

SENATE BILL No. 540

October 1, 2015, Introduced by Senators ANANICH, HANSEN, CASPERSON, BOOHER, EMMONS, YOUNG, JOHNSON, HERTEL, NOFS, MARLEAU, GREGORY, KNEZEK and PROOS and referred to the Committee on Economic Development and International Investment.

A bill to amend 1993 PA 331, entitled
"State education tax act,"
by amending section 5 (MCL 211.905), as amended by 2004 PA 443.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Beginning in 1994 through 2002, the tax levied
2 under this act shall be collected and distributed by the local tax
3 collecting unit under the provisions of the general property tax
4 act at the same time as other taxes levied by the local school
5 district for school operating purposes. However, in each year after
6 1993 if a local school district is not going to levy a tax in that
7 summer but levied a tax in the summer of 1993, and the local tax
8 collecting unit in which the local school district is located is
9 collecting a tax for any taxing unit in that summer, the local tax
10 collecting unit shall collect within that local school district 1/2
11 of the tax under this act in that summer. The tax levied under this

1 act that is collected by a city shall become a lien against the
2 property on which assessed in the same manner and on the same date
3 as city taxes or, if the city approves the collection of the tax
4 levied under this act on a date other than the date it collects the
5 city taxes, on July 1. The tax levied under this act that is
6 collected with the city taxes shall be subject to the same
7 penalties, interest, and collection charges as city taxes and,
8 except as otherwise provided in subsection (3), shall be returned
9 as delinquent to the county treasurer in the same manner and with
10 the same interest, penalties, and fees as city taxes, except as
11 provided in section 89a of the general property tax act, 1893 PA
12 206, MCL 211.89a.

13 (2) Beginning in 2003, the tax levied under this act shall be
14 collected under the provisions of the general property tax act in a
15 summer levy and shall be distributed as provided in this act.
16 Except as otherwise provided in subsection (3) and section 5b, the
17 tax levied under this act shall be collected by each city and
18 township.

19 (3) Notwithstanding the provision of a charter of a county
20 adopted pursuant to 1966 PA 293, MCL 45.501 to 45.521, or the
21 provisions of the charter of a home rule city, to the contrary, the
22 city treasurer of a city that does not return delinquent real
23 property taxes levied by the city to the county treasurer shall
24 return all uncollected delinquent taxes levied under this act to
25 the county treasurer as provided by the general property tax act,
26 ~~1893 PA 206, MCL 211.1 to 211.157,~~ on the March 1 immediately
27 following the year in which the taxes are levied. After the

1 delinquent real property taxes are returned to the county treasurer
2 for collection under this section, the provisions of the general
3 property tax act ~~, 1893 PA 206, MCL 211.1 to 211.157,~~ apply for the
4 collection of those taxes and for the issuance of notes in
5 anticipation of the collection of the taxes.

6 (4) Beginning in 2003, if a school district or intermediate
7 school district collects taxes in the summer under section 1613 of
8 the revised school code, ~~of 1976,~~ 1976 PA 451, MCL 380.1613, the
9 school district or intermediate school district shall collect the
10 taxes levied under this act in the summer and shall distribute the
11 taxes collected as provided in this act.

12 (5) The state treasurer shall certify the levy of the tax
13 under this act pursuant to the general property tax act.

14 (6) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED BY LAW, THE** state
15 treasurer upon receipt shall deposit the collections from the tax
16 into the state treasury to the credit of the state school aid fund.
17 Upon request by the local tax collecting unit, if the local tax
18 collecting unit collects the tax levied under this act, or by the
19 school district or intermediate school district, if the school
20 district or intermediate school district collects the tax levied
21 under this act, the state treasurer shall return to the local tax
22 collecting unit or to the school district or intermediate school
23 district an amount erroneously collected or an amount required to
24 be returned by court order in a bankruptcy proceeding filed after
25 December 31, 1999.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. 539

1 of the 98th Legislature is enacted into law.