

HOUSE BILL No. 5151

December 15, 2015, Introduced by Rep. Poleski and referred to the Committee on Local Government.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 43, 44a, 51, 52, 52a, and 54 (MCL 211.43,
211.44a, 211.51, 211.52, 211.52a, and 211.54), section 43 as
amended by 1994 PA 253, section 44a as amended by 2012 PA 184,
section 51 as amended by 2012 PA 57, and section 52a as added by
2004 PA 441.

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

1 money by taxation pursuant to an election held under section 36 or
2 on or before the third day immediately preceding the day the taxes
3 to be collected become a lien, shall give to the county treasurer a
4 bond running to the county in the actual amount of state, county,
5 and school taxes, except school taxes collected through a city
6 treasurer, with sufficient sureties to be approved by the
7 supervisor of the township and the county treasurer, conditioned
8 that he or she will pay over to the county treasurer as required by
9 law all state and county taxes, pay over to the respective school
10 treasurers all school taxes that he or she collects during each
11 year of his or her term of office, and duly and faithfully perform
12 all the other duties of the office of treasurer. If a corporate
13 surety bond is provided, the bond shall be approved only by the
14 county treasurer. If the bond is furnished by a surety company
15 authorized to transact business under the laws of this state, it is
16 sufficient that the bond is equal to 40% of the amount of state,
17 county, and school taxes. If the bond is furnished by a surety
18 company, the premium and cost of the bond given to the county shall
19 be paid by the county treasurer from the general fund of the county
20 against which the premium and cost is made a charge. However, the
21 county treasurer having paid the premium may bill each district
22 school board afforded protection by the bond that portion of the
23 premium charge as is allocated to the school taxes and the school
24 district treasurers shall pay that allocated premium charge as
25 determined by the county treasurer for the protection of school
26 taxes from available school district funds. If the county treasurer
27 and township supervisor determine that the bond of the township

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

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

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

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

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

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

1 transportation authorities shall be made not later than April 1 of
2 each year.

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

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

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

8 (6) Except as may be provided under section 1613 of ~~Act No.~~
9 ~~451 of the Public Acts of 1976, being section 380.1613 of the~~
10 ~~Michigan Compiled Laws,~~ **THE REVISED SCHOOL CODE, 1976 PA 451, MCL**
11 **380.1613**, when a county treasurer is collecting the school district
12 or intermediate school district levy, the county treasurer shall
13 account for and deliver to the appropriate local governmental unit
14 treasurer the tax collections received by the county treasurer
15 within 10 business days after the county treasurer receives the
16 funds.

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

24 (8) ~~The~~ **A** county treasurer shall account for and deliver to
25 the boards of each metropolitan transportation authority the county
26 tax collections for transportation authority purposes received by
27 the county treasurer within 10 business days after the county

1 treasurer receives the funds.

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

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

1 211.906, while held by the county treasurer, as reimbursement for
2 the cost incurred by the county in collecting and transmitting the
3 tax imposed by that act. The money retained by ~~the~~ A county
4 treasurer under this section shall be deposited in the treasury of
5 the county in which the tax is collected to the credit of the
6 general fund.

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

10 (12) Except as otherwise provided by subsection (10), interest
11 earned by a city, township, or county on collections of taxes
12 levied on or after November 5, 1985 before the tax collections are
13 accounted for and delivered to the respective taxing units pursuant
14 to this section shall also be accounted for and delivered to the
15 respective taxing units on a pro rata basis. ~~Interest earned by a~~
16 ~~city, township, or county on collections of taxes levied before~~
17 ~~November 5, 1985 before those collections were accounted for and~~
18 ~~delivered to the respective taxing units in compliance with the~~
19 ~~requirements of this section is not subject to claim and~~
20 ~~retroactive collection by those taxing units. However, interest~~
21 ~~earned on collections of taxes levied on or after November 5, 1985~~
22 ~~and before December 1, 1987 are not subject to claim and~~
23 ~~retroactive collection unless a claim has been filed in a court of~~
24 ~~competent jurisdiction before March 1, 1988.~~ This subsection does
25 not apply to interest or penalties imposed by law or charter and
26 does not nullify or prohibit any agreements made between a
27 collecting unit and a taxing unit regarding the earned interest.

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

(14) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, BEFORE DELIVERY, AMOUNTS COLLECTED UNDER THIS ACT ARE SUBJECT TO ANY APPLICABLE COURT ORDER UNDER SECTION 6093 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6093.

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

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

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

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

1 a summer property tax levy under this section is as follows:

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

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

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

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

18 (a) The aggregate amount of the revenue from the levy and
19 collection of all individual millages that would be levied and
20 collected in the winter tax bill totals \$100.00 or less per
21 individual tax bill, excluding any property tax administration fee.
22 A millage may be accelerated and collected earlier for only those
23 tax bills that total \$100.00 or less for all individual millages
24 and that millage may be levied and collected as a winter property
25 tax levy for all other tax bills that total more than \$100.00 for
26 all individual millages. Any additional millage approved to be
27 levied by any taxing authority after collection of the summer

1 property tax levy shall be collected as part of a winter property
2 tax levy as provided in this act.

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

5 (i) The county board of commissioners.

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

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

8 (c) Within 60 days of approval of the resolutions required
9 under subdivision (b), the local tax collecting unit notifies all
10 owners of property on the tax roll that if the aggregate amount of
11 the revenue from the levy and collection of all individual millages
12 that would be levied and collected in the winter tax bill totals
13 \$100.00 or less, excluding any property tax administration fee,
14 those millages will be accelerated and collected as a summer
15 property tax levy.

16 (3) Before June 30 and in conformance with the procedures
17 prescribed by this act, the taxes being collected as a summer
18 property tax levy shall be spread in terms of millages on the
19 assessment roll, the amount of tax levied shall be assessed in
20 proportion to the taxable value, and a tax roll shall be prepared
21 that commands the appropriate treasurer to collect on July 1 the
22 taxes indicated as due on the tax roll.

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

26 (5) All taxes and interest imposed pursuant to this section
27 that are unpaid before March 1 shall be returned as delinquent on

1 March 1 and collected pursuant to this act.

2 (6) Interest shall be added to taxes collected after September
3 14 at that rate imposed by section 78a on delinquent property tax
4 levies that became a lien in the same year. However, if September
5 14 is on a Saturday, Sunday, or legal holiday, the last day taxes
6 are due and payable before interest is added is on the next
7 business day and interest shall be added to taxes that remain
8 unpaid on the immediately succeeding business day. The tax levied
9 under this act that is collected with the city taxes shall be
10 subject to the same penalties, interest, and collection charges as
11 city taxes and shall be returned as delinquent to the county
12 treasurer in the same manner and with the same interest, penalties,
13 and fees as city taxes.

14 (7) All or a portion of the fees or charges, or both,
15 authorized under section 44 may be imposed on taxes paid before
16 March 1 and shall be retained by the treasurer actually performing
17 the collection of the summer property tax levy pursuant to this
18 section, regardless of whether all or part of these fees or
19 charges, or both, have been waived by the township or city.

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

22 (9) To the extent applicable and consistent with the
23 requirements of this section, this act shall apply to proceedings
24 in relation to the assessment, spreading, and collection of taxes
25 pursuant to this section.

26 (10) Each county shall establish a restricted fund known as
27 the revenue sharing reserve fund. The total amount required to be

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

17 (a) From the county's December 2004 property tax levy, 1/3 of
18 the total December levy of the total number of mills allocated to
19 the county by a county tax allocation board or authorized for the
20 county through a separate tax limitation vote, less any amount of
21 tax levy captured and used under a tax increment financing plan
22 under 1975 PA 197, MCL 125.1651 to 125.1681; the tax increment
23 finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830; the
24 local development financing act, 1986 PA 281, MCL 125.2151 to
25 125.2174; or the brownfield redevelopment financing act, 1996 PA
26 381, MCL 125.2651 to 125.2672.

27 (b) From the county's December 2005 property tax levy, 1/2 of

1 the remaining balance required to be deposited in the fund.

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

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

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

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

11 (c) Interest earnings on funds deposited in the revenue
12 sharing reserve fund shall be credited to the revenue sharing
13 reserve fund. However, the county is not required to reimburse the
14 revenue sharing reserve fund for a reduction of interest earnings
15 that occurs because funds in the revenue sharing reserve fund were
16 used for cash flow purposes.

17 (d) The revenue sharing reserve fund shall be separately
18 reported in the annual financial report required under section 4 of
19 1919 PA 71, MCL 21.44.

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

26 (13) Not later than March 1, 2005, a county that receives a
27 payment in October 2004 as provided in a bill making appropriations

1 to the department of treasury for the 2004-05 fiscal year shall pay
2 the amount of that payment to the state treasurer from the revenue
3 sharing reserve fund. A county that does not make the payment
4 required under this subsection shall not make any expenditures from
5 the fund provided under subsection ~~(13)~~-(14) .

6 (14) For each fiscal year of a county that begins after
7 September 30, 2004, a county may expend from the revenue sharing
8 reserve fund an amount not to exceed the total payments made to
9 that county under the Glenn Steil state revenue sharing act of
10 1971, 1971 PA 140, MCL 141.901 to 141.921, in the state fiscal year
11 ending September 30, 2004, adjusted annually by the inflation rate,
12 without regard to any executive orders issued after May 17, 2004.
13 As used in this subsection, "inflation rate" means that term as
14 defined in section 34d.

15 (15) A county's required 2012 revenue sharing reserve fund
16 balance shall be reduced by an amount equal to the amount of county
17 allocated property tax the county had to refund for the 2004 tax
18 year due to a single court judgment, if the refund of 2004 county
19 allocated tax due to that judgment was at least 70% of the county's
20 2011 allowable withdrawal from its revenue sharing reserve fund.
21 The refund amount shall include the interest the county paid on the
22 2004 property tax refund.

23 (16) If a resolution authorizing a summer property tax levy
24 for a tax previously billed as part of the winter property tax levy
25 is approved under subsection (2), the treasurer that collects the
26 summer property tax levy shall establish a restricted fund to be
27 known as the other levies reserve fund for any millage collected

1 that was previously billed as part of the winter property tax levy.
2 Any millage that had been previously billed and collected as part
3 of the winter property tax levy in a preceding tax year that is
4 accelerated and collected earlier as a summer property tax levy
5 shall be deposited into the other levies reserve fund. The
6 treasurer that collects the summer property tax levy shall, **SUBJECT**
7 **TO SECTION 43(14)**, distribute to the local taxing authorities the
8 revenues credited to the other levies reserve fund from the summer
9 property tax collection of a millage that had been previously
10 billed and collected as part of a winter property tax levy on
11 December 1 of the tax year that the December property tax levy
12 would otherwise have been due and payable. If a millage previously
13 billed and collected as part of the winter property tax levy is
14 accelerated and collected earlier as a summer property tax levy,
15 and if the millage collected in that summer property tax levy is
16 less than that millage would have been if levied as part of the
17 immediately succeeding winter property tax levy, the treasurer that
18 collected the summer property tax levy may issue a supplemental
19 winter tax bill for the deficiency or, if approved by a resolution
20 of the legislative body of the local unit that collected the summer
21 property tax levy, pay any deficiency from that local unit's
22 general fund. The treasurer collecting the summer property tax levy
23 shall account for interest earned on the other levies reserve fund
24 and interest shall be transmitted to the various local tax
25 collecting units in proportion to the revenue collected from a
26 millage previously billed and collected as part of the winter
27 property tax levy in a preceding tax year that is accelerated and

1 collected earlier as a summer property tax levy, after a deduction
2 of reasonable expenses incurred by the treasurer in administering
3 the accounting and disbursement of funds, to the extent that those
4 expenses are in addition to the expenses of accounting and
5 disbursing other taxes.

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

8 Sec. 51. (1) If a township treasurer does not file his or her
9 bond with the county treasurer as prescribed by law and the
10 township board fails to appoint a treasurer to give the bond and
11 deliver a receipt for the bond to the supervisor by December 10,
12 the supervisor shall deliver the tax roll with the necessary
13 warrant directed to the county treasurer, who shall make the
14 collection and, **SUBJECT TO SECTION 43(14)**, return of taxes. The
15 county treasurer, pursuant to the adoption of a resolution by the
16 county board of commissioners, has the same powers and duties to
17 add a property tax administration fee, a late penalty charge, and
18 interest to all taxes collected as conferred upon a township
19 treasurer under section 44. The excess of the amount of property
20 tax administration fees over the expense to the county in
21 collecting the taxes shall be returned to the township, and the
22 remainder of the property tax administration fees and any late
23 penalty charges imposed shall be credited to the county general
24 fund. For the purpose of collecting the taxes, the county treasurer
25 is vested with all the powers conferred upon the township treasurer
26 and an action may be brought on the county treasurer's bond under
27 the same circumstances as on those of a township treasurer.

1 (2) A local tax collecting unit 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) The principal residence of a taxpayer who meets both of
6 the following conditions:

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

8 (A) Is a totally and permanently disabled person, blind
9 person, paraplegic, quadriplegic, eligible serviceperson, eligible
10 veteran, or eligible widow or widower, as these persons are defined
11 in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL
12 206.501 to 206.532.

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

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

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

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

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

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

26 (b) Property classified or used as agricultural real property
27 if the gross receipts of the agricultural or horticultural

1 operations in the previous year or the average gross receipts of
2 the operations in the previous 3 years are not less than the
3 household income of the owner in the previous year or the combined
4 household incomes in the previous year of the individual members of
5 a limited liability company or partners of a partnership that owns
6 the agricultural real property. A limited liability company or
7 partnership may claim the deferment under this section only if the
8 individual members of the limited liability company or partners of
9 the partnership qualified for the deferment under this section
10 before the individual members or partners formed the limited
11 liability company or partnership.

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

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

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

24 (a) Cause a notice of the availability of the deferment to be
25 published in a newspaper of general circulation within the local
26 property tax collecting unit or to be included as an insertion with
27 the tax bill.

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

2 (6) If a local property tax collecting unit that collects a
3 summer property tax also collects a winter property tax in the same
4 year, a statement of the amount of taxes deferred pursuant to
5 subsection (2) shall be in the December tax statement mailed by the
6 local property tax collecting unit for each summer property tax
7 payment that was deferred from collection. If a local property tax
8 collecting unit that collects a summer property tax does not
9 collect a winter property tax in the same year, it shall mail a
10 statement of the amount of taxes deferred under subsection (2) at
11 the same time December tax statements are required to be mailed
12 under section 44.

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

17 (8) To the extent permitted by the revised school code, 1976
18 PA 451, MCL 380.1 to 380.1852, or the charter of a local property
19 tax collecting unit, a local property tax collecting unit may
20 provide for the levy and collection of summer property taxes. The
21 terms and conditions of collection established by or under an
22 agreement executed pursuant to the revised school code, 1976 PA
23 451, MCL 380.1 to 380.1852, or the charter of a local tax
24 collecting unit govern a summer property tax levy.

25 (9) As used in this section:

26 (a) "Principal residence" means property exempt under section
27 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 countersigned by the township clerk or supervisor, and the amount collected for any special fund to be paid on the order of the proper officer, but in no case shall the amounts collected for any fund be paid on the orders drawn on any other fund.

Sec. 52a. If a local tax collecting unit has distributed taxes collected under this act to a local taxing unit or to the state treasurer, upon request by the local tax collecting unit, that local taxing unit or the state treasurer shall return to the local tax collecting unit an amount erroneously collected or an amount required to be returned by court order in a bankruptcy proceeding filed after December 31, 1999. **BEFORE DELIVERY TO ANY LOCAL TAXING**

1 UNIT, AMOUNTS RETURNED TO A LOCAL TAX COLLECTING UNIT UNDER THIS
2 SECTION ARE SUBJECT TO SECTION 43(14).

3 Sec. 54. Within 20 calendar days after the time specified in
4 his OR HER warrant, the township treasurer or other collecting
5 officer shall, **SUBJECT TO SECTION 43(14)**, pay to the county
6 treasurer all state and county taxes collected, and within the same
7 time shall make his OR HER statement of unpaid taxes upon real and
8 personal property as required in section 55.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 5150 (request no.
13 03586'15 *) of the 98th Legislature is enacted into law.