

HOUSE BILL No. 4218

February 10, 2009, Introduced by Reps. Spade, Gonzales, Meltzer, McDowell, Polidori, Neumann, Lahti and Simpson and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 51 (MCL 211.51), as amended by 2005 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51. (1) If a township treasurer does not file his or her
2 bond with the county treasurer as prescribed by law and the
3 township board fails to appoint a treasurer to give the bond and
4 deliver a receipt for the bond to the supervisor by December 10,
5 the supervisor shall deliver the tax roll with the necessary
6 warrant directed to the county treasurer, who shall make the
7 collection and return of taxes. The county treasurer, pursuant to
8 the adoption of a resolution by the county board of commissioners,

1 has the same powers and duties to add a property tax administration
2 fee, a late penalty charge, and interest to all taxes collected as
3 conferred upon a township treasurer under section 44. The excess of
4 the amount of property tax administration fees over the expense to
5 the county in collecting the taxes shall be returned to the
6 township, and the remainder of the property tax administration fees
7 and any late penalty charges imposed shall be credited to the
8 county general fund. For the purpose of collecting the taxes, the
9 county treasurer is vested with all the powers conferred upon the
10 township treasurer and an action may be brought on the county
11 treasurer's bond under the same circumstances as on those of a
12 township treasurer.

13 (2) A local tax collecting unit that collects a summer
14 property tax shall defer the collection of summer property taxes
15 against the following property for which a deferment is claimed
16 until the following February 15:

17 (a) The principal residence of a taxpayer who meets both of
18 the following conditions:

19 (i) Meets 1 or more of the following conditions:

20 (A) Is a totally and permanently disabled person, blind
21 person, paraplegic, quadriplegic, eligible serviceperson, eligible
22 veteran, or eligible widow or widower, as these persons are defined
23 in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL
24 206.501 to 206.532.

25 (B) Is 62 years of age or older, including the unremarried
26 surviving spouse of a person who was 62 years of age or older at
27 the time of death.

1 (ii) For the prior taxable year had a total household income of
2 the following:

3 (A) For taxes levied before January 1, 2005, \$25,000.00, or
4 less.

5 (B) For taxes levied after December 31, 2004 and before
6 January 1, 2006, \$35,000.00, or less.

7 (C) For taxes levied after December 31, 2005 and before
8 January 1, 2007, \$37,500.00, or less.

9 (D) For taxes levied after December 31, 2006, \$40,000.00, or
10 less.

11 (b) Property classified or used as agricultural real property
12 if the gross receipts of the agricultural or horticultural
13 operations in the previous year or the average gross receipts of
14 the operations in the previous 3 years are not less than the
15 household income of the owner in the previous year **OR THE COMBINED**
16 **HOUSEHOLD INCOMES IN THE PREVIOUS YEAR OF THE INDIVIDUAL MEMBERS OF**
17 **A LIMITED LIABILITY COMPANY THAT OWNS THE AGRICULTURAL REAL**
18 **PROPERTY. AS USED IN THIS SUBDIVISION, "OWNER" INCLUDES A LIMITED**
19 **LIABILITY COMPANY IF THE INDIVIDUAL MEMBERS OF THE LIMITED**
20 **LIABILITY COMPANY QUALIFIED FOR THE DEFERMENT UNDER THIS SECTION**
21 **BEFORE THE INDIVIDUAL MEMBERS FORMED THE LIMITED LIABILITY COMPANY.**

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

1 of deferment.

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

5 (5) The treasurer of the local property tax collecting unit
6 that collects a summer property tax shall do the following:

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

11 (b) Assist persons in completing the deferment form.

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

23 (7) Persons eligible for deferment of summer property taxes
24 under subsection (2) may file their intent to defer until September
25 15 or the time the tax would otherwise become subject to interest
26 or a late penalty charge for late payment, whichever is later.

27 (8) To the extent permitted by the revised school code, ~~of~~

1 ~~1976,~~ 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local
2 property tax collecting unit, a local property tax collecting unit
3 may provide for the levy and collection of summer property taxes.
4 The terms and conditions of collection established by or under an
5 agreement executed pursuant to the revised school code, ~~of 1976,~~
6 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local tax
7 collecting unit govern a summer property tax levy.

8 (9) As used in this section:

9 (a) "Principal residence" means property exempt under section
10 7cc.

11 (b) "Summer property tax" means a levy of ad valorem property
12 taxes that first becomes a lien before December 1 of any calendar
13 year.