

SENATE BILL NO. 453

March 23, 1999, Introduced by Senator VAN REGENMORTER and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 1996 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44. (1) Upon receipt of the tax roll, the township
2 treasurer or other collector shall proceed to collect the taxes.
3 The township treasurer or other collector shall mail to each tax-
4 payer at the taxpayer's last known address on the tax roll or to
5 the taxpayer's designated agent a statement showing the descrip-
6 tion of the property against which the tax is levied, the taxable
7 value of the property, and the amount of the tax on the
8 property. If a tax statement is mailed to the taxpayer, a tax
9 statement sent to a taxpayer's designated agent may be in a
10 summary form or may be in an electronic data processing format.
11 If the tax statement information is provided to both a taxpayer

1 and the taxpayer's designated agent, the tax statement mailed to
2 the taxpayer may be identified as an informational copy. A town-
3 ship treasurer or other collector electing to send a tax state-
4 ment to a taxpayer's designated agent or electing not to include
5 an itemization in the manner described in subsection (9)(c) in a
6 tax statement mailed to the taxpayer shall, upon request, mail a
7 detailed copy of the tax statement, including an itemization of
8 the amount of tax in the manner described by subsection (9)(c),
9 to the taxpayer without charge. ~~, as previously required by this~~
10 ~~section.~~

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

1 day designated by the township as a holiday for township
2 employees, 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 OF EITHER NOT MORE THAN 1% OF THE TOTAL TAX
7 BILL OR A FIXED FEE PER PARCEL OF NOT MORE THAN 1% OF THE TOTAL
8 TAX BILL. However, unless otherwise provided for by an agreement
9 between the assessing unit and the collecting unit, if a local
10 property tax collecting unit other than a village does not also
11 serve as the local assessing unit, the excess of the amount of
12 property tax administration fees over the expense to the local
13 property tax collecting unit in collecting the taxes, but not
14 less than 80% of the fee imposed, shall be returned to the local
15 assessing unit. A property tax administration fee is defined as
16 a fee to offset costs incurred by a collecting unit in assessing
17 property values, IN collecting the property tax levies, and in
18 the review and appeal processes. The costs of any appeals, in
19 excess of funds available from the property tax administration
20 fee, may be shared by any taxing unit only if approved by the
21 governing body of the taxing unit. Except as provided by subsec-
22 tion (7), on all taxes paid after February 14 and before March 1
23 the governing body of a city or township may authorize the trea-
24 surer to add to the tax a property tax administration fee to the
25 extent imposed on taxes paid before February 15 and a late pen-
26 alty charge equal to 3% of the tax. ~~Interest~~ THE GOVERNING
27 BODY OF A CITY OR TOWNSHIP MAY WAIVE INTEREST from February 15 to

1 the last day of February on a summer property tax that has been
2 deferred under section 51 or any late penalty charge ~~may be~~
3 ~~waived by the governing body of a city or township~~ for the home-
4 stead property of a senior citizen, paraplegic, quadriplegic,
5 hemiplegic, eligible serviceperson, eligible veteran, eligible
6 widow or widower, totally and permanently disabled person, or
7 blind person, as those persons are defined in chapter 9 of the
8 income tax act of 1967, ~~Act No. 281 of the Public Acts of 1967,~~
9 ~~being sections 206.501 to 206.532 of the Michigan Compiled Laws~~
10 1967 PA 281, MCL 206.501 TO 206.532, if the person makes a claim
11 before February 15 for a credit for that property provided by
12 chapter 9 of ~~Act No. 281 of the Public Acts of 1967~~ THE INCOME
13 TAX ACT OF 1967, 1967 PA 281, MCL 206.501 TO 206.532, if the
14 person presents a copy of the form filed for that credit to the
15 local treasurer, and if the person has not received the credit
16 before February 15. ~~Interest~~ THE GOVERNING BODY OF A CITY OR
17 TOWNSHIP MAY WAIVE INTEREST from February 15 to the last day of
18 February on a summer property tax deferred under section 51 or
19 any late penalty charge ~~may be waived by the governing body of a~~
20 ~~city or township~~ for a person's property that is subject to a
21 farmland development rights agreement recorded with the register
22 of deeds of the county in which the property is situated as pro-
23 vided in section 36104 ~~of part 361 (farmland and open space~~
24 ~~preservation)~~ of the natural resources and environmental protec-
25 tion act, ~~Act No. 451 of the Public Acts of 1994, being section~~
26 ~~324.36104 of the Michigan Compiled Laws~~ 1994 PA 451, MCL
27 324.36104, if the person presents a copy of the development

1 rights agreement or verification that the property is subject to
 2 a development rights agreement before February 15. A 4% county
 3 property tax administration fee, a property tax administration
 4 fee to the extent imposed on and if authorized under subsection
 5 (7) for taxes paid before March 1, and interest on the tax at the
 6 rate of 1% per month shall be added to taxes collected by the
 7 township or city treasurer after the last day of February and
 8 before settlement with the county treasurer, and the payment
 9 shall be treated as though collected by the county treasurer. If
 10 the statements required to be mailed by this section are not
 11 mailed before December 31, the treasurer shall not impose a late
 12 penalty charge ~~with respect to~~ ON taxes collected after
 13 February 14.

14 (4) The governing body of a local property tax collecting
 15 unit may waive all or part of the property tax administration fee
 16 or the late penalty charge, or both. A property tax administra-
 17 tion fee collected by the township treasurer shall be used only
 18 for the purposes for which it may BE collected as specified by
 19 subsection (3) and this subsection. If the bond of the treasur-
 20 er, as provided in section 43, is furnished by a surety company,
 21 the cost of the bond may be paid by the township from the prop-
 22 erty tax administration fee.

23 (5) If apprehensive of the loss of personal tax assessed
 24 upon the roll, the township treasurer may enforce collection of
 25 the tax at any time, and if compelled to seize property or bring
 26 an action in December may add, if authorized under
 27 subsection (7), ~~1% for~~ a property tax administration fee OF

1 EITHER NOT MORE THAN 1% OF THE TOTAL TAX BILL OR A FIXED FEE PER
2 PARCEL OF NOT MORE THAN 1% OF THE TOTAL TAX BILL and 3% for a
3 late penalty charge.

4 (6) Along with taxes returned delinquent to a county trea-
5 surer under section 55, the amount of the ~~1%~~ property tax
6 administration fee prescribed by subsection (3) that is imposed
7 and not paid shall be included in the return of delinquent taxes
8 and, when delinquent taxes are distributed by the county trea-
9 surer under this act, the delinquent ~~1%~~ property tax adminis-
10 tration fee shall be distributed to the treasurer of the local
11 unit who transmitted the statement of taxes returned as
12 delinquent. Interest imposed upon delinquent property taxes
13 under this act shall also be imposed upon the ~~1%~~ property tax
14 administration fee and, for purposes of this act other than FOR
15 THE PURPOSE OF DETERMINING to which local unit the county trea-
16 surer shall distribute a delinquent ~~1%~~ property tax administra-
17 tion fee, any reference to delinquent taxes shall be considered
18 to include the ~~1%~~ property tax administration fee returned as
19 delinquent for the same property.

20 (7) The local property tax collecting treasurer shall not
21 impose a property tax administration fee, collection fee, or any
22 type of late penalty charge authorized by law or charter unless
23 the governing body of the local property tax collecting unit
24 approves, by resolution or ordinance adopted after
25 December 31, 1982, an authorization for the imposition of a prop-
26 erty tax administration fee, collection fee, or any type of late
27 penalty charge provided for by this section or by charter, which

1 authorization shall be valid for all levies that become a lien
2 after the resolution or ordinance is adopted. However, unless
3 otherwise provided for by an agreement between the assessing unit
4 and the collecting unit, a local property tax collecting unit
5 that does not also serve as the assessing unit shall impose a
6 property tax administration fee on each parcel at a rate equal to
7 the rate of the fee imposed for city or township taxes on that
8 parcel.

9 (8) The annual statement required by ~~Act No. 125 of the~~
10 ~~Public Acts of 1966, being sections 565.161 to 565.164 of the~~
11 ~~Michigan Compiled Laws~~ 1966 PA 125, MCL 565.161 TO 565.164, or a
12 monthly billing form or mortgagor passbook provided instead of
13 that annual statement shall include a statement to the effect
14 that a taxpayer who ~~has~~ WAS not ~~been~~ mailed the tax statement
15 or a copy of the tax statement by the township treasurer or other
16 collector shall receive, upon request and without charge, a copy
17 of the tax statement from the township treasurer or other collec-
18 tor or, if the tax statement has been mailed to the taxpayer's
19 designated agent, from either the taxpayer's designated agent or
20 the township treasurer or other collector. A designated agent
21 who is subject to ~~Act No. 125 of the Public Acts of 1966~~ 1966
22 PA 125, MCL 565.161 TO 565.164, and who has been mailed the tax
23 statement for taxes that became a lien in the calendar year imme-
24 diately preceding the year in which the annual statement may be
25 required to be furnished shall mail, upon ~~the~~ request ~~of~~ and
26 without charge to a taxpayer who ~~has~~ WAS not ~~been~~ mailed that

1 tax statement or a copy of that tax statement, a copy of that tax
2 statement. ~~to that taxpayer.~~

3 (9) As used in this section:

4 (a) "Designated agent" means an individual, partnership,
5 association, corporation, receiver, estate, trust, or other legal
6 entity that has entered into an escrow account agreement or other
7 agreement with the taxpayer that obligates that individual or
8 legal entity to pay the property taxes for the taxpayer or, if an
9 agreement has not been entered into, that ~~has been~~ WAS desig-
10 nated by the taxpayer on a form made available to the taxpayer by
11 the township treasurer and filed with that treasurer. The desig-
12 nation by the taxpayer shall remain in effect until revoked by
13 the taxpayer in a writing filed with the township treasurer. The
14 form made available by the township treasurer shall include a
15 statement that submission of the form allows the treasurer to
16 mail the tax statement to the designated agent instead of to the
17 taxpayer and a statement notifying the taxpayer of his or her
18 right to revoke the designation by a writing filed with the town-
19 ship treasurer.

20 (b) "Taxpayer" means the owner of the property ~~upon~~ ON
21 which the tax is imposed.

22 (c) When describing in subsection (1) that the amount of tax
23 on the property must be shown in the tax statement, "amount of
24 tax" means an itemization by dollar amount of each of the several
25 ad valorem property taxes and special assessments that a person
26 may pay under section 53 and an itemization by millage rate, on
27 either the tax statement or a separate form accompanying the tax

1 statement, of each of the several ad valorem property taxes that
2 a person may pay under section 53. The township treasurer or
3 other collector may replace the itemization described in this
4 subdivision with a statement informing the taxpayer that the
5 itemization of the dollar amount and millage rate of the taxes is
6 available without charge from the local property tax collecting
7 unit.