

SENATE BILL No. 1169

November 10, 2016, Introduced by Senator COLBECK and referred to the Committee on Education.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 43, 44a, 51, and 52 (MCL 211.43, 211.44a, 211.51, and 211.52), section 43 as amended by 1994 PA 253, section 44a as amended by 2012 PA 184, and section 51 as amended by 2012 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 43. (1) The supervisor of each township, immediately upon
2 authorization to raise money by taxation pursuant to an election
3 held under section 36 or on or before the November 5 in each year,
4 shall notify the township treasurer of the amount of the state,
5 county, school, and public transportation authority taxes as
6 apportioned to his or her township.

7 (2) The treasurer, immediately upon authorization to raise
8 money by taxation pursuant to an election held under section 36 or

1 on or before the third day immediately preceding the day the taxes
2 to be collected become a lien, shall give to the county treasurer a
3 bond running to the county in the actual amount of state, county,
4 and school taxes, except school taxes collected through a city
5 treasurer, with sufficient sureties to be approved by the
6 supervisor of the township and the county treasurer, conditioned
7 that he or she will pay over to the county treasurer as required by
8 law all state and county taxes, pay over to the respective school
9 treasurers, **SUBJECT TO SUBSECTION (14)**, all school taxes that he or
10 she collects during each year of his or her term of office, and
11 duly and faithfully perform all the other duties of the office of
12 treasurer. If a corporate surety bond is provided, the bond shall
13 be approved only by the county treasurer. If the bond is furnished
14 by a surety company authorized to transact business under the laws
15 of this state, it is sufficient that the bond is equal to 40% of
16 the amount of state, county, and school taxes. If the bond is
17 furnished by a surety company, the premium and cost of the bond
18 given to the county shall be paid by the county treasurer from the
19 general fund of the county against which the premium and cost is
20 made a charge. However, the county treasurer having paid the
21 premium may bill each district school board afforded protection by
22 the bond that portion of the premium charge as is allocated to the
23 school taxes and the school district treasurers shall pay that
24 allocated premium charge as determined by the county treasurer for
25 the protection of school taxes from available school district
26 funds. If the county treasurer and township supervisor determine
27 that the bond of the township treasurer recorded with the township

1 clerk and on file with the township supervisor is adequate and
2 sufficient to safeguard the proper accounting of state, county, and
3 school taxes as required by law, the township treasurer shall not
4 be required to file with the county treasurer the bond provided for
5 in this section. The county treasurer shall deliver to the
6 supervisor on or before the day the taxes to be collected become a
7 lien a signed statement of approval of the bond. Upon the receipt
8 of the signed statement and on or before the day the taxes to be
9 collected become a lien, the supervisor shall deliver to the
10 township treasurer the tax roll of ~~this~~ **THE** township. The county
11 treasurer shall file and safely keep the bond in his or her office
12 and shall give to the township treasurer a receipt stating that the
13 required bond was received, which receipt the township treasurer
14 shall deliver to the supervisor on or before the day the taxes to
15 be collected become a lien. After the delivery of the receipt and
16 on or before the day the taxes to be collected become a lien, the
17 supervisor shall deliver to the township treasurer the tax roll of
18 the township.

19 (3) Except as provided in subsections (4), ~~and~~ (5), **AND (14)**,
20 tax collections shall be delivered pursuant to the following
21 schedule:

22 (a) Within 10 business days after the first and fifteenth day
23 of each month, the township or city treasurer shall account for and
24 deliver to the county treasurer the total amount of state and
25 county tax collections on hand on the first and fifteenth day of
26 each month; to the school district treasurers the total amount of
27 school tax collections on hand on the first and fifteenth day of

1 each month; and to the public transportation authorities the total
2 amount of public transportation authority tax collections on hand
3 the first and fifteenth day of each month. If the intermediate
4 school district and community college district provide for direct
5 payment pursuant to subsection (9), the township or city treasurer
6 shall also account for and deliver to the intermediate school
7 district and the community college district the total respective
8 amounts of school tax collections on hand the first and fifteenth
9 day of each month. This subdivision shall not apply to the month of
10 March.

11 (b) Within 10 business days after the last day of February,
12 the township or city treasurer shall account for and deliver to the
13 county treasurer at least 90% of the total amount of state and
14 county tax collections on hand on the last day of February; to the
15 school district treasurers at least 90% of the total amount of
16 school tax collections on hand on the last day of February; and to
17 the public transportation authorities at least 90% of the total
18 amount of public transportation authority tax collections on hand
19 on the last day of February. If the intermediate school district
20 and community college district provide for direct payment pursuant
21 to subsection (9), the township or city treasurer shall also
22 account for and deliver to the intermediate school district and
23 community college district at least 90% of the total respective
24 amounts of school tax collections on hand on the last day of
25 February.

26 (c) A final adjustment and delivery of the total amount of tax
27 collections on hand for the county, community college districts,

1 intermediate school districts, school districts, and public
2 transportation authorities shall be made not later than April 1 of
3 each year.

4 (4) Instead of following the schedule prescribed in subsection
5 (3), the township or city serving as the tax collecting unit and
6 the local governmental unit for which the tax collections are made
7 may, **SUBJECT TO SUBSECTION (14)**, enter into an agreement to
8 establish an alternative schedule for delivering tax collections.

9 (5) ~~A~~**SUBJECT TO SUBSECTION (14)**, ~~A~~ township that has a state
10 equalized valuation of \$15,000,000.00 or less shall account for and
11 deliver to the county treasurer, the school district treasurers,
12 and the public transportation authorities and, if the intermediate
13 school district and community college district provide for direct
14 payment pursuant to subsection (9), the intermediate school
15 district treasurers and community college treasurers the taxes
16 collected up to and including January 10, within 10 business days
17 after January 10. However, a township treasurer subject to this
18 subsection shall at no time have on hand collections of state,
19 county, community college, intermediate school district if
20 applicable pursuant to subsection (9), school district, and public
21 transportation authority taxes in excess of 25% of the amount of
22 the taxes apportioned to the township and, ~~when~~**IF** collections on
23 hand reach ~~this~~**THAT** percentage, the township treasurer shall,
24 **SUBJECT TO SUBSECTION (14)**, immediately account for and turn over
25 the total amount of state and county tax collections on hand to the
26 county treasurer, the total respective amounts of school tax
27 collections on hand to the respective treasurers, and the total

1 respective amounts of public transportation authority tax
2 collections on hand to the respective public transportation
3 authorities. The township treasurer shall notify the secretary or
4 superintendent of each community college district, intermediate
5 school district, and school district applicable and each of the
6 applicable public transportation authorities of the total amount of
7 taxes paid to the respective treasurer or authority, which
8 notification shall show the different funds for which the taxes
9 were collected.

10 (6) Except as may be provided under section 1613 of ~~Act No.~~
11 ~~451 of the Public Acts of 1976, being section 380.1613 of the~~
12 ~~Michigan Compiled Laws,~~ **THE REVISED SCHOOL CODE, 1976 PA 451, MCL**
13 **380.1613**, when a county treasurer is collecting the school district
14 or intermediate school district levy, the county treasurer shall,
15 **SUBJECT TO SUBSECTION (14)**, account for and deliver to the
16 appropriate local governmental unit treasurer the tax collections
17 received by the county treasurer within 10 business days after the
18 county treasurer receives the funds.

19 (7) ~~The~~ **A** county treasurer shall account for and deposit in
20 the county library fund for the use of the county library board,
21 county tax collections received pursuant to a tax levied under
22 section 1 of ~~Act No. 138 of the Public Acts of 1917, being section~~
23 ~~397.301 of the Michigan Compiled Laws,~~ **1917 PA 138, MCL 397.301**,
24 within 10 business days after the county treasurer receives the
25 funds.

26 (8) ~~The~~ **A** county treasurer shall account for and deliver to
27 the boards of each metropolitan transportation authority the county

1 tax collections for transportation authority purposes received by
2 the county treasurer within 10 business days after the county
3 treasurer receives the funds.

4 (9) For taxes that become a lien in December 1984 or after
5 1984, **SUBJECT TO SUBSECTION (14)**, an intermediate school district
6 board or the board of trustees of a community college may provide
7 that a local tax collecting treasurer shall account for and deliver
8 tax collections directly to the respective intermediate school
9 district or community college treasurer pursuant to the schedule
10 contained in subsections (3), (4), and (5) for delivery of the
11 respective taxes to the county treasurer. A resolution shall be
12 adopted at least 60 days before the day taxes to be collected
13 become a lien and shall specify the period for which the resolution
14 is effective. Copies of the resolution shall be transmitted to each
15 local tax collecting treasurer and county treasurer within the
16 intermediate school district or community college district.

17 (10) By the fifteenth day of each month, ~~the~~ **A** county
18 treasurer shall account for and deliver to the state the
19 collections under the state education tax act, ~~Act No. 331 of the~~
20 ~~Public Acts of 1993, being sections 211.901 to 211.906 of the~~
21 ~~Michigan Compiled Laws, 1993 PA 331, MCL 211.901 TO 211.906,~~ on
22 hand on the last day of the preceding month. By the first day of
23 each month, ~~the~~ **A** county treasurer shall account for and deliver to
24 the state the collections under the state education tax act, ~~Act~~
25 ~~No. 331 of the Public Acts of 1993, 1993 PA 331, MCL 211.901 TO~~
26 **211.906,** on hand on or before the fifteenth day of the immediately
27 preceding month. ~~The~~ **A** county treasurer may retain the interest

1 earned on the money collected under ~~Act No. 331 of the Public Acts~~
2 ~~of 1993~~ **THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO**
3 **211.906**, while held by the county treasurer, as reimbursement for
4 the cost incurred by the county in collecting and transmitting the
5 tax imposed by that act. The money retained by ~~the~~ **A** county
6 treasurer under this section shall be deposited in the treasury of
7 the county in which the tax is collected to the credit of the
8 general fund.

9 (11) A treasurer who willfully neglects or refuses to perform
10 a duty required by subsections (3) to (8) is subject to the penalty
11 prescribed in section 119(1).

12 (12) Except as otherwise provided by subsection (10), interest
13 earned by a city, township, or county on collections of taxes
14 levied on or after November 5, 1985 before the tax collections are
15 accounted for and delivered to the respective taxing units pursuant
16 to this section **OR TO THE STATE TREASURER PURSUANT TO SUBSECTION**
17 **(14)** shall also be accounted for and delivered to the respective
18 taxing units **AND STATE TREASURER** on a pro rata basis. ~~Interest~~
19 ~~earned by a city, township, or county on collections of taxes~~
20 ~~levied before November 5, 1985 before those collections were~~
21 ~~accounted for and delivered to the respective taxing units in~~
22 ~~compliance with the requirements of this section is not subject to~~
23 ~~claim and retroactive collection by those taxing units. However,~~
24 ~~interest earned on collections of taxes levied on or after November~~
25 ~~5, 1985 and before December 1, 1987 are not subject to claim and~~
26 ~~retroactive collection unless a claim has been filed in a court of~~
27 ~~competent jurisdiction before March 1, 1988. This subsection does~~

1 not apply to interest or penalties imposed by law or charter and
 2 does not nullify or prohibit any agreements made between a
 3 collecting unit and a taxing unit regarding ~~the earned interest~~
 4 **EARNED ON TAX COLLECTIONS DELIVERED TO THAT TAXING UNIT.**

5 (13) If there is an agreement for an alternative schedule for
 6 delivering tax collections or for interest earned under subsections
 7 (4) and (12), the collection of the state education tax is subject
 8 to those provisions of that agreement.

9 (14) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AFTER
 10 DECEMBER 31, 2016, TAXES COLLECTED UNDER THIS ACT THAT WERE LEVIED
 11 UNDER SECTIONS 625A, 681, 705, 1211, AND 1724A OF THE REVISED
 12 SCHOOL CODE, 1976 PA 451, MCL 380.625A, 380.681, 380.705, 380.1211,
 13 AND 380.1724A, SHALL BE FORWARDED TO THE STATE TREASURER FOR
 14 DEPOSIT ON AN EQUAL PRO RATA BASIS INTO THE EDUCATION SAVINGS
 15 ACCOUNTS OF PUPILS RESIDING IN THE TAXING UNIT THAT LEVIED THE TAX
 16 TO BE USED BY EACH PUPIL TO PAY FOR ELIGIBLE SERVICES AUTHORIZED
 17 UNDER THE MICHIGAN PARENTAL CHOICE IN EDUCATION PROGRAM ACT.

18 (15) ~~(14)~~ As used in this section:

19 (a) "Metropolitan transportation authority" means an authority
 20 created under the metropolitan transportation authorities act of
 21 1967, ~~Act No. 204 of the Public Acts of 1967, being sections~~
 22 ~~124.401 to 124.425 of the Michigan Compiled Laws.~~ 1967 PA 204, MCL
 23 124.401 TO 124.426.

24 (b) "Public transportation authority" means an authority
 25 created under ~~Act No. 55 of the Public Acts of 1963, being sections~~
 26 ~~124.351 to 124.359 of the Michigan Compiled Laws.~~ 1963 PA 55, MCL
 27 124.351 TO 124.359.

1 Sec. 44a. (1) Notwithstanding any other statutory or charter
2 provision to the contrary, beginning in 2005 and each year after
3 2005, a county shall impose as a summer property tax levy that
4 portion of the number of mills allocated to the county by a county
5 tax allocation board or authorized for the county through a
6 separate tax limitation vote as provided in this section. The
7 portion of the total number of mills allocated to a county by a
8 county tax allocation board or authorized for a county through a
9 separate tax limitation vote that shall be imposed in each year as
10 a summer property tax levy under this section is as follows:

11 (a) In 2005, $1/3$ of the total number of mills allocated to the
12 county by a county tax allocation board or authorized for the
13 county through a separate tax limitation vote.

14 (b) In 2006, $2/3$ of the total number of mills allocated to the
15 county by a county tax allocation board or authorized for the
16 county through a separate tax limitation vote.

17 (c) In 2007 and each year after 2007, the total number of
18 mills allocated to the county by a county tax allocation board or
19 authorized for the county through a separate tax limitation vote.

20 (2) Notwithstanding any other statutory or charter provision
21 to the contrary, beginning in 2013 and each year after 2013, a
22 millage that is levied by any taxing authority within a local tax
23 collecting unit that had been previously billed and collected as
24 part of the winter property tax levy in a preceding tax year may be
25 accelerated and collected earlier in that tax year as a summer
26 property tax levy if all of the following conditions are satisfied:

27 (a) The aggregate amount of the revenue from the levy and

1 collection of all individual millages that would be levied and
2 collected in the winter tax bill totals \$100.00 or less per
3 individual tax bill, excluding any property tax administration fee.
4 A millage may be accelerated and collected earlier for only those
5 tax bills that total \$100.00 or less for all individual millages
6 and that millage may be levied and collected as a winter property
7 tax levy for all other tax bills that total more than \$100.00 for
8 all individual millages. Any additional millage approved to be
9 levied by any taxing authority after collection of the summer
10 property tax levy shall be collected as part of a winter property
11 tax levy as provided in this act.

12 (b) A resolution authorizing the summer collection is approved
13 by all of the following:

14 (i) The county board of commissioners.

15 (ii) The legislative body of the local tax collecting unit.

16 (iii) The county tax allocation board, if any.

17 (c) Within 60 days of approval of the resolutions required
18 under subdivision (b), the local tax collecting unit notifies all
19 owners of property on the tax roll that if the aggregate amount of
20 the revenue from the levy and collection of all individual millages
21 that would be levied and collected in the winter tax bill totals
22 \$100.00 or less, excluding any property tax administration fee,
23 those millages will be accelerated and collected as a summer
24 property tax levy.

25 (3) Before June 30 and in conformance with the procedures
26 prescribed by this act, the taxes being collected as a summer
27 property tax levy shall be spread in terms of millages on the

1 assessment roll, the amount of tax levied shall be assessed in
2 proportion to the taxable value, and a tax roll shall be prepared
3 that commands the appropriate treasurer to collect on July 1 the
4 taxes indicated as due on the tax roll.

5 (4) Taxes authorized to be collected shall become a lien
6 against the property on which assessed, and due from the owner of
7 that property on July 1.

8 (5) All taxes and interest imposed pursuant to this section
9 that are unpaid before March 1 shall be returned as delinquent on
10 March 1 and collected pursuant to this act.

11 (6) Interest shall be added to taxes collected after September
12 14 at that rate imposed by section 78a on delinquent property tax
13 levies that became a lien in the same year. However, if September
14 14 is on a Saturday, Sunday, or legal holiday, the last day taxes
15 are due and payable before interest is added is on the next
16 business day and interest shall be added to taxes that remain
17 unpaid on the immediately succeeding business day. The tax levied
18 under this act that is collected with the city taxes shall be
19 subject to the same penalties, interest, and collection charges as
20 city taxes and shall be returned as delinquent to the county
21 treasurer in the same manner and with the same interest, penalties,
22 and fees as city taxes.

23 (7) All or a portion of the fees or charges, or both,
24 authorized under section 44 may be imposed on taxes paid before
25 March 1 and shall be retained by the treasurer actually performing
26 the collection of the summer property tax levy pursuant to this
27 section, regardless of whether all or part of these fees or

1 charges, or both, have been waived by the township or city.

2 (8) Collections shall be remitted to the county for which the
3 taxes were collected pursuant to section 43.

4 (9) To the extent applicable and consistent with the
5 requirements of this section, this act shall apply to proceedings
6 in relation to the assessment, spreading, and collection of taxes
7 pursuant to this section.

8 (10) Each county shall establish a restricted fund known as
9 the revenue sharing reserve fund. The total amount required to be
10 placed in the revenue sharing reserve fund for each county shall
11 equal the amount of that county's December 2004 property tax levy
12 of the total number of mills allocated to the county by a county
13 tax allocation board or authorized for the county through a
14 separate tax limitation vote, less any amount of tax levy captured
15 and used under a tax increment financing plan under 1975 PA 197,
16 MCL 125.1651 to 125.1681; the tax increment finance authority act,
17 1980 PA 450, MCL 125.1801 to 125.1830; the local development
18 financing act, 1986 PA 281, MCL 125.2151 to 125.2174; or the
19 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651
20 to 125.2672, and shall be deposited in the revenue sharing reserve
21 fund as provided in this section. Revenues credited to the revenue
22 sharing reserve fund from the December tax levy of a county with a
23 fiscal year ending December 31 shall be accrued to the fiscal year
24 ending in the year of that December property tax levy. Revenue
25 shall be credited to the fund by each county as follows:

26 (a) From the county's December 2004 property tax levy, 1/3 of
27 the total December levy of the total number of mills allocated to

1 the county by a county tax allocation board or authorized for the
2 county through a separate tax limitation vote, less any amount of
3 tax levy captured and used under a tax increment financing plan
4 under 1975 PA 197, MCL 125.1651 to 125.1681; the tax increment
5 finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830; the
6 local development financing act, 1986 PA 281, MCL 125.2151 to
7 125.2174; or the brownfield redevelopment financing act, 1996 PA
8 381, MCL 125.2651 to 125.2672.

9 (b) From the county's December 2005 property tax levy, 1/2 of
10 the remaining balance required to be deposited in the fund.

11 (c) From the county's December 2006 property tax levy, the
12 balance required to be deposited in the fund.

13 (11) All of the following apply to a revenue sharing reserve
14 fund established under subsection (10):

15 (a) Funds in the revenue sharing reserve fund may not be
16 expended in any fiscal year except as provided in this section.

17 (b) Funds in the revenue sharing reserve fund may be used
18 within a county fiscal year for cash flow purposes at the
19 discretion of the county.

20 (c) Interest earnings on funds deposited in the revenue
21 sharing reserve fund shall be credited to the revenue sharing
22 reserve fund. However, the county is not required to reimburse the
23 revenue sharing reserve fund for a reduction of interest earnings
24 that occurs because funds in the revenue sharing reserve fund were
25 used for cash flow purposes.

26 (d) The revenue sharing reserve fund shall be separately
27 reported in the annual financial report required under section 4 of

1 1919 PA 71, MCL 21.44.

2 (12) For a county fiscal year that ends on December 31, 2004,
3 a county may expend in that fiscal year an amount not to exceed the
4 payments made to that county under the Glenn Steil state revenue
5 sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, in
6 October and December 2003 and, if the payment is accrued back to
7 the county's 2003 fiscal year, February 2004.

8 (13) Not later than March 1, 2005, a county that receives a
9 payment in October 2004 as provided in a bill making appropriations
10 to the department of treasury for the 2004-05 fiscal year shall pay
11 the amount of that payment to the state treasurer from the revenue
12 sharing reserve fund. A county that does not make the payment
13 required under this subsection shall not make any expenditures from
14 the fund provided under subsection ~~(13)~~-(14).

15 (14) For each fiscal year of a county that begins after
16 September 30, 2004, a county may expend from the revenue sharing
17 reserve fund an amount not to exceed the total payments made to
18 that county under the Glenn Steil state revenue sharing act of
19 1971, 1971 PA 140, MCL 141.901 to 141.921, in the state fiscal year
20 ending September 30, 2004, adjusted annually by the inflation rate,
21 without regard to any executive orders issued after May 17, 2004.
22 As used in this subsection, "inflation rate" means that term as
23 defined in section 34d.

24 (15) A county's required 2012 revenue sharing reserve fund
25 balance shall be reduced by an amount equal to the amount of county
26 allocated property tax the county had to refund for the 2004 tax
27 year due to a single court judgment, if the refund of 2004 county

1 allocated tax due to that judgment was at least 70% of the county's
2 2011 allowable withdrawal from its revenue sharing reserve fund.
3 The refund amount shall include the interest the county paid on the
4 2004 property tax refund.

5 (16) If a resolution authorizing a summer property tax levy
6 for a tax previously billed as part of the winter property tax levy
7 is approved under subsection (2), the treasurer that collects the
8 summer property tax levy shall establish a restricted fund to be
9 known as the other levies reserve fund for any millage collected
10 that was previously billed as part of the winter property tax levy.
11 Any millage that had been previously billed and collected as part
12 of the winter property tax levy in a preceding tax year that is
13 accelerated and collected earlier as a summer property tax levy
14 shall be deposited into the other levies reserve fund. The
15 treasurer that collects the summer property tax levy shall, **SUBJECT**
16 **TO SECTION 43(14)**, distribute to the local taxing authorities the
17 revenues credited to the other levies reserve fund from the summer
18 property tax collection of a millage that had been previously
19 billed and collected as part of a winter property tax levy on
20 December 1 of the tax year that the December property tax levy
21 would otherwise have been due and payable. If a millage previously
22 billed and collected as part of the winter property tax levy is
23 accelerated and collected earlier as a summer property tax levy,
24 and if the millage collected in that summer property tax levy is
25 less than that millage would have been if levied as part of the
26 immediately succeeding winter property tax levy, the treasurer that
27 collected the summer property tax levy may issue a supplemental

1 winter tax bill for the deficiency or, if approved by a resolution
2 of the legislative body of the local unit that collected the summer
3 property tax levy, pay any deficiency from that local unit's
4 general fund. The treasurer collecting the summer property tax levy
5 shall account for interest earned on the other levies reserve fund
6 and interest shall be transmitted to the various local tax
7 collecting units **AND TO THE STATE TREASURER** in proportion to the
8 revenue **DISTRIBUTED TO EACH THAT WAS** collected from a millage
9 previously billed and collected as part of the winter property tax
10 levy in a preceding tax year that is accelerated and collected
11 earlier as a summer property tax levy, after a deduction of
12 reasonable expenses incurred by the treasurer in administering the
13 accounting and disbursement of funds, to the extent that those
14 expenses are in addition to the expenses of accounting and
15 disbursing other taxes.

16 (17) The treasurer that collects the state education tax shall
17 collect the summer property tax levy under this section.

18 Sec. 51. (1) If a township treasurer does not file his or her
19 bond with the county treasurer as prescribed by law and the
20 township board fails to appoint a treasurer to give the bond and
21 deliver a receipt for the bond to the supervisor by December 10,
22 the supervisor shall deliver the tax roll with the necessary
23 warrant directed to the county treasurer, who shall make the
24 collection and, **SUBJECT TO SECTION 43(14)**, return of taxes. The
25 county treasurer, pursuant to the adoption of a resolution by the
26 county board of commissioners, has the same powers and duties to
27 add a property tax administration fee, a late penalty charge, and

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

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

15 (a) The principal residence of a taxpayer who meets both of
16 the following conditions:

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

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

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

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

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

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

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

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

9 (b) Property classified or used as agricultural real property
10 if the gross receipts of the agricultural or horticultural
11 operations in the previous year or the average gross receipts of
12 the operations in the previous 3 years are not less than the
13 household income of the owner in the previous year or the combined
14 household incomes in the previous year of the individual members of
15 a limited liability company or partners of a partnership that owns
16 the agricultural real property. A limited liability company or
17 partnership may claim the deferment under this section only if the
18 individual members of the limited liability company or partners of
19 the partnership qualified for the deferment under this section
20 before the individual members or partners formed the limited
21 liability company or partnership.

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, 1976

PA 451, MCL 380.1 to 380.1852, or the charter of a local property tax collecting unit, a local property tax collecting unit may provide for the levy and collection of summer property taxes. ~~The~~ **SUBJECT TO SECTION 43(14), THE** terms and conditions of collection established by or under an agreement executed pursuant to the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local tax collecting unit govern a summer property tax levy.

(9) As used in this section:

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

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

Sec. 52. ~~In case the~~ **IF A** township treasurer or other collecting officer ~~shall~~ **DOES** not collect the full amount of taxes required by his **OR HER** warrant to be paid into the township treasury, ~~such~~ **THE** portion thereof ~~as he shall collect~~ **THAT HE OR SHE COLLECTED** shall be retained by him ~~to~~ **OR HER AND SHALL, SUBJECT TO SECTION 43(14),** be paid out for the following purposes: The amount of school taxes collected to be paid to the treasurer of each school district and the secretary or director of each school district notified of ~~such~~ **THE** amount paid, the state and county taxes to the county treasurer as **PROVIDED** in this act, ~~provided,~~ the amount collected for general township purposes to be paid on the order of the township board, the amount collected for highway purposes to be paid on the order of the commissioner of highways

1 countersigned by the township clerk or supervisor, and the amount
2 collected for any special fund to be paid on the order of the
3 proper officer, but in no case shall the amounts collected for any
4 1 fund be paid on the orders drawn on any other fund.