22 holiday for township employees the township treasurer shall not
23 be required to remain in the office of the township treasurer on
24 that Friday but shall remain in the office of the township trea-
25 surer at some convenient place in the township from 9 a m to 5
26 p m on the day most immediately preceding that Friday which day
27 is not Christmas eve, Christmas day, New Year s eve, or a day

1 designated by the township as a holiday for township employees
2 to receive taxes

3 (3) ~~Except as provided by subsection (7), on a sum volun-~~
4 ~~tarily paid before February 15 of the succeeding year the local~~
5 ~~property tax collecting unit shall add 1% for a property tax~~
6 ~~administration fee. However, unless otherwise provided for by an~~
7 ~~agreement between the assessing unit and the collecting unit, if~~
8 ~~a local property tax collecting unit other than a village does~~
9 ~~not also serve as the local assessing unit, the excess of the~~
10 ~~amount of property tax administration fees over the expense to~~
11 ~~the local property tax collecting unit in collecting the taxes,~~
12 ~~but not less than 80% of the fee imposed shall be returned to~~
13 ~~the local assessing unit. A property tax administration fee is~~
14 ~~defined as a fee to offset costs incurred by a collecting unit in~~
15 ~~assessing property values, collecting the property tax levies,~~
16 ~~and in the review and appeal processes. The costs of any appeals~~
17 ~~in excess of funds available from the property tax administra-~~
18 ~~tion fee,~~ may be shared by any taxing unit only if approved by
19 the governing body of the taxing unit. Except as provided by
20 subsection ~~(7)~~ (6) on all taxes paid after February 14 and
21 before March 1 the governing body of a city or township may
22 authorize the treasurer to add to the tax ~~a property tax admin-~~
23 ~~istration fee to the extent imposed on taxes paid before February~~
24 ~~15 and~~ a late penalty charge equal to 3% of the tax ~~interest.~~
25 THE GOVERNING BODY OF A CITY OR TOWNSHIP MAY WAIVE INTEREST from
26 February 15 to the last day of February on a summer property tax
27 that has been deferred pursuant to section 51 or any late penalty

1 charge ~~may be waived by the governing body of a city or~~
 2 ~~township~~ for the homestead property of a senior citizen, para-
 3 plegic, quadriplegic eligible serviceperson, eligible veteran,
 4 eligible widow or widower, totally and permanently disabled
 5 person or blind person as those persons are defined in chapter
 6 9 of the income tax act of 1967, Act No 281 of the Public Acts
 7 of 1967, as amended, being sections 206 501 to 206 532 of the
 8 Michigan Compiled Laws if the person makes a claim before
 9 February 15 for a credit for that property provided by chapter 9
 10 of Act No 281 of the Public Acts of 1967 as amended if the
 11 person presents a copy of the form filed for that credit to the
 12 local treasurer, and if the person has not received the credit
 13 before February 15 ~~Interest~~ THE GOVERNING BODY OF A CITY OR
 14 TOWNSHIP MAY WAIVE INTEREST from February 15 to the last day of
 15 February on a summer property tax that has been deferred under
 16 section 51 or any late penalty charge ~~may be waived by the gov-~~
 17 ~~erning body of a city or township for the property of a person~~
 18 ~~which property is~~ FOR PROPERTY subject to a farmland development
 19 rights agreement recorded with the register of deeds of the
 20 county in which the property is situated as provided in section 5
 21 of the farmland and open space preservation act Act No 116 of
 22 the Public Acts of 1974 being section 554 705 of the Michigan
 23 Compiled Laws, if the person presents a copy of the development
 24 rights agreement or verification that the property is subject to
 25 a development rights agreement before February 15 ~~A 4% county~~
 26 ~~property tax administration fee, a property tax administration~~
 27 ~~fee to the extent imposed on and if authorized pursuant to~~

1 ~~subsection (7) for taxes paid before March 1 and interest on the~~
 2 ~~tax~~ INTEREST at the rate of 1% per month shall be added to taxes
 3 collected by the township or city treasurer after the last day of
 4 February and before settlement with the county treasurer, ~~which~~
 5 ~~payment~~ AND shall be treated as though collected by the county
 6 treasurer If the statements required to be mailed by this sec-
 7 tion are not mailed before December 31, the treasurer shall not
 8 impose a late penalty charge ~~with respect to~~ ON taxes collected
 9 after February 14

10 (4) The governing body of a local property tax collecting
 11 unit may waive all or part of ~~the property tax administration~~
 12 ~~fee or~~ the late penalty charge ~~, or both~~ A property tax
 13 ~~administration fee collected by the township treasurer shall be~~
 14 ~~used only for the purposes for which it may be collected as spec-~~
 15 ~~ified by subsection (3) and this subsection~~ When the bond of
 16 the treasurer, as provided in section 43, is furnished by a
 17 surety company the cost of the bond may be paid by the township
 18 from ~~the property tax administration fee~~ TOWNSHIP FUNDS

19 (5) If apprehensive of the loss of personal tax assessed
 20 upon the roll, the township treasurer may enforce collection of
 21 the tax at any time, and if compelled to seize property or bring
 22 an action in December may add, if authorized pursuant to
 23 subsection ~~(7)~~ (6), ~~1% for a property tax administration fee~~
 24 ~~and~~ 3% for a late penalty charge

25 ~~(6) Along with taxes returned delinquent to a county trea-~~
 26 ~~surer pursuant to section 55, the amount of the 1% property tax~~
 27 ~~administration fee prescribed by subsection (3) that is imposed~~

~~1 and not paid shall be included in the return of delinquent taxes
2 and, when delinquent taxes are distributed by the county trea-
3 surer pursuant to this act, the delinquent 1% property tax admin-
4 istration fee shall be distributed to the treasurer of the local
5 unit who transmitted the statement of taxes returned as
6 delinquent Interest imposed upon delinquent property taxes pur-
7 suant to this act shall also be imposed upon the 1% property tax
8 administration fee and, for purposes of this act other than to
9 which local unit the county treasurer shall distribute a delin-
10 quent 1% property tax administration fee, any reference to delin-
11 quent taxes shall be considered to include the 1% property tax
12 administration fee returned as delinquent for the same property
13 This subsection shall apply to property tax administration fees
14 imposed upon property taxes that become a lien in 1983 or any
15 year thereafter~~

16 (6) ~~(7)~~ For levies that become a lien in 1983 or any year
17 thereafter, the local property tax collecting treasurer shall not
18 impose a ~~property tax administration fee~~ collection fee ~~—~~ or
19 any type of late penalty charge authorized by law or charter
20 unless the governing body of the local property tax collecting
21 unit approves, by resolution or ordinance adopted after
22 December 31, 1982, an authorization for the imposition of a
23 ~~property tax administration fee,~~ collection fee ~~—~~ or any type
24 of late penalty charge provided for by this section or by
25 charter, which authorization shall be valid for all levies that
26 become a lien after the resolution or ordinance is adopted
27 ~~However, unless otherwise provided for by an agreement between~~

~~1 the assessing unit and the collecting unit, a local property tax~~
~~2 collecting unit that does not also serve as the assessing unit~~
~~3 shall impose a property tax administration fee on each parcel at~~
~~4 a rate equal to the rate of the fee imposed for city or township~~
~~5 taxes on that parcel~~

6 (7) ~~-(8)-~~ The annual statement required by Act No 125 of
7 the Public Acts of 1966, being sections 565 161 to ~~-565-163-~~
8 565 164 of the Michigan Compiled Laws, or a monthly billing form
9 or mortgagor passbook provided in lieu of that annual statement
10 shall include a statement to the effect that a taxpayer who ~~has~~
11 ~~not been~~ WAS NOT mailed the tax statement or a copy of the tax
12 statement by the township treasurer or other collector shall
13 receive, upon request and without charge, a copy of the tax
14 statement from the township treasurer or other collector or, if
15 the tax statement ~~has been~~ WAS mailed to the taxpayer s desig-
16 nated agent, from either the taxpayer s designated agent or the
17 township treasurer or other collector A designated agent who is
18 subject to Act No 125 of the Public Acts of 1966 and who ~~has~~
19 ~~been~~ WAS mailed the tax statement for taxes that became a lien
20 in the calendar year immediately preceding the year in which the
21 annual statement may be required to be furnished shall mail, upon
22 ~~the~~ request ~~of~~ and without charge to a taxpayer who ~~has not~~
23 ~~been~~ WAS NOT mailed that tax statement or a copy of that tax
24 statement a copy of that tax statement ~~to that taxpayer~~

25 (8) ~~-(9)-~~ As used in this section

26 (a) Designated agent means an individual, partnership
27 association corporation receiver, estate, trust, or other legal

1 entity that has entered into an escrow account agreement or other
2 agreement with the taxpayer ~~which agreement~~ THAT obligates that
3 individual or legal entity to pay the property taxes for the tax-
4 payer or, if an agreement has not been entered into, that ~~has~~
5 ~~been~~ WAS designated by the taxpayer on a form made available to
6 the taxpayer by the township treasurer and filed with that
7 treasurer The designation by the taxpayer shall remain in
8 effect until revoked by the taxpayer in a writing filed with the
9 township treasurer The form made available by the township
10 treasurer shall include a statement that submission of the form
11 allows the treasurer to mail the tax statement to the designated
12 agent instead of to the taxpayer, and a statement notifying the
13 taxpayer of his or her right to revoke the designation by a writ-
14 ing filed with the township treasurer

15 (b) "Taxpayer" means the owner of the property ~~upon~~ ON
16 which the tax is imposed

17 (c) When describing in subsection (1) that the amount of tax
18 on the property must be shown in the tax statement, "amount of
19 tax means an itemization by dollar amount of each of the several
20 ad valorem property taxes and special assessments that a person
21 may pay pursuant to section 53 and an itemization by millage
22 rate on either the tax statement or a separate form accompanying
23 the tax statement, of each of the several ad valorem property
24 taxes that a person may pay pursuant to section 53 The township
25 treasurer or other collector may replace the itemization
26 described in this subdivision with a statement informing the
27 taxpayer that the itemization of the dollar amount and millage

1 rate of the taxes is available without charge from the local
2 property tax collecting unit This subdivision shall not apply
3 for tax statements for taxes that ~~become~~ BECAME a lien in
4 1983

5 Sec 51 (1) If the township treasurer neglects or refuses
6 to file his or her bond with the county treasurer, in the manner
7 and within the time prescribed by law, and the township board
8 fails to appoint a treasurer who shall give the bond and deliver
9 a receipt for the bond to the supervisor by December 10, the
10 supervisor shall deliver the tax roll with the necessary warrant
11 directed to the treasurer of the county, who shall make the col-
12 lection and return of taxes The county treasurer, pursuant to
13 the adoption of a resolution by the county board of commission-
14 ers has the same powers and duties to add ~~a property tax admin-~~
15 ~~istration fee,~~ a late penalty charge ~~,~~ and interest to all
16 taxes collected as conferred upon a township treasurer under
17 section 44 ~~The excess of the amount of property tax adminis-~~
18 ~~tration fees over the expense to the county in collecting the~~
19 ~~taxes shall be returned to the township, and the remainder of the~~
20 ~~property tax administration fees and any~~ ANY late penalty
21 charges imposed shall be credited to the county general fund
22 For the purpose of collecting the taxes the county treasurer is
23 vested with all the powers conferred upon the township treasurer,
24 and an action may be brought on the county treasurer s bond under
25 the same circumstances as AN ACTION on ~~those of~~ a township
26 ~~treasurer~~ TREASURER'S BOND

1 (2) A local unit of government that collects a summer
2 property tax shall defer the collection of summer property taxes
3 against the following property for which a deferment is claimed
4 until the following February 15

5 (a) Homestead property of a taxpayer who is a totally and
6 permanently disabled person, blind person, paraplegic, quadriple-
7 gic eligible serviceperson, eligible veteran, or eligible widow
8 or widower, as these persons are defined in chapter 9 of the
9 income tax act of 1967 Act No 281 of the Public Acts of 1967
10 being sections 206 501 to 206 532 of the Michigan Compiled Laws,
11 or who is 62 years of age or older, including the unremarried
12 surviving spouse of a person who was 62 years of age or older at
13 the time of death, and who for the prior taxable year had a total
14 household income of \$25,000 00 or less

15 (b) Property classified or used as agricultural real prop-
16 erty if the gross receipts of the agricultural or horticultural
17 operations in the previous year or the average gross receipts of
18 the operations in the previous 3 years are not less than the
19 household income of the owner in the previous year

20 (3) A taxpayer may claim a deferment provided by
21 subsection (2) by filing with the treasurer of the property tax
22 collecting unit an intent to defer the summer property taxes that
23 are due and payable in that year without penalty or interest
24 Taxes deferred under subsection (2) that are not paid by the fol-
25 lowing February 15 are not subject to penalties or interest for
26 the period of deferment

1 (4) The intent statement required by subsection (3) shall be
2 on a form prescribed and provided by the department to the
3 treasurer of the property tax collecting unit

4 (5) The treasurer of the property tax collecting unit col-
5 lecting a summer property tax shall do the following

6 (a) Cause a notice of the availability of the deferment to
7 be published in a newspaper of general circulation within the
8 local unit levying the summer property tax or included as an
9 insertion with the tax bill

10 (b) Assist persons in completion of the deferment form

11 (6) If the local property tax collecting unit for a summer
12 property tax levy also collects a winter property tax levy in the
13 same year, a statement of the amount of taxes deferred pursuant
14 to subsection (2) shall be in the December tax statement mailed
15 by the local property tax collecting unit for each summer prop-
16 erty tax payment that was deferred from collection by that local
17 property tax collecting unit. If the local property tax collect-
18 ing unit of a summer property tax levy does not collect a winter
19 property tax levy in the same year, a statement of the amount of
20 taxes deferred pursuant to subsection (2) from the collection
21 made by that local property tax collecting unit shall be mailed
22 pursuant to section 44 by the local property tax collecting unit
23 of the summer property tax levy at the same time December tax
24 statements are required to be mailed

25 (7) Persons eligible for deferment of summer property taxes
26 under subsection (2) may file their intent to defer until
27 September 15 or the time the tax would otherwise become subject

1 to interest or a late penalty charge for late payment whichever
2 is later

3 (8) To the extent permitted by the school code of 1976 Act
4 No 451 of the Public Acts of 1976, as amended, being
5 sections 380 1 to 380 1852 of the Michigan Compiled Laws, or the
6 charter of a local taxing unit a local taxing unit may provide
7 for the levy and collection of summer property taxes The terms
8 and conditions of collection established by, or under an agree-
9 ment executed pursuant to, ~~the school code of 1976~~ ACT NO 451
10 OF THE PUBLIC ACTS OF 1976 or the charter of a local taxing unit
11 govern a summer property tax levy

12 (9) For purposes of this section, summer property tax'
13 means a levy of ad valorem property taxes that first becomes a
14 lien before December 1 of any calendar year

15 Sec 56 (1) The county treasurer shall indorse on the
16 statement given to the township treasurer the fact of the settle-
17 ment on the bond of the township or city treasurer, which
18 indorsement shall operate as a discharge of the township or city
19 treasurer and his or her sureties from the obligation on the
20 bond, unless the return of the treasurer is incorrect in which
21 case the bond shall continue in force, and the township or city
22 treasurer and his or her sureties shall be liable on the bond for
23 all damages occasioned by incorrect returns The township trea-
24 surer shall immediately deposit his or her tax roll with the
25 county treasurer, who shall file and preserve the tax roll in his
26 or her office This tax roll or a certified copy of this tax
27 roll shall, for all purposes and in all courts, actions, and

1 proceedings, be taken, held and used as evidence in the same
2 manner and with like effect as the original roll

3 (2) The county treasurer shall give the township or city
4 treasurer a statement of all the personal property taxes ~~which~~
5 THAT remain uncollected, taken from the return of the township or
6 city treasurer, with a warrant authorizing the township or city
7 treasurer, or his or her successor, to collect them pursuant to
8 law and after receipt of this statement the township or city
9 treasurer, or his or her successor, shall have the same power to
10 collect the personal property taxes as under the original
11 warrant A township or city shall not be required to advance to
12 the county treasurer or school district treasurer the amount of
13 any unpaid county and school district taxes assessed against per-
14 sonal property but any sums collected by any township or city
15 treasurer upon county personal property taxes ~~subsequent to~~
16 AFTER the settlement with the county treasurer shall be paid to
17 the county treasurer and any sums collected by any township or
18 city treasurer upon school district personal property taxes
19 ~~subsequent to~~ AFTER the settlement with the county treasurer
20 shall be paid to the school district treasurer within 10 days
21 after the collection The county treasurer and the township or
22 city treasurer shall then credit the remitted personal property
23 tax collections upon the returned tax roll and give receipt for
24 them The bond, if any, given by the township or city treasurer
25 to the county treasurer covering the collection of county and
26 school taxes shall not be kept in force on account of any unpaid
27 personal property taxes but in case any treasurer should default

1 in the payment to the county treasurer of any collected county
2 personal property taxes or to the school district treasurer of
3 any collected school district personal property taxes, after the
4 termination of the bond, then the township or city ~~of which~~
5 WHERE he or she is treasurer shall be liable for these tax
6 collections

7 (3) Notwithstanding subsection (2) and upon an agreement
8 entered into by the governing body of the local property tax col-
9 lecting unit and the county board of commissioners with the con-
10 currence of the county treasurer the county treasurer shall be
11 responsible for the collection of the delinquent personal prop-
12 erty taxes of the city or township The agreement shall specify
13 the period during which the county treasurer shall be responsible
14 for the collection of delinquent personal property taxes
15 However, a county may condition such an agreement upon the county
16 entering into similar agreements with other local property tax
17 collecting units in the county After the accounting has been
18 made and the other duties required by this section are performed
19 the county treasurer shall collect delinquent personal property
20 taxes collected by the local property tax collecting unit ~~which~~
21 THAT has entered into an agreement pursuant to this subsection
22 Within 120 days after March 1 of each year the county treasurer
23 shall send notices to all known delinquent personal property tax-
24 payers, demanding payment of the delinquent personal property
25 taxes Failure to send or receive the notice shall not in any
26 way prejudice the right to collect or enforce the payment of the
27 tax If a delinquent personal property taxpayer neglects or

1 refuses to pay the tax the county treasurer shall have powers of
2 distraint and sale identical to those given to the township or
3 city treasurer in section 47 The county treasurer may also use
4 whatever remedies there may be at law or equity for the collec-
5 tion of any indebtedness in order to enforce the payment of the
6 tax The county treasurer shall add to the amount of the
7 assessed tax any collection ~~or administration~~ fee distraint
8 and sale fee, interest, penalty, or charge provided by this act
9 and shall also collect whatever costs, fees, or expenses allowed
10 by a court ~~in which~~ WHERE action was taken For each county
11 that has agreed to collect delinquent personal property taxes
12 pursuant to this subsection a county delinquent personal prop-
13 erty tax administrative fund is established and all fees, inter-
14 est penalties costs, charges or expenses the county treasurer
15 collects pursuant to this subsection shall be deposited into this
16 fund The money in this fund shall be used by the county trea-
17 surer to pay the costs of collecting delinquent personal property
18 taxes To the extent that money in this fund exceeds the cost of
19 collecting delinquent personal property taxes the county trea-
20 surer shall intermittently transfer the excess money to the gen-
21 eral fund of the county The amount of the assessed taxes col-
22 lected by the county treasurer shall be distributed to the dif-
23 ferent taxing units in the same manner as the delinquent real
24 property taxes collected by him or her are distributed

25 Sec 59 (1) A person may pay the taxes, any 1 of the sev-
26 eral taxes, a portion of the taxes that is specified by
27 resolution of the county board of commissioners, or if a

1 specification is not made by a resolution of the county board of
2 commissioners a portion of the taxes that is approved by the
3 county treasurer, on a parcel or description of land returned as
4 delinquent, or on an undivided share of a parcel or description
5 of land returned as delinquent, with interest computed from
6 March 1 next after the taxes were assessed at the rate of 1% per
7 month or fraction of a month except as provided in section 89,
8 ~~with 4% of the delinquent taxes as a county property tax admin-~~
9 ~~istration fee which shall be a minimum of \$1.00 per payment of~~
10 ~~delinquent taxes, except as provided in section 89,~~ to the
11 county treasurer of the county in which the lands are situated
12 at any time before they are sold. The county and township trea-
13 surers shall allocate and distribute the taxes and interest paid
14 proportionately among the county or township funds ~~and the prop-~~
15 ~~erty tax administration fee returned as delinquent pursuant to~~
16 ~~section 44(6)~~ to the treasurer of the local unit who transmitted
17 the statement of taxes returned as delinquent. On all descrip-
18 tions of land on which the taxes remain unpaid on October 1 next
19 preceding the time prescribed for the sale of the land there
20 shall be charged an additional \$10.00 for expenses which shall
21 thereafter be a lien on the land. When collected, \$5.00 of this
22 expense charge shall be credited to a restricted revenue fund of
23 the state, to be known as the delinquent property tax administra-
24 tion fund, to reimburse the state for the cost of publishing the
25 lists of lands and other expense, and \$5.00 shall belong to the
26 general fund of the county to reimburse the county for the

1 expense incurred in preparing the list of delinquent lands for
2 sale

3 ~~(2) The county property tax administration fee paid to the~~
4 ~~county treasurer shall belong to the general fund of the county~~
5 ~~and that paid to the state treasurer shall be credited to the~~
6 ~~delinquent property tax administration fund~~ Amounts credited to
7 ~~the general fund of the county shall be used only for the pur-~~
8 ~~poses for which they may be collected as specified by subsection~~
9 ~~(6)~~

10 (2) ~~(3)~~ A county board of commissioners, by resolution
11 may provide that for taxes paid in the first year of delinquency
12 before May 1 for the homestead property for which a senior citi-
13 zen, paraplegic, quadriplegic eligible serviceman eligible vet-
14 eran, eligible widow, totally and permanently disabled person, or
15 blind person as those persons are defined in chapter 9 of Act
16 No 281 of the Public Acts of 1967, as amended being sections
17 206 501 to 206 532 of the Michigan Compiled Laws, makes a claim
18 before February 15, for the credit provided by chapter 9 of Act
19 No 281 of the Public Acts of 1967 as amended if that claimant
20 presents a copy of the form filed for that credit to the county
21 treasurer has not received the credit before March 1

22 (a) Any interest fee or penalty in excess of the interest
23 fee, or penalty that would have been added if the tax had been
24 paid before February 15 shall be waived

25 (b) Interest paid pursuant to subsection (1) or section
26 89(1)(a) shall be waived unless the interest is pledged to the
27 repayment of delinquent tax revolving fund notes or payable to

1 the county delinquent tax revolving fund, in which case the
2 interest shall be refunded from the general fund of the county

3 ~~(c) The county property tax administration fee shall be~~
4 ~~waived~~

5 ~~(4) The local treasurer shall indicate on the delinquent tax~~
6 ~~roll if a 1% property tax administration fee was added to taxes~~
7 ~~collected before February 15~~

8 (3) ~~(5)~~ The fees authorized and collected pursuant to this
9 section and credited to the delinquent property tax administra-
10 tion fund shall be used by the department of treasury to pay
11 expenses incurred in the administration of this act

12 ~~(6) The county property tax administration fee shall be~~
13 ~~used by the county to offset the costs incurred in and ancillary~~
14 ~~to collecting delinquent property taxes, and for purposes autho-~~
15 ~~rized by sections 87b and 87d~~

16 Sec 60 Those lands that are returned as delinquent for
17 taxes, and ~~upon which taxes~~ THAT HAVE TAXES THAT remain unpaid
18 after their return under this act or to the county treasurers of
19 the state, are subject to disposition, sale, and redemption for
20 the enforcement and collection of the tax liens in the method
21 and manner as provided in this act On the first Tuesday in May
22 in each year, a tax sale shall be held in the counties of this
23 state by the county treasurers of those counties for and in
24 behalf of the state At the tax sale, lands, other than certi-
25 fied special residential property, delinquent for taxes assessed
26 in the third year preceding the sale or in a prior year or land
27 identified as certified special residential property under

1 section 55a delinquent for taxes assessed in the second year
 2 preceding the sale shall be sold for the total of the unpaid
 3 taxes of those years Delinquent tax sales shall include \$10 00
 4 for expenses, as provided in section 59, ~~a county property tax~~
 5 ~~administration fee of 4%,~~ and interest computed at a rate of
 6 1 25% per month, except as provided in section 89 from the date
 7 the taxes originally became delinquent pursuant to this act In
 8 the disposition and sale of delinquent tax lands, the people of
 9 the state have a valid lien upon the lands, with rights to
 10 enforce the lien as a preferred or first claim upon the lands
 11 The rights and choses to enforce the lien are the prima facie
 12 rights of the state, and shall not be set aside or annulled
 13 except in the manner and for the causes specified in this act
 14 Sec 61 Before the time fixed for the annual tax sale the
 15 state treasurer shall cause to be prepared and filed in the
 16 office of the county clerk in each county ~~in which~~ WHERE lands
 17 are to be sold under this act a petition addressed to the circuit
 18 court for the county stating by appropriate reference to lists or
 19 schedules annexed to the petition a description of those lands in
 20 the county upon which taxes have remained unpaid for more than 1
 21 year after the lands were returned as delinquent or for land
 22 identified as certified special residential property under sec-
 23 tion 55a, 90 days after the lands were returned as delinquent,
 24 AND the total amount of the taxes with interest computed on the
 25 amount as provided in this act to May 1 following the filing of
 26 the petition ~~, and a county property tax administration fee of~~
 27 ~~4% extended separately against each parcel of land~~ Ten dollars

1 shall be added to the total amount against each parcel for
 2 expenses as provided in section 59 The petition shall seek a
 3 judgment in favor of the state against the land for the payment
 4 of the several amounts specified, and in default of those
 5 amounts, that the lands be sold The petition shall be signed by
 6 the state treasurer or his or her authorized representative and
 7 need not be otherwise verified The petition is considered
 8 equivalent to a bill in chancery to enforce the lien for the
 9 taxes, interest, and charges averring their validity and that
 10 the amounts have not been paid, and seeking a sale to pay the
 11 lien Lands bid off in the name of the state and thus held, and
 12 on which taxes have been assessed subsequent to the tax for which
 13 the lands were sold and purchased by the state, shall be included
 14 in the petition for those subsequent taxes that have remained
 15 unpaid for more than 1 year after they were returned as
 16 delinquent The petition shall be in a substantial record book,
 17 with the lists of lands and taxes annexed following the petition
 18 in the book The record shall be ruled with appropriate columns,
 19 including 1 containing a description of the lands and other col-
 20 umns as the state treasurer considers necessary The word peti-
 21 tion includes the lists annexed to the petition The record
 22 shall be called tax record Parts of descriptions of land ~~upon~~
 23 ~~which taxes are~~ THAT HAVE HAD TAXES paid before sale or ~~which~~
 24 THAT are withheld from sale, the amount paid on taxes before
 25 sale, the amount of taxes, interest, and charges adjudged against
 26 lands, special orders made by the court relating to a parcel of
 27 land or any tax, the interest in each parcel of land sold the

1 name of each purchaser and his or her address, and the number of
2 the certificate of sale shall be entered in the record under the
3 appropriate headings opposite the description of lands affected
4 The county treasurer shall under the direction of the state
5 treasurer, prepare the lists and schedules required in this
6 section

7 Sec 87b (1) The county board of commissioners of any
8 county may create a delinquent tax revolving fund ~~which~~ THAT
9 may at the option of the county treasurer be designated as the
10 100% tax payment fund' Upon the establishment of the fund, all
11 delinquent taxes, except taxes on personal property, due and pay-
12 able to the taxing units in the county except those units
13 ~~which~~ THAT collect their own delinquent taxes after March 1 by
14 charter or otherwise, are due and payable to the county The
15 primary obligation to pay to the county the amount of taxes and
16 the interest on the taxes shall rest with the local taxing
17 units If the delinquent taxes ~~which~~ THAT are due and payable
18 to the county are not received by the county for any reason, the
19 county has full right of recourse against the taxing unit to
20 recover the amount of the delinquent taxes and interest at the
21 rate of 1% per month or fraction of a month until repaid to the
22 county by the taxing unit However where the county borrows to
23 provide funds for those payments, the interest rate shall not
24 exceed the highest interest rate paid on that borrowing A reso-
25 lution or agreement previously executed or adopted to this effect
26 is validated and confirmed The fund shall be segregated into
27 separate funds or accounts for each year s delinquent taxes

1 (2) If a delinquent tax revolving fund is established, the
2 county treasurer shall be the agent for the county and, without
3 further action by the county board of commissioners, may enter
4 into contracts with other municipalities or private persons,
5 firms, or corporations in connection with any transaction relat-
6 ing to the fund or any borrowing made by the county pursuant to
7 section 87c or 87d, including all services necessary to complete
8 this borrowing

9 (3) The county treasurer shall pay from the fund any or all
10 delinquent taxes ~~which~~ THAT are due and payable to the county
11 and any school district, intermediate school district, community
12 college district, city, township, special assessment district, or
13 any other political unit ~~for which~~ THAT HAS delinquent tax pay-
14 ments ~~are~~ due within 20 days after sufficient funds are depos-
15 ited within the delinquent tax revolving fund or, if the county
16 treasurer is treasurer for a county with a population greater
17 than 1,500,000 persons, within 30 days after sufficient funds are
18 deposited within the delinquent tax revolving fund In a county
19 with a delinquent tax revolving fund with a population greater
20 than 1,500,000 where the county borrows pursuant to section 87c,
21 87d, or 89, if the city or township does not deliver, or cause to
22 be delivered, to the county treasurer by June 1 in 1984 and May 1
23 in 1985 a complete roll setting forth the delinquent taxes for
24 the past year and the county treasurer is unable to complete such
25 borrowing and make payment of the delinquent taxes by September 1
26 in 1984 and August 1 in 1985, in any city or township where such
27 delinquent rolls are not so delivered, the treasurer shall pay to

1 each school district, intermediate school district, or community
 2 college district in such city or township an amount equal to the
 3 interest on such delinquent taxes at a rate of 9% per annum from
 4 June 1 to the date of such payment which amount shall be taken
 5 from the tax distribution for such city or township In a county
 6 with a delinquent tax revolving fund where the county does not
 7 borrow pursuant to sections 87c, 87d, or 89 if the county trea-
 8 surer does not make payment of the delinquent taxes to the local
 9 units within 10 days after the completion of county settlement
 10 with all local units pursuant to section 55, the county shall pay
 11 interest on the unpaid delinquent taxes from the date of actual
 12 county settlement at the rate of 12% per annum for the number of
 13 days involved

14 (4) Except as provided in subsection (5) the county trea-
 15 surer shall pay from the fund directly to a school district its
 16 share of the fund when a single school district exists within a
 17 political unit

18 (5) If a local taxing unit has borrowed money in anticipa-
 19 tion of collecting taxes for any school district or other munici-
 20 pality and the county treasurer has been so notified in writing,
 21 the county treasurer shall pay to the local taxing unit the
 22 shares of the fund for that school district or municipality For
 23 purposes of this subsection, 'local taxing unit' means a city,
 24 village, or township

25 (6) The interest charges ~~—, AND penalties —, and county~~
 26 ~~property tax administration fee rates~~ established under this act

1 shall remain in effect and shall be payable to the county
2 delinquent tax revolving fund

3 (7) Any surplus in the fund may be transferred to the county
4 general fund by appropriate action of the county board of
5 commissioners

6 (8) A county board of commissioners may borrow money to
7 create a delinquent tax revolving fund as provided in section 87c
8 or 87d, or both

9 (9) This section shall not supersede section 87 but is an
10 alternative method for paying delinquent taxes to local units
11 However, where this section is used by a county, section 87 shall
12 not be used

13 Sec 89 (1) Notwithstanding sections 59, 60, 74, 87c, and
14 87d the following provisions shall apply for the time period
15 prescribed in subsection (3)

16 (a) To the extent not waived pursuant to section ~~59(3)~~
17 59(2), there shall be added to all delinquent taxes unpaid after
18 March 1, interest at the rate of 1 25% per month or fraction of a
19 month from the date the taxes originally become delinquent pursu-
20 ant to this act, ~~together with a county property tax administra-~~
21 ~~tion fee equal to 4% of the delinquent taxes or \$2.00 per payment~~
22 ~~of delinquent taxes, whichever is greater, which amounts will~~
23 WHICH SHALL be paid to the county treasurer

24 (b) In addition to the expenses specified in section 59
25 delinquent tax sales shall include ~~a county property tax admin-~~
26 ~~istration fee equal to 4% of the delinquent taxes, and~~ interest

1 computed at a rate of 1 5% per month from the date the taxes
2 originally become delinquent pursuant to this act

3 (c) The rate of interest to be paid to the treasurer pursu-
4 ant to section 74 shall be computed at the rate of 1 5% per month
5 or fraction of a month

6 (d) The maximum interest rate on the notes permitted to be
7 issued by sections 87c and 87d shall be 14 5% per annum

8 (e) The rate of interest to be paid to the department of
9 treasury pursuant to section 84 shall be computed at the rate of
10 1 5% per month or fraction of a month

11 (2) Notwithstanding Act No 293 of the Public Acts of 1966,
12 as amended, being sections 45 501 to 45 521 of the Michigan
13 Compiled Laws, a county operating pursuant to a home rule charter
14 shall not be restricted by the provisions of the home rule
15 charter in connection with the powers granted to the county to
16 issue notes by sections 87b, 87c, 87d, and this section The
17 treasurer of such a county notwithstanding any such charter pro-
18 visions, shall have all of the powers granted to county treasur-
19 ers by sections 87b 87c, 87d, and this section

20 (3) Subsection (1) shall apply as follows

21 (a) In counties with a population of more than 1,500 000 it
22 shall apply immediately except that it shall not apply to any
23 delinquent taxes ~~which~~ THAT became delinquent before March 1,
24 1981, or ~~which~~ THAT become delinquent after February 28 1983

25 (b) In all other counties of this state it shall apply only
26 to the 1981 delinquent taxes ~~which become~~ THAT BECAME
27 delinquent on or before March 1, 1982

1 (4) Notwithstanding the provisions of Act No 261 of the
 2 Public Acts of 1947, as amended, being sections 45 451 to 45 457
 3 of the Michigan Compiled Laws, the provisions of section 87c of
 4 this act shall control the entitlement of the county treasurer to
 5 the fee provided for in section 87c

6 (5) Notwithstanding the provisions of sections 87c and 87d

7 (a) Interest on the notes may be payable at any time pro-
 8 vided in the resolution, and may be set, reset, ~~and/or~~ OR cal-
 9 culated as provided in the resolution

10 (b) Notes may be (i) made the subject of a put or agree-
 11 ment to repurchase by the county treasurer (ii) secured by a
 12 letter of credit issued by a bank pursuant to an agreement
 13 entered into by the county treasurer or by any other collateral
 14 ~~which~~ THAT the resolution may authorize (iii) callable as set
 15 forth in the resolution and (iv) reissued by the county trea-
 16 surer once reacquired by the county treasurer pursuant to any put
 17 or repurchase agreement

18 (c) The county treasurer may by order (i) authorize the
 19 issuance of renewal notes (ii) refund or refund in advance notes
 20 by the issuance of new notes whether the notes to be refunded
 21 have or have not matured (iii) issue notes partly to refund
 22 notes and partly for any other purposes authorized by this act
 23 and (iv) buy and sell any notes so issued

24 (d) Renewal, refunding, or advance refunding notes (i)
 25 shall be sold and the proceeds applied to the purchase redemption
 26 or payment of the notes to be renewed or refunded (ii) shall not
 27 be subject to the provisions of THE MUNICIPAL FINANCE ACT Act

1 No 202 of the Public Acts of 1943, as amended, being sections
 2 131 1 to ~~138-2~~ 139 3 of the Michigan Compiled Laws if the
 3 municipal finance commission determines at the time of the origi-
 4 nal approval of the notes that renewal of the notes shall not
 5 need municipal finance commission approval (111) may be sold or
 6 resold at a public or private sale upon such terms and conditions
 7 as the treasurer may establish in the order and (1v) may pledge
 8 the delinquent taxes pledged in the issue to be refunded in
 9 advance once the original issue is defeased by the advance
 10 refunding issue

11 (e) Notes may be issued secured by a second lien on delin-
 12 quent taxes ~~AND interest , and county property tax adminis-~~
 13 ~~tration fees~~ already the subject of a first lien because of the
 14 issuance of a prior note issue

15 (f) If the treasurer so authorizes on the order authorizing
 16 the notes any notes issued may be secured in whole or in part
 17 pursuant to a trust or escrow agreement, ~~which~~ AND THAT agree-
 18 ment may also govern the issuance of renewal notes refunding
 19 notes and advance refunding notes ~~Such~~ THE TRUST OR ESCROW
 20 agreement may authorize the trustee or escrow agent to make
 21 investments of any type authorized in the agreement

22 Sec 107 (1) The requirements of this act relating to the
 23 amount and imposition of interest ~~AND penalties , and col-~~
 24 ~~lection or administration fees~~ shall be applicable to all cities
 25 and villages ~~where~~ IF not inconsistent with their respective
 26 charters Notwithstanding any provision of this act to the
 27 contrary, a charter of a city or township may authorize the

1 establishment of procedures requiring protests to the board of
2 review to be first addressed to the assessor or other agency of
3 the city or township as a prerequisite for a protest before the
4 board of review so long as the assessor or other agency to whom a
5 protest is first addressed does not have the authority to deny
6 the petitioner the right to protest before the board of review

7 (2) For purposes of this act, reference to supervisor, town-
8 ship treasurer and board of review includes assessing and col-
9 lecting officers, and boards whose duty it is to review an
10 assessment roll The word township may include city, ward, vil-
11 lage, or, when in relation to property tax collection functions,
12 any other local property tax collecting unit

13 (3) In an incorporated city ~~, the charter of which~~ WITH A
14 CHARTER THAT does not provide for a board of review, the board
15 shall consist of the supervisors or other officers making the
16 assessment, the city attorney, and additional members to be
17 appointed by the common council who shall not be aldermen
18 equaling the number of supervisors or assessing officers The
19 session of the board of review shall be held at the council room
20 on the same days as designated in this act for the meeting of the
21 township board of review, unless otherwise provided by the
22 charter of the city, and the proceedings conducted in the same
23 manner The board shall elect a chairperson and clerk who shall
24 certify to the correctness of the several assessment rolls when
25 completed, substantially as the form prescribed in sections 29
26 and 30 The appointed members of the board of review shall take

1 the constitutional oath of office, which shall be filed in the
2 office of the city recorder or clerk