

HOUSE BILL No. 5010

August 13, 2003, Introduced by Reps. Sheen, Hummel, Newell, Woronchak, Brandenburg, Shulman, Drolet, Vander Veen, Voorhees, Palmer, Kooiman, Garfield, Milosch, Wenke, Ehardt, Stakoe, Hoogendyk, Ward, Condino, Farrah, Richardville, Huizenga, O'Neil and Hune and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 7cc, 7ee, 10f, 34d, 35, 36, 37, 40, 41, 42, 43, 44, 44a, 46, 51, 53b, 53c, 59, and 78a (MCL 211.7cc, 211.7ee, 211.10f, 211.34d, 211.35, 211.36, 211.37, 211.40, 211.41, 211.42, 211.43, 211.44, 211.44a, 211.46, 211.51, 211.53b, 211.53c, 211.59, and 211.78a), sections 7cc and 53b as amended by 2002 PA 624, sections 7ee, 10f, and 34d as amended by 1996 PA 476, sections 35 and 41 as amended by 2002 PA 620, section 36 as amended by 1997 PA 138, section 37 as amended by 1994 PA 415, section 40 as amended by 1995 PA 143, section 43 as amended by 1994 PA 253, section 44 as amended by 2002 PA 641, section 44a as added by 1993 PA 313, section 46 as amended by 1982 PA 539, section 51 as amended by 1992 PA 97, section 53c as added by 1995 PA 74, section 59 as amended by 2001 PA 97, section 78a as added

by 1999 PA 123, and by adding sections 44e, 44f, and 44g; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7cc. (1) A homestead is exempt from the tax levied by
2 a local school district for school operating purposes to the
3 extent provided under section 1211 of the revised school code,
4 1976 PA 451, MCL 380.1211, if an owner of that homestead claims
5 an exemption as provided in this section. Notwithstanding the
6 tax day provided in section 2, the status of property as a
7 homestead shall be determined on the date an affidavit claiming
8 an exemption is filed under subsection (2).

9 (2) An owner of property may claim an exemption under this
10 section by filing an affidavit on or before May 1 with the local
11 tax collecting unit in which the property is located. The
12 affidavit shall state that the property is owned and occupied as
13 a homestead by that owner of the property on the date that the
14 affidavit is signed. The affidavit shall be on a form prescribed
15 by the department of treasury. Beginning in 1995, 1 copy of the
16 affidavit shall be retained by the owner, 1 copy shall be
17 retained by the local tax collecting unit until any appeal or
18 audit period under this act has expired, and 1 copy shall be
19 forwarded to the department of treasury pursuant to subsection
20 (4), together with all information submitted under subsection
21 (18) for a cooperative housing corporation. Beginning in 1995,
22 the affidavit shall require the owner claiming the exemption to
23 indicate if that owner has claimed another exemption on property
24 in this state that is not rescinded. If the affidavit requires

1 an owner to include a social security number, that owner's number
2 is subject to the disclosure restrictions in 1941 PA 122, MCL
3 205.1 to 205.31.

4 (3) A husband and wife who are required to file or who do
5 file a joint Michigan income tax return are entitled to not more
6 than 1 homestead exemption.

7 (4) Upon receipt of an affidavit filed under subsection (2)
8 and unless the claim is denied under subsection (6), the assessor
9 shall exempt the property from the collection of the tax levied
10 by a local school district for school operating purposes to the
11 extent provided under section 1211 of the revised school code,
12 1976 PA 451, MCL 380.1211, as provided in subsection (1) until
13 December 31 of the year in which the property is transferred or
14 is no longer a homestead as defined in section 7dd. The local
15 tax collecting unit shall forward copies of affidavits to the
16 department of treasury according to a schedule prescribed by the
17 department of treasury.

18 (5) Not more than 90 days after exempted property is no
19 longer used as a homestead by the owner claiming an exemption,
20 that owner shall rescind the claim of exemption by filing with
21 the local tax collecting unit a rescission form prescribed by the
22 department of treasury. Beginning October 1, 1994, an owner who
23 fails to file a rescission as required by this subsection is
24 subject to a penalty of \$5.00 per day for each separate failure
25 beginning after the 90 days have elapsed, up to a maximum of
26 \$200.00. This penalty shall be collected under 1941 PA 122, MCL
27 205.1 to 205.31, and shall be deposited in the state school aid

1 fund established in section 11 of article IX of the state
2 constitution of 1963. This penalty may be waived by the
3 department of treasury.

4 (6) If the assessor of the local tax collecting unit believes
5 that the property for which an exemption is claimed is not the
6 homestead of the owner claiming the exemption, effective for
7 taxes levied after 1994 the assessor may deny a new or existing
8 claim by notifying the owner and the department of treasury in
9 writing of the reason for the denial and advising the owner that
10 the denial may be appealed to the department of treasury within
11 35 days after the date of the notice. The denial shall be made
12 on a form prescribed by the department of treasury. If the
13 assessor of the local tax collecting unit believes that the
14 property for which the exemption is claimed is not the homestead
15 of the owner claiming the exemption, for taxes levied in 1994 the
16 assessor may send a recommendation for denial for any affidavit
17 that is forwarded to the department of treasury stating the
18 reasons for the recommendation. If the assessor of the local tax
19 collecting unit believes that the property for which the
20 exemption is claimed is not the homestead of the owner claiming
21 the exemption and has not denied the claim, for taxes levied
22 after 1994 the assessor shall include a recommendation for denial
23 with any affidavit that is forwarded to the department of
24 treasury or, for an existing claim, shall send a recommendation
25 for denial to the department of treasury, stating the reasons for
26 the recommendation.

27 (7) The department of treasury shall determine if the

1 property is the homestead of the owner claiming the exemption.
2 The department of treasury may review the validity of exemptions
3 for the current calendar year and for the 3 immediately preceding
4 calendar years. If the department of treasury determines that
5 the property is not the homestead of the owner claiming the
6 exemption, the department shall send a notice of that
7 determination to the local tax collecting unit and to the owner
8 of the property claiming the exemption, indicating that the claim
9 for exemption is denied, stating the reason for the denial, and
10 advising the owner claiming the exemption of the right to appeal
11 the determination to the department of treasury and what those
12 rights of appeal are. The department of treasury may issue a
13 notice denying a claim if an owner fails to respond within 30
14 days of receipt of a request for information from that
15 department. An owner may appeal the denial of a claim of
16 exemption to the department of treasury within 35 days of receipt
17 of the notice of denial. An appeal to the department of treasury
18 shall be conducted according to the provisions for an informal
19 conference in section 21 of 1941 PA 122, MCL 205.21. Within 10
20 days after acknowledging an appeal of a denial of a claim of
21 exemption, the department of treasury shall notify the assessor
22 and the treasurer for the county in which the property is located
23 that an appeal has been filed. Upon receipt of a notice that the
24 department of treasury has denied a claim for exemption, the
25 assessor shall remove the exemption of the property and, if the
26 tax roll is in the local tax collecting unit's possession, amend
27 the tax roll to reflect the denial and the local treasurer shall

1 issue a corrected tax bill for previously unpaid taxes with
2 interest and penalties computed based on the interest and
3 penalties that would have accrued from the date the taxes were
4 originally levied if there had not been an exemption. If the tax
5 roll is in the county treasurer's possession, the tax roll shall
6 be amended to reflect the denial and the county treasurer shall
7 prepare and submit a supplemental tax bill for any additional
8 taxes, together with any interest and penalties. For taxes
9 levied in 1994 only, the county treasurer shall waive any
10 interest and penalties due if the owner pays the supplemental tax
11 bill not more than 30 days after the owner receives the
12 supplemental tax bill. Interest and penalties shall not be
13 assessed for any period before February 14, 1995. However, if
14 the property has been transferred to a bona fide purchaser before
15 additional taxes were billed to the seller as a result of the
16 denial of a claim for exemption, the taxes, interest, and
17 penalties shall not be billed to the bona fide purchaser, and the
18 local tax collecting unit if the local tax collecting unit has
19 possession of the tax roll or the county treasurer if the county
20 has possession of the tax roll shall notify the department of
21 treasury of the amount of tax due and interest through the date
22 of that notification. The department of treasury shall then
23 assess the owner who claimed the homestead property tax exemption
24 for the tax and interest plus penalty accruing as a result of the
25 denial of the claim for exemption, if any, as for unpaid taxes
26 provided under 1941 PA 122, MCL 205.1 to 205.31, and shall
27 deposit any tax, interest, or penalty collected into the state

1 school aid fund.

2 (8) An owner may appeal a final decision of the department of
3 treasury to the residential and small claims division of the
4 Michigan tax tribunal within 35 days of that decision. An
5 assessor may appeal a final decision of the department of
6 treasury to the residential and small claims division of the
7 Michigan tax tribunal within 35 days of that decision if the
8 assessor denied the exemption under subsection (6), or, for taxes
9 levied in 1994 only, the assessor forwarded a recommendation for
10 denial to the department of treasury under subsection (6). An
11 owner is not required to pay the amount of tax in dispute in
12 order to appeal a denial of a claim of exemption to the
13 department of treasury or to receive a final determination of the
14 residential and small claims division of the Michigan tax
15 tribunal. However, interest and penalties except as provided in
16 subsection (7), if any, shall accrue and be computed based on the
17 interest and penalties that would have accrued from the date the
18 taxes were originally levied as if there had not been an
19 exemption.

20 (9) An affidavit filed by an owner for a homestead rescinds
21 all previous exemptions filed by that owner for any other
22 homestead. The department of treasury shall notify the assessor
23 of the local tax collecting unit in which the property for which
24 a previous exemption was claimed is located that the previous
25 exemption is rescinded by the subsequent affidavit. Upon receipt
26 of notice that an exemption is rescinded, the assessor of the
27 local tax collecting unit shall remove the exemption effective

1 December 31 of the year in which the property is transferred or
2 is no longer a homestead as defined in section 7dd. The assessor
3 of the local tax collecting unit in which that property is
4 located shall notify the treasurer in possession of the tax roll
5 for a year for which the exemption is rescinded. If the tax roll
6 is in the local tax collecting unit's possession, the tax roll
7 shall be amended to reflect the rescission and the local
8 treasurer shall prepare and issue a corrected tax bill for
9 previously unpaid taxes with interest and penalties computed
10 based on the interest and penalties that would have accrued from
11 the date the taxes were originally levied if there had not been
12 an exemption for that year. If the tax roll is in the county
13 treasurer's possession, the tax roll shall be amended to reflect
14 the rescission and the county treasurer shall prepare and submit
15 a supplemental tax bill for any additional taxes, together with
16 any interest and penalties. However, if the property has been
17 transferred to a bona fide purchaser, the taxes, interest, and
18 penalties shall not be billed to the bona fide purchaser, and the
19 local tax collecting unit if the local tax collecting unit has
20 possession of the tax roll or the county treasurer if the county
21 has possession of the tax roll shall notify the department of
22 treasury of the amount of tax due and interest through the date
23 of that notification. The department of treasury shall then
24 assess the owner who received the homestead property tax
25 exemption when the property was not a homestead as defined in
26 section 7dd for the tax and interest plus penalty accruing, if
27 any, as for unpaid taxes provided under 1941 PA 122, MCL 205.1 to

1 205.31, and shall deposit any tax, interest, or penalty collected
2 into the state school aid fund.

3 (10) An owner of property for which a claim of exemption is
4 rescinded may appeal that rescission with either the July or
5 December board of review in either the year for which the
6 exemption is rescinded or in the immediately succeeding year. If
7 an appeal of a rescission of a claim for exemption is received
8 not later than 5 days prior to the date of the December board of
9 review, the local tax collecting unit shall convene a December
10 board of review and consider the appeal pursuant to this section
11 and section 53b. An owner of property for which a claim of
12 exemption is rescinded may appeal the decision of the board of
13 review to the residential and small claims division of the
14 Michigan tax tribunal within 35 days of that decision.

15 (11) If the homestead is part of a unit in a multiple-unit
16 dwelling or a dwelling unit in a multiple-purpose structure, an
17 owner shall claim an exemption for only that portion of the total
18 taxable value of the property used as the homestead of that owner
19 in a manner prescribed by the department of treasury. If a
20 portion of a parcel for which the owner claims an exemption is
21 used for a purpose other than as a homestead, the owner shall
22 claim an exemption for only that portion of the taxable value of
23 the property used as the homestead of that owner in a manner
24 prescribed by the department of treasury.

25 (12) When a county register of deeds records a transfer of
26 ownership of a property, he or she shall notify the local tax
27 collecting unit in which the property is located of the

1 transfer.

2 (13) The department of treasury shall make available the
3 affidavit forms and the forms to rescind an exemption, which may
4 be on the same form, to all city and township assessors, county
5 equalization officers, county registers of deeds, and closing
6 agents. A person who prepares a closing statement for the sale
7 of property shall provide affidavit and rescission forms to the
8 buyer and seller at the closing and, if requested by the buyer or
9 seller after execution by the buyer or seller, shall file the
10 forms with the local tax collecting unit in which the property is
11 located. If a closing statement preparer fails to provide
12 homestead exemption affidavit and rescission forms to the buyer
13 and seller, or fails to file the affidavit and rescission forms
14 with the local tax collecting unit if requested by the buyer or
15 seller, the buyer may appeal to the department of treasury within
16 30 days of notice to the buyer that an exemption was not
17 recorded. If the department of treasury determines that the
18 buyer qualifies for the exemption, the department of treasury
19 shall notify the assessor of the local tax collecting unit that
20 the exemption is granted and the assessor of the local tax
21 collecting unit or, if the tax roll is in the possession of the
22 county treasurer, the county treasurer shall correct the tax roll
23 to reflect the exemption. This subsection does not create a
24 cause of action at law or in equity against a closing statement
25 preparer who fails to provide homestead exemption affidavit and
26 rescission forms to a buyer and seller or who fails to file the
27 affidavit and rescission forms with the local tax collecting unit

1 when requested to do so by the buyer or seller.

2 (14) An owner who owned and occupied a homestead on May 1 for
3 which the exemption was not on the tax roll may file an appeal
4 with the July ~~board of review or December board of review~~
5 **boards of review provided in section 53b** in the year for which
6 the exemption was claimed or the immediately succeeding 3 years.
7 ~~If~~ **For taxes levied before January 1, 2005, if** an appeal of a
8 claim for exemption that was not on the tax roll is received not
9 later than 5 days prior to the date of ~~the~~ a December board of
10 review, the local tax collecting unit shall convene a December
11 board of review and consider the appeal pursuant to this section
12 and section 53b.

13 (15) If the assessor or treasurer of the local tax collecting
14 unit believes that the department of treasury erroneously denied
15 a claim for exemption, the assessor or treasurer may submit
16 written information supporting the owner's claim for exemption to
17 the department of treasury within 35 days of the owner's receipt
18 of the notice denying the claim for exemption. If, after
19 reviewing the information provided, the department of treasury
20 determines that the claim for exemption was erroneously denied,
21 the department of treasury shall grant the exemption and the tax
22 roll shall be amended to reflect the exemption.

23 (16) If granting the exemption under this section results in
24 an overpayment of the tax, a rebate, including any interest paid,
25 shall be made to the taxpayer by the local tax collecting unit if
26 the local tax collecting unit has possession of the tax roll or
27 by the county treasurer if the county has possession of the tax

1 roll within 30 days of the date the exemption is granted. The
2 rebate shall be without interest.

3 (17) If an exemption under this section is erroneously
4 granted, an owner may request in writing that the department of
5 treasury withdraw the exemption. If an owner requests that an
6 exemption be withdrawn, the department of treasury shall issue an
7 order notifying the local assessor that the exemption issued
8 under this section has been denied based on the owner's request.
9 If an exemption is withdrawn, the property that had been subject
10 to that exemption shall be immediately placed on the tax roll by
11 the local tax collecting unit if the local tax collecting unit
12 has possession of the tax roll or by the county treasurer if the
13 county has possession of the tax roll as though the exemption had
14 not been granted. A corrected tax bill shall be issued for the
15 tax year being adjusted by the local tax collecting unit if the
16 local tax collecting unit has possession of the tax roll or by
17 the county treasurer if the county has possession of the tax
18 roll. If an owner requests that an exemption under this section
19 be withdrawn before that owner is contacted in writing by either
20 the local assessor or the department of treasury regarding that
21 owner's eligibility for the exemption and that owner pays the
22 corrected tax bill issued under this subsection within 30 days
23 after the corrected tax bill is issued, that owner is not liable
24 for any penalty or interest on the additional tax. An owner who
25 pays a corrected tax bill issued under this subsection more than
26 30 days after the corrected tax bill is issued is liable for the
27 penalties and interest that would have accrued if the exemption

1 had not been granted from the date the taxes were originally
2 levied.

3 (18) For tax years beginning on and after January 1, 1994, a
4 cooperative housing corporation is entitled to a full or partial
5 exemption under this section for the tax year in which the
6 cooperative housing corporation files all of the following with
7 the local tax collecting unit in which the cooperative housing
8 corporation is located if filed on or before May 1 of the tax
9 year, or for the tax year following the year in which all of the
10 following are filed if filed after May 1 of the tax year:

11 (a) An affidavit form.

12 (b) A statement of the total number of units owned by the
13 cooperative housing corporation and occupied as the principal
14 residence of a tenant stockholder as of the date of the filing
15 under this subsection.

16 (c) A list that includes the name, address, and social
17 security number of each tenant stockholder of the cooperative
18 housing corporation occupying a unit in the cooperative housing
19 corporation as his or her principal residence as of the date of
20 the filing under this subsection.

21 (d) A statement of the total number of units of the
22 cooperative housing corporation on which an exemption under this
23 section was claimed and that were transferred in the tax year
24 immediately preceding the tax year in which the filing under this
25 section was made.

26 Sec. 7ee. (1) Qualified agricultural property is exempt
27 from the tax levied by a local school district for school

1 operating purposes to the extent provided under section 1211 of
2 the revised school code, ~~Act No. 451 of the Public Acts of 1976,~~
3 ~~being section 380.1211 of the Michigan Compiled Laws 1976 PA~~
4 **451, MCL 380.1211**, according to the provisions of this section.

5 (2) Qualified agricultural property that is classified as
6 agricultural **real property** under section 34c is exempt under
7 subsection (1) and the owner is not required to file an affidavit
8 claiming an exemption with the local tax collecting unit unless
9 requested by the assessor to determine whether the property
10 includes structures that are not exempt under this section. To
11 claim an exemption under subsection (1) for qualified
12 agricultural property that is not classified as agricultural **real**
13 **property** under section 34c, the owner shall file an affidavit
14 claiming the exemption with the local tax collecting unit by
15 May 1. However, if an affidavit claiming a homestead exemption
16 on qualified agricultural property not classified as agricultural
17 **real property** was not filed by May 1 in 1994, the owner shall
18 file an affidavit under this section by June 1, 1994.

19 (3) The affidavit shall be on a form prescribed by the
20 department of treasury.

21 (4) For property classified as agricultural **real property**,
22 and upon receipt of an affidavit filed under subsection (2) for
23 property not classified as agricultural **real property**, the
24 assessor shall determine if the property is qualified
25 agricultural property and if so shall exempt the property ~~from~~
26 ~~the collection of the tax~~ as provided in subsection (1) until
27 December 31 of the year in which the property is no longer

1 qualified agricultural property as defined in section 7dd. An
2 owner is required to file a new claim for exemption on the same
3 property as requested by the assessor under subsection (2).

4 (5) Not more than 90 days after all or a portion of the
5 exempted property is no longer qualified agricultural property,
6 the owner shall rescind the exemption for the applicable portion
7 of the property by filing with the local tax collecting unit a
8 rescission form prescribed by the department of treasury.
9 Beginning October 1, 1994, an owner who fails to file a
10 rescission as required by this subsection is subject to a penalty
11 of \$5.00 per day for each separate failure beginning after the 90
12 days have elapsed, up to a maximum of \$200.00. This penalty
13 shall be collected under ~~Act No. 122 of the Public Acts of 1941,~~
14 ~~being sections 205.1 to 205.31 of the Michigan Compiled Laws~~
15 **1941 PA 122, MCL 205.1 to 205.31**, and shall be deposited in the
16 state school aid fund established in section 11 of article IX of
17 the state constitution of 1963. This penalty may be waived by
18 the department of treasury.

19 (6) An owner of property that is qualified agricultural
20 property on May 1 for which an exemption was not on the tax roll
21 may file an appeal with the ~~July or December board of review~~
22 **boards of review provided in section 53b** in the year the
23 exemption was claimed or the immediately succeeding year. An
24 owner of property that is qualified agricultural property on
25 May 1 for which an exemption was denied by the assessor in the
26 year the affidavit was filed, may file an appeal with the ~~July~~
27 ~~board of review for summer taxes or, if there is not a summer~~

1 ~~levy of school operating taxes, with the December board of~~
2 ~~review~~ **boards of review provided in section 53b.**

3 (7) If the assessor of the local tax collecting unit believes
4 that the property for which an exemption has been granted is not
5 qualified agricultural property, effective for taxes levied after
6 1994, the assessor may deny or modify an existing exemption by
7 notifying the owner in writing at the time required for providing
8 a notice under section 24c. A taxpayer may appeal the assessor's
9 determination to the board of review meeting under section 30. A
10 decision of the board of review may be appealed to the
11 residential and small claims division of the Michigan tax
12 tribunal.

13 (8) If an exemption under this section is erroneously
14 granted, an owner may request in writing that the local tax
15 collecting unit withdraw the exemption. If an owner requests
16 that an exemption be withdrawn, the local assessor shall notify
17 the owner that the exemption issued under this section has been
18 denied based on that owner's request. If an exemption is
19 withdrawn, the property that had been subject to that exemption
20 shall be immediately placed on the tax roll by the local tax
21 collecting unit if the local tax collecting unit has possession
22 of the tax roll or by the county treasurer if the county has
23 possession of the tax roll as though the exemption had not been
24 granted. A corrected tax bill shall be issued for the tax year
25 being adjusted by the local tax collecting unit if the local tax
26 collecting unit has possession of the tax roll or by the county
27 treasurer if the county has possession of the tax roll. If an

1 owner requests that an exemption under this section be withdrawn
2 before that owner is contacted in writing by the local assessor
3 regarding that owner's eligibility for the exemption and that
4 owner pays the corrected tax bill issued under this subsection
5 within 30 days after the corrected tax bill is issued, that owner
6 is not liable for any penalty or interest on the additional tax.

7 An owner who pays a corrected tax bill issued under this
8 subsection more than 30 days after the corrected tax bill is
9 issued is liable for the penalties and interest that would have
10 accrued if the exemption had not been granted from the date the
11 taxes were originally levied.

12 ~~(9) An owner of qualified agricultural property for which an~~
13 ~~exemption was on the tax roll in 1995 and each year after 1995~~
14 ~~and for which an exemption was not on the tax roll in 1994 may~~
15 ~~appeal to the July or December board of review in 1997 to have an~~
16 ~~exemption placed on the 1994 tax roll if all of the following~~
17 ~~conditions are satisfied:~~

18 ~~—— (a) The qualified agricultural property was qualified~~
19 ~~agricultural property in 1994 and has been qualified agricultural~~
20 ~~property since 1994.~~

21 ~~—— (b) The owner owned that qualified agricultural property on~~
22 ~~May 1, 1994.~~

23 ~~—— (c) If a claim of exemption was denied in 1994, the owner did~~
24 ~~not timely appeal that denial as provided in this section.~~

25 ~~—— (d) The owner has owned that qualified agricultural property~~
26 ~~since 1994.~~

27 ~~—— (10) If the July or December board of review in 1997 grants a~~

~~1 claim of exemption for 1994 under subsection (9), the county
2 treasurer with possession of the tax roll being adjusted shall
3 amend the 1994 tax roll to reflect the exemption and shall issue
4 a corrected tax bill exempting that qualified agricultural
5 property from the tax levied in 1994 for school operating
6 purposes to the extent provided under section 1211 of Act No. 451
7 of the Public Acts of 1976 pursuant to subsection (1).~~

~~8 ——— (11) If the July or December board of review in 1997 denies a
9 claim of exemption for 1994 under subsection (9), an owner may
10 appeal that denial to the residential and small claims division
11 of the Michigan tax tribunal within 35 days of that denial.~~

12 Sec. 10f. (1) If a local assessing district does not have
13 an assessment roll that has been certified by a qualified
14 certified assessing officer, or if a certified assessor or a
15 board of review for a local tax collecting unit is not in
16 substantial compliance with the provisions of this act, the state
17 tax commission shall assume jurisdiction over the assessment roll
18 and provide for the preparation of a certified roll. The
19 commission may order the county tax or equalization department to
20 prepare the roll; may provide for the use of state employees to
21 prepare the roll; or may order the local assessing unit to
22 contract with a commercial appraisal firm to conduct an appraisal
23 of the property in the assessing unit under the supervision of
24 the county tax or equalization department and the commission.
25 The costs of an appraisal and the preparation of the roll by the
26 county tax or equalization department or by the commission shall
27 be paid by the local assessing district as provided by section

1 10d. The commission shall consider the quality of the tax maps
2 and appraisal records required by section 10e as part of its
3 investigation of the facts before ordering the local assessing
4 unit to contract for an appraisal.

5 (2) If a certified assessment roll cannot be provided in
6 sufficient time for a summer tax levy ~~—~~ or for the annual levy
7 on December 1 **for taxes levied before January 1, 2005 or for the**
8 **annual levy on July 1 for taxes levied after December 31, 2004,**
9 the commission shall order the levy of interim taxes based on the
10 tentative taxable value of individual properties as determined by
11 the commission. Tentative taxable values shall be calculated
12 pursuant to section 27a. State equalized ~~values~~ **valuations**
13 necessary to determine tentative taxable values shall be
14 determined by the commission, sitting as the state board of
15 equalization, apportioned to the local assessing unit by the
16 county board of commissioners, and apportioned to each property
17 in proportion to the assessed valuation entered in the current
18 uncertified assessment roll. If there is no current assessment
19 roll, the commission shall substitute the latest complete
20 assessment roll for the current roll for the interim tax levy.
21 The payment of a tax levied as an interim tax levy does not
22 constitute a final and ultimate discharge of the taxpayer's
23 liability for the tax levied against that property. An interim
24 tax levy made under this subsection shall be clearly labeled as
25 an "interim tax levy subject to adjustment after an assessment
26 roll is certified".

27 (3) Within 30 days after the final determination by the

1 commission of the assessed valuation and taxable value for each
2 individual property listed on the assessment roll, the commission
3 shall cause to be mailed a notice of the new assessment and new
4 taxable value to each owner. An owner has the right to petition
5 the tax tribunal directly for a hearing on the assessed valuation
6 or taxable value within 30 days after the date of the notice in
7 the same manner as provided under section 35 of the tax tribunal
8 act, ~~Act No. 186 of the Public Acts of 1973, being section~~
9 ~~205.735 of the Michigan Compiled Laws~~ **1973 PA 186, MCL 205.735.**

10 The notice shall specify each parcel of property, the assessed
11 valuation for the current year, the assessed valuation for the
12 immediately preceding year, the tentative taxable value for the
13 current year, the taxable value for the immediately preceding
14 year, the state equalized valuation for the immediately preceding
15 year, the tentative state equalized valuation for the current
16 year, the net change in the assessed valuation, the net change in
17 the tentative taxable value, and the net change between the
18 tentative state equalized valuation for the current year and the
19 state equalized valuation for the immediately preceding year.

20 The notice shall include a statement informing the owner that an
21 appeal of the assessment or taxable value must be made within 30
22 days of the date of the assessment notice directly to the tax
23 tribunal and shall also include information on how and where an
24 appeal can be made.

25 (4) After the final determination of the state equalized
26 valuations and taxable values by the commission, the assessing
27 officer or, if there is no assessing officer, an agent designated

1 by the commission shall determine the difference in tax, if any,
2 between the interim levy and a levy made on the final taxable
3 values as finally determined by the commission, which may be
4 referred to as the "final levy". The final levy shall be at the
5 rates that were approved and ordered spread for the year in which
6 there was not a certified assessment roll.

7 (5) A difference in the tax determined in subsection (4)
8 shall be reported to the county board of commissioners, which
9 shall order that additional taxes or credits against individual
10 properties be added to or subtracted from the next succeeding
11 annual tax roll, together with a proportionate share of the
12 property tax administration fee, if a fee is charged, applicable
13 to the difference.

14 (6) Additional taxes collected or credits against the tax
15 liability made under this section shall be shared by taxing units
16 in the respective proportions that they share the revenue
17 received from the final levy.

18 (7) The commission shall render technical assistance if
19 necessary to implement this section.

20 (8) The commission shall provide the tax tribunal with a
21 certified copy of its orders and a copy of each final
22 determination made under this section.

23 Sec. 34d. (1) As used in this section or section 27a, or
24 section 3 or 31 of article IX of the state constitution of 1963:

25 (a) For taxes levied before 1995, "additions" means all
26 increases in value caused by new construction or a physical
27 addition of equipment or furnishings, and the value of property

1 that was exempt from taxes or not included on the assessment
2 unit's immediately preceding year's assessment roll.

3 (b) For taxes levied after 1994, "additions" means, except as
4 provided in subdivision (c), all of the following:

5 (i) Omitted real property. As used in this subparagraph,
6 "omitted real property" means previously existing tangible real
7 property not included in the assessment. Omitted real property
8 shall not increase taxable value as an addition unless the
9 assessing jurisdiction has a property record card or other
10 documentation showing that the omitted real property was not
11 previously included in the assessment. The assessing
12 jurisdiction has the burden of proof in establishing whether the
13 omitted real property is included in the assessment. Omitted
14 real property for the current and the 2 immediately preceding
15 years, discovered after the assessment roll has been completed,
16 shall be added to the tax roll pursuant to the procedures
17 established in section 154. For purposes of determining the
18 taxable value of real property under section 27a, the value of
19 omitted real property is based on the value and the ratio of
20 taxable value to true cash value the omitted real property would
21 have had if the property had not been omitted.

22 (ii) Omitted personal property. As used in this
23 subparagraph, "omitted personal property" means previously
24 existing tangible personal property not included in the
25 assessment. Omitted personal property shall be added to the tax
26 roll pursuant to section 154.

27 (iii) New construction. As used in this subparagraph, "new

1 construction" means property not in existence on the immediately
2 preceding tax day and not replacement construction. New
3 construction includes the physical addition of equipment or
4 furnishings, subject to the provisions set forth in section
5 27(2)(a) to (o). For purposes of determining the taxable value
6 of property under section 27a, the value of new construction is
7 the true cash value of the new construction multiplied by 0.50.

8 (iv) Previously exempt property. As used in this
9 subparagraph, "previously exempt property" means property that
10 was exempt from ad valorem taxation under this act on the
11 immediately preceding tax day but is subject to ad valorem
12 taxation on the current tax day under this act. For purposes of
13 determining the taxable value of real property under section
14 27a:

15 (A) The value of property previously exempt under section 7u
16 is the taxable value the entire parcel of property would have had
17 if that property had not been exempt, minus the product of the
18 entire parcel's taxable value in the immediately preceding year
19 and the lesser of 1.05 or the inflation rate.

20 (B) The taxable value of property that is a facility as that
21 term is defined in section 2 of ~~Act No. 198 of the Public Acts~~
22 ~~of 1974, being section 207.552 of the Michigan Compiled Laws~~
23 **1974 PA 198, MCL 207.552**, that was previously exempt under
24 section 7k is the taxable value that property would have had
25 under this act if it had not been exempt.

26 (C) The value of property previously exempt under any other
27 section of law is the true cash value of the previously exempt

1 property multiplied by 0.50.

2 (v) Replacement construction. As used in this subparagraph,
3 "replacement construction" means construction that replaced
4 property damaged or destroyed by accident or act of God and that
5 occurred after the immediately preceding tax day to the extent
6 the construction's true cash value does not exceed the true cash
7 value of property that was damaged or destroyed by accident or
8 act of God in the immediately preceding 3 years. For purposes of
9 determining the taxable value of property under section 27a, the
10 value of the replacement construction is the true cash value of
11 the replacement construction multiplied by a fraction the
12 numerator of which is the taxable value of the property to which
13 the construction was added in the immediately preceding year and
14 the denominator of which is the true cash value of the property
15 to which the construction was added in the immediately preceding
16 year, and then multiplied by the lesser of 1.05 or the inflation
17 rate.

18 (vi) An increase in taxable value attributable to the
19 complete or partial remediation of environmental contamination
20 existing on the immediately preceding tax day. The department of
21 environmental quality shall determine the degree of remediation
22 based on information available in existing department of
23 environmental quality records or information made available to
24 the department of environmental quality if the appropriate
25 assessing officer for a local tax collecting unit requests that
26 determination. The increase in taxable value attributable to the
27 remediation is the increase in true cash value attributable to

1 the remediation multiplied by a fraction the numerator of which
2 is the taxable value of the property had it not been contaminated
3 and the denominator of which is the true cash value of the
4 property had it not been contaminated.

5 (vii) An increase in the value attributable to the property's
6 occupancy rate if either a loss, as that term is defined in this
7 section, had been previously allowed because of a decrease in the
8 property's occupancy rate or if the value of new construction was
9 reduced because of a below-market occupancy rate. For purposes
10 of determining the taxable value of property under section 27a,
11 the value of an addition for the increased occupancy rate is the
12 product of the increase in the true cash value of the property
13 attributable to the increased occupancy rate multiplied by a
14 fraction the numerator of which is the taxable value of the
15 property in the immediately preceding year and the denominator of
16 which is the true cash value of the property in the immediately
17 preceding year, and then multiplied by the lesser of 1.05 or the
18 inflation rate.

19 (viii) Public services. As used in this subparagraph,
20 "public services" means water service, sewer service, a primary
21 access road, natural gas service, electrical service, telephone
22 service, sidewalks, or street lighting. For purposes of
23 determining the taxable value of real property under section 27a,
24 the value of public services is the amount of increase in true
25 cash value of the property attributable to the available public
26 services multiplied by 0.50 and shall be added in the calendar
27 year following the calendar year when those public services are

1 initially available.

2 (c) For taxes levied after 1994, additions do not include
3 increased value attributable to any of the following:

4 (i) Platting, splits, or combinations of property.

5 (ii) A change in the zoning of property.

6 (iii) For the purposes of the calculation of the millage
7 reduction fraction under subsection (7) only, increased taxable
8 value under section 27a(3) after a transfer of ownership of
9 property.

10 (d) "Assessed valuation of property as finally equalized"
11 means taxable value under section 27a.

12 (e) "Financial officer" means the officer responsible for
13 preparing the budget of a unit of local government.

14 (f) "General price level" means the annual average of the 12
15 monthly values for the United States consumer price index for all
16 urban consumers as defined and officially reported by the United
17 States department of labor, bureau of labor statistics.

18 (g) For taxes levied before 1995, "losses" means a decrease
19 in value caused by the removal or destruction of real or personal
20 property and the value of property taxed in the immediately
21 preceding year that has been exempted or removed from the
22 assessment unit's assessment roll.

23 (h) For taxes levied after 1994, "losses" means, except as
24 provided in subdivision (i), all of the following:

25 (i) Property that has been destroyed or removed. For
26 purposes of determining the taxable value of property under
27 section 27a, the value of property destroyed or removed is the

1 product of the true cash value of that property multiplied by a
2 fraction the numerator of which is the taxable value of that
3 property in the immediately preceding year and the denominator of
4 which is the true cash value of that property in the immediately
5 preceding year.

6 (ii) Property that was subject to ad valorem taxation under
7 this act in the immediately preceding year that is now exempt
8 from ad valorem taxation under this act. For purposes of
9 determining the taxable value of property under section 27a, the
10 value of property exempted from ad valorem taxation under this
11 act is the amount exempted.

12 (iii) An adjustment in value, if any, because of a decrease
13 in the property's occupancy rate, to the extent provided by law.
14 For purposes of determining the taxable value of real property
15 under section 27a, the value of a loss for a decrease in the
16 property's occupancy rate is the product of the decrease in the
17 true cash value of the property attributable to the decreased
18 occupancy rate multiplied by a fraction the numerator of which is
19 the taxable value of the property in the immediately preceding
20 year and the denominator of which is the true cash value of the
21 property in the immediately preceding year.

22 (iv) A decrease in taxable value attributable to
23 environmental contamination existing on the immediately preceding
24 tax day. The department of environmental quality shall determine
25 the degree to which environmental contamination limits the use of
26 property based on information available in existing department of
27 environmental quality records or information made available to

1 the department of environmental quality if the appropriate
2 assessing officer for a local tax collecting unit requests that
3 determination. The department of environmental quality's
4 determination of the degree to which environmental contamination
5 limits the use of property shall be based on the criteria
6 established for the classifications set forth in section
7 20120a(1) of ~~part 201 (environmental remediation) of the~~
8 natural resources and environmental protection act, ~~Act No. 451~~
9 ~~of the Public Acts of 1994, being section 324.20120a of the~~
10 ~~Michigan Compiled Laws 1994 PA 451, MCL 324.20120a.~~ The
11 decrease in taxable value attributable to the contamination is
12 the decrease in true cash value attributable to the contamination
13 multiplied by a fraction the numerator of which is the taxable
14 value of the property had it not been contaminated and the
15 denominator of which is the true cash value of the property had
16 it not been contaminated.

17 (i) For taxes levied after 1994, losses do not include
18 decreased value attributable to either of the following:

19 (i) Platting, splits, or combinations of property.

20 (ii) A change in the zoning of property.

21 (j) "New construction and improvements" means additions less
22 losses.

23 (k) "Current year" means the year for which the millage
24 limitation is being calculated.

25 (l) "Inflation rate" means the ratio of the general price
26 level for the state fiscal year ending in the calendar year
27 immediately preceding the current year divided by the general

1 price level for the state fiscal year ending in the calendar year
2 before the year immediately preceding the current year.

3 (2) On or before the first Monday in May of each year, the
4 assessing officer of each township or city shall tabulate the
5 tentative taxable value as approved by the local board of review
6 and as modified by county equalization for each classification of
7 property that is separately equalized for each unit of local
8 government and provide the tabulated tentative taxable values to
9 the county equalization director. The tabulation by the
10 assessing officer shall contain additions and losses for each
11 classification of property that is separately equalized for each
12 unit of local government or part of a unit of local government in
13 the township or city. If as a result of state equalization the
14 taxable value of property changes, the assessing officer of each
15 township or city shall revise the calculations required by this
16 subsection on or before the Friday following the fourth Monday in
17 May. The county equalization director shall compute these
18 amounts and the current and immediately preceding year's taxable
19 values for each classification of property that is separately
20 equalized for each unit of local government that levies taxes
21 under this act within the boundary of the county. The county
22 equalization director shall cooperate with equalization directors
23 of neighboring counties, as necessary, to make the computation
24 for units of local government located in more than 1 county. The
25 county equalization director shall calculate the millage
26 reduction fraction for each unit of local government in the
27 county for the current year. The financial officer for each

1 taxing jurisdiction shall calculate the compounded millage
2 reduction fractions beginning in 1980 resulting from the
3 multiplication of successive millage reduction fractions and
4 shall recognize a local voter action to increase the compounded
5 millage reduction fraction to a maximum of 1 as a new beginning
6 fraction. Upon request of the superintendent of the intermediate
7 school district, the county equalization director shall transmit
8 the complete computations of the taxable values to the
9 superintendent of the intermediate school district within that
10 county. At the request of the presidents of community colleges,
11 the county equalization director shall transmit the complete
12 computations of the taxable values to the presidents of community
13 colleges within the county.

14 (3) On or before the first Monday in June of each year, the
15 county equalization director shall deliver the statement of the
16 computations signed by the county equalization director to the
17 county treasurer.

18 (4) On or before the second Monday in June of each year, the
19 treasurer of each county shall certify the immediately preceding
20 year's taxable values, the current year's taxable values, the
21 amount of additions and losses for the current year, and the
22 current year's millage reduction fraction for each unit of local
23 government that levies a property tax in the county.

24 (5) The financial officer of each unit of local government
25 shall make the computation of the tax rate using the data
26 certified by the county treasurer and the state tax commission.
27 At the annual session in October **for taxes levied before January**

1 1, 2005 or at a special meeting held before the annual levy on
2 July 1 for taxes levied after December 31, 2004, the county board
3 of commissioners shall not authorize the levy of a tax unless the
4 governing body of the taxing jurisdiction has certified that the
5 requested millage has been reduced, if necessary, in compliance
6 with section 31 of article IX of the state constitution of 1963.

7 (6) The number of mills permitted to be levied in a tax year
8 is limited as provided in this section pursuant to section 31 of
9 article IX of the state constitution of 1963. A unit of local
10 government shall not levy a tax rate greater than the rate
11 determined by reducing its maximum rate or rates authorized by
12 law or charter by a millage reduction fraction as provided in
13 this section without voter approval.

14 (7) A millage reduction fraction shall be determined for each
15 year for each local unit of government. For ad valorem property
16 taxes that became a lien before January 1, 1983, the numerator of
17 the fraction shall be the total state equalized valuation for the
18 immediately preceding year multiplied by the inflation rate and
19 the denominator of the fraction shall be the total state
20 equalized valuation for the current year minus new construction
21 and improvements. For ad valorem property taxes that become a
22 lien after December 31, 1982 and through December 31, 1994, the
23 numerator of the fraction shall be the product of the difference
24 between the total state equalized valuation for the immediately
25 preceding year minus losses multiplied by the inflation rate and
26 the denominator of the fraction shall be the total state
27 equalized valuation for the current year minus additions. For ad

1 valorem property taxes that are levied after December 31, 1994,
2 the numerator of the fraction shall be the product of the
3 difference between the total taxable value for the immediately
4 preceding year minus losses multiplied by the inflation rate and
5 the denominator of the fraction shall be the total taxable value
6 for the current year minus additions. For each year after 1993,
7 a millage reduction fraction shall not exceed 1.

8 (8) The compounded millage reduction fraction for each year
9 after 1980 shall be calculated by multiplying the local unit's
10 previous year's compounded millage reduction fraction by the
11 current year's millage reduction fraction. Beginning with 1980
12 tax levies, the compounded millage reduction fraction for the
13 year shall be multiplied by the maximum millage rate authorized
14 by law or charter for the unit of local government for the year,
15 except as provided by subsection (9). A compounded millage
16 reduction fraction shall not exceed 1.

17 (9) The millage reduction shall be determined separately for
18 authorized millage approved by the voters. The limitation on
19 millage authorized by the voters on or before May 31 of a year
20 shall be calculated beginning with the millage reduction fraction
21 for that year. Millage authorized by the voters after May 31
22 shall not be subject to a millage reduction until the year
23 following the voter authorization which shall be calculated
24 beginning with the millage reduction fraction for the year
25 following the authorization. The first millage reduction
26 fraction used in calculating the limitation on millage approved
27 by the voters after January 1, 1979 shall not exceed 1.

1 (10) A millage reduction fraction shall be applied separately
2 to the aggregate maximum millage rate authorized by a charter and
3 to each maximum millage rate authorized by state law for a
4 specific purpose.

5 (11) A unit of local government may submit to the voters for
6 their approval the levy in that year of a tax rate in excess of
7 the limit set by this section. The ballot question shall ask the
8 voters to approve the levy of a specific number of mills in
9 excess of the limit. The provisions of this section do not allow
10 the levy of a millage rate in excess of the maximum rate
11 authorized by law or charter. If the authorization to levy
12 millage expires after 1993 and a local governmental unit is
13 asking voters to renew the authorization to levy the millage, the
14 ballot question shall ask for renewed authorization for the
15 number of expiring mills as reduced by the millage reduction
16 required by this section. If the election occurs before June 1
17 of a year, the millage reduction is based on the immediately
18 preceding year's millage reduction applicable to that millage.
19 If the election occurs after May 31 of a year, the millage
20 reduction shall be based on that year's millage reduction
21 applicable to that millage had it not expired.

22 (12) A reduction or limitation under this section shall not
23 be applied to taxes imposed for the payment of principal and
24 interest on bonds or other evidence of indebtedness or for the
25 payment of assessments or contract obligations in anticipation of
26 which bonds are issued that were authorized before December 23,
27 1978, as provided by ~~former~~ section 4 of chapter I of ~~the~~

1 ~~municipal finance act, Act No. 202 of the Public Acts of 1943~~
2 **former 1943 PA 202**, or to taxes imposed for the payment of
3 principal and interest on bonds or other evidence of indebtedness
4 or for the payment of assessments or contract obligations in
5 anticipation of which bonds are issued that are approved by the
6 voters after December 22, 1978.

7 (13) If it is determined subsequent to the levy of a tax that
8 an incorrect millage reduction fraction has been applied, the
9 amount of additional tax revenue or the shortage of tax revenue
10 shall be deducted from or added to the next regular tax levy for
11 that unit of local government after the determination of the
12 authorized rate pursuant to this section.

13 (14) If as a result of an appeal of county equalization or
14 state equalization the taxable value of a unit of local
15 government changes, the millage reduction fraction for the year
16 shall be recalculated. The financial officer shall effectuate an
17 addition or reduction of tax revenue in the same manner as
18 prescribed in subsection (13).

19 (15) The fractions calculated pursuant to this section shall
20 be rounded to 4 decimal places, except that the inflation rate
21 shall be computed by the state tax commission and shall be
22 rounded to 3 decimal places. The state tax commission shall
23 publish the inflation rate before March 1 of each year.

24 (16) Beginning with taxes levied in 1994, the millage
25 reduction required by section 31 of article IX of the state
26 constitution of 1963 shall permanently reduce the maximum rate or
27 rates authorized by law or charter. The reduced maximum

1 authorized rate or rates for 1994 shall equal the product of the
 2 maximum rate or rates authorized by law or charter before
 3 application of this section multiplied by the compound millage
 4 reduction applicable to that millage in 1994 pursuant to
 5 subsections (8) to (12). The reduced maximum authorized rate or
 6 rates for 1995 and each year after 1995 shall equal the product
 7 of the immediately preceding year's reduced maximum authorized
 8 rate or rates multiplied by the current year's millage reduction
 9 fraction and shall be adjusted for millage for which
 10 authorization has expired and new authorized millage approved by
 11 the voters pursuant to subsections (8) to (12).

12 Sec. 35. (1) ~~On or before the first day of September in~~
 13 ~~each year~~ **Subject to subsection (2)**, the state treasurer shall
 14 make and record in his or her office a statement showing the
 15 taxes to be raised for state purposes ~~that~~ **in each year,**
 16 ~~referring to~~ **citing** the law on which each tax is based ~~,~~ and
 17 the total amount of ~~the taxes~~ **each tax**. The **state treasurer**
 18 **shall apportion the** state tax ~~he or she shall apportion~~ among
 19 the ~~several~~ counties in proportion to the ~~valuation of the~~
 20 taxable **value of the** property in each county as determined by the
 21 ~~last~~ **immediately** preceding state board of equalization. ~~,~~ and
 22 ~~shall before~~ **Before** the October session of the board of
 23 supervisors ~~in each year~~ **for taxes levied before January 1,**
 24 **2005 or before a special meeting held before the annual levy on**
 25 **July 1 for taxes levied after December 31, 2004, the state**
 26 **treasurer shall** make out and transmit to the clerk of each county
 27 a statement of the amount of the taxes apportioned to that

1 county. The state treasurer shall also, in a separate item of
 2 the statement, set forth the amount of indebtedness of the county
 3 to the state remaining unpaid at the time the statement is made,
 4 as shown by the statement of the account between the county and
 5 this state. ~~made by the state treasurer on the first day of July~~
 6 ~~after the apportionment, which amount~~ **a county's remaining**
 7 **indebtedness to this state** shall be apportioned by the board of
 8 ~~supervisors of the proper~~ **commissioners of that** county at the
 9 same time as **the** state taxes contained in the apportionment of
 10 the state treasurer, and shall be levied in the same manner as
 11 ~~and become a portion of~~ the county taxes for ~~the same~~ **that**
 12 year, unless the **remaining** indebtedness is paid to ~~the~~ **this**
 13 state before October first **for taxes levied before January 1,**
 14 **2005 and before the annual levy on July 1 for taxes levied after**
 15 **December 31, 2004.** The portion of the taxes, if any, that should
 16 be assessed to a particular township, shall be apportioned to and
 17 assessed upon the township, ward, or city.

18 (2) **The state treasurer shall complete the statement required**
 19 **under subsection (1) as follows:**

20 (a) **For taxes levied before January 1, 2005, before September**
 21 **1 in each year.**

22 (b) **For taxes levied after December 31, 2004, before the**
 23 **annual levy on July 1.**

24 Sec. 36. (1) The township clerk of each township, on or
 25 before September 30 ~~of each year~~ **for taxes levied before**
 26 **January 1, 2005 or before the annual levy on July 1 for taxes**
 27 **levied after December 31, 2004,** shall make and deliver to the

1 supervisor of the clerk's township and to the county clerk, a
2 certified copy of all statements and certificates on file and of
3 all records of any vote or resolution in the clerk's office
4 authorizing or directing money to be raised in the township by
5 taxation for township, school, highway, drain, and all other
6 purposes, together with a statement of the aggregate amount to be
7 raised. However, if the issuance of bonds or notes or the levy
8 of taxes for school purposes has been approved by the electors
9 before September 30 **for taxes levied before January 1, 2005**, this
10 subsection does not preclude delivery by the clerk after
11 September 30 **for taxes levied before January 1, 2005**, of a
12 resolution authorizing additional millage to be levied in the
13 year voted. The clerk shall present the copies to the county
14 board of commissioners ~~at its annual meeting~~ and file the
15 copies in the clerk's office. The county board of commissioners
16 shall not levy in the year voted a tax levy voted on or after
17 September 30 **for taxes levied before January 1, 2005**. This
18 subsection does not apply if 1 of subsections (2) through (4)
19 applies.

20 (2) ~~The~~ **For taxes levied before January 1, 2005, the** amount
21 of taxes that are to be levied for school purposes in a school
22 district, an intermediate school district, or community or junior
23 college district that holds an election on or after September 30
24 and on or before November 15, or that holds a second millage
25 election under this subsection allowable pursuant to subsection
26 (3) on or before December 7, and that are approved, shall be
27 certified for the calendar year in which the election is held,

1 only if 1 of the following applies:

2 (a) For a school district, a school millage in that district
3 has been defeated in a prior election in the same calendar year.

4 (b) For a school district, the school millage election is
5 held in November on the date that school district elects its
6 board members.

7 (c) For a community or junior college district, a community
8 or junior college millage in that district has been defeated in a
9 prior election in the same calendar year.

10 (d) For an intermediate school district, the district has a
11 population greater than 1,400,000.

12 (e) For an intermediate school district with a population of
13 less than 1,400,000, the millage election is held on or before
14 October 15.

15 (3) Except as otherwise provided in this subsection, a school
16 district, an intermediate school district, or a community or
17 junior college district shall not conduct more than 1 millage
18 election pursuant to subsection (2). If a district's operating
19 revenue is less than the total operating revenue for the previous
20 school year, the district may hold a second school millage
21 election pursuant to subsection (2) on or before December 7.

22 (4) Notwithstanding subsections (2) and (3), and except as
23 otherwise provided in this subsection, **for taxes levied before**
24 **January 1, 2005**, the amount of taxes that are to be levied for
25 any purpose by a taxing unit that holds an election in any year
26 on or before the first Tuesday after the first Monday in November
27 and that are approved by the electors of that taxing unit shall

1 be certified for that calendar year. ~~In 1997 only, the amount~~
2 ~~of taxes that are to be levied for any purpose by a taxing unit~~
3 ~~that holds an election in any year on or before November 30 and~~
4 ~~that are approved by the electors of that taxing unit shall be~~
5 ~~certified for that calendar year.~~

6 (5) After a millage is certified pursuant to subsections (2)
7 through (4), the appropriate county board of commissioners shall
8 meet and direct or amend its direction for the spread of millages
9 by local units in the county pursuant to the certification or
10 amended certification. If a millage is certified pursuant to
11 subsection (4) for library purposes, if a taxing unit requests by
12 resolution, the county board of commissioners for the county in
13 which the library is located also may reduce or eliminate the
14 millage previously authorized or dedicated for library purposes
15 to be levied by that taxing unit for that year and direct the
16 reduction or removal of the levy to be spread by the local units
17 in the county.

18 (6) The reasonable and actual expenses incurred by a
19 township, county, or city in assessing and collecting the school
20 district, intermediate school district, or community or junior
21 college district taxes levied and spread pursuant to an election
22 under subsection (2) or (3) that is held after September 30, to
23 the extent these expenses are in addition to the expense of
24 collection and assessing any other taxes at the same time and
25 exceed the amount of any fees imposed for the collection of these
26 taxes, shall be billed to and paid by the school district,
27 intermediate school district, or community or junior college

1 district.

2 Sec. 37. (1) The county board of commissioners, at its
3 annual session in October ~~in each year~~ **for taxes levied before**
4 **January 1, 2005 or at a special meeting held before the annual**
5 **levy on July 1 for taxes levied after December 31, 2004**, shall
6 ~~ascertain and~~ determine the amount of money to be raised for
7 county purposes ~~—~~ and shall apportion ~~the~~ **that** amount and
8 also the amount of the state tax and indebtedness of the county
9 to ~~the~~ **this** state among the ~~several~~ townships in the county
10 in proportion to the ~~valuation~~ **taxable value** of the taxable
11 real and personal property **in each township for that year** as
12 determined by the board **of commissioners**, or as determined by the
13 state tax commission upon appeal in the manner provided by law.
14 ~~for that year, which~~

15 (2) **The** determination and apportionment **under subsection (1)**
16 shall be entered ~~at large~~ on **the** county records.

17 (3) The board **of commissioners** shall ~~also~~ examine all
18 certificates, statements, papers, and records submitted to it,
19 showing the ~~money~~ **amount** to be raised in ~~the several~~
20 ~~townships~~ **each township** for school, highway, drain, township,
21 and other purposes. ~~It~~ **The board of commissioners** shall hear
22 and ~~duly~~ consider all objections made to raising that ~~money~~
23 **amount** by any taxpayer affected. If it appears to the board **of**
24 **commissioners** that any certificate, statement, paper, or record
25 is not properly certified or is ~~in any way~~ defective, or that
26 any proceeding to authorize the raising of ~~the~~ money has not
27 been had or is ~~in any way~~ imperfect, the board shall verify

1 ~~the same, and if~~ **that fact.** If the certificate, statement,
2 paper, record, or proceeding can ~~then~~ be corrected, supplied,
3 or had, the board **of commissioners** shall authorize and require
4 the defects or omissions ~~of proceedings~~ to be corrected,
5 supplied, or had.

6 (4) The board **of commissioners** may refer any ~~or all the~~
7 certificates, statements, papers, records, and proceedings to the
8 prosecuting attorney, who shall investigate and without delay
9 report in writing his or her opinion to the board **of**
10 **commissioners.** The board **of commissioners** shall direct that the
11 ~~money~~ **amount** proposed to be raised for township, school,
12 highway, drain, and all other purposes as authorized by law,
13 shall be spread upon the assessment roll of the proper townships,
14 wards, and cities. This action and direction shall be entered
15 ~~in full~~ upon the records of the proceedings of the board **of**
16 **commissioners,** and ~~shall be~~ **is** final as to the levy and
17 assessment of all the taxes, except if there is a change made in
18 the equalization of ~~any~~ **that** county by the state tax commission
19 upon appeal in the manner provided by law.

20 (5) The direction for **the** spread of **the** taxes shall be
21 expressed in terms of millages to be spread against the taxable
22 values of properties and shall not direct the raising of any
23 specific amount of money.

24 (6) This section does not apply when section 36(2) applies.

25 Sec. 40. (1) Notwithstanding any provisions in the charter
26 of any city or village to the contrary, all taxes become a debt
27 due to the township, city, village, or county from the owner or

1 person otherwise assessed on the tax day provided for in sections
2 2 and 13.

3 (2) The amounts assessed for state, county, village, or
4 township taxes on any interest in real property shall become a
5 lien on the real property on December 1 **for taxes levied before**
6 **January 1, 2005 and on July 1 for taxes levied after December 31,**
7 **2004**, on a day provided for by the charter of a city or village,
8 or on the day provided for in section 40a. The ~~lien~~ **lien** for
9 those amounts, and for all interest and charges on those amounts,
10 shall continue until paid.

11 (3) Each tax statement and receipt for taxes on real property
12 sent or given by any county, township, city, or village treasurer
13 shall contain a printed, stamped, or written statement setting
14 forth the date of the commencement and ending of the fiscal year
15 of each taxing unit of government during which general taxes
16 included on the tax statement or receipt will defray the costs of
17 governmental services rendered by that local governmental unit.

18 (4) All ~~personal~~ taxes levied or assessed **on personal**
19 **property** for state, county, village, or township taxes are also a
20 first lien, prior, superior, and paramount, on all personal
21 property of the persons assessed on December 1 **for taxes levied**
22 **before January 1, 2005 and on July 1 for taxes levied after**
23 **December 31, 2004**, on a day provided for by the charter of a city
24 or village, or on the day provided for in section 40a. The lien
25 for those amounts, and for all interest and charges on those
26 amounts, shall continue until paid. The tax liens take
27 precedence over all other claims, encumbrances, and liens on that

1 personal property, whether created by chattel mortgage, title
 2 retaining contract, execution, any final process of a court,
 3 attachment, replevin, judgment, or otherwise. A transfer of
 4 personal property assessed for taxes does not divest or destroy
 5 the lien, ~~except where~~ **unless** the personal property is actually
 6 sold in the regular course of retail trade. The ~~personal~~
 7 ~~property~~ taxes levied or assessed **on personal property** by any
 8 city or village are a first lien, prior, superior, and paramount
 9 to any other claims, liens, or encumbrances of any kind upon the
 10 personal property assessed as provided in this act, any
 11 provisions in the charter of cities or villages to the contrary
 12 notwithstanding.

13 Sec. 41. (1) Before ~~the~~ **a** supervisor or assessing officer
 14 delivers the **assessment** roll to ~~the~~ **a** township **or city**
 15 treasurer, ~~or city collector,~~ he or she shall ~~carefully foot~~
 16 **total** the ~~several~~ columns, ~~of valuation and taxes, and~~ make a
 17 detailed statement ~~, which he or she shall~~ **of the totals, and**
 18 give the ~~clerk of his or her~~ **statement to the** township or city
 19 ~~, and the~~ **clerk. The township or city** clerk shall immediately
 20 charge the amount of taxes to the township ~~treasurer~~ or city
 21 ~~collector~~ **treasurer.**

22 (2) The clerk of each city and incorporated village shall
 23 report to the clerk of ~~their~~ **his or her** respective ~~counties~~
 24 **county** all taxes levied in ~~their~~ **his or her** respective ~~cities~~
 25 ~~or villages, and~~ **city or village that are** not included in the
 26 general tax levy ~~, on or before the first day of October~~ ~~in~~
 27 ~~each year.~~ ~~The~~ **for taxes levied before January 1, 2005 and**

1 before July 1 for taxes levied after December 31, 2004.

2 (3) A county clerk shall, within 30 days after the close of
 3 the annual session of the board of supervisors in October ~~in~~
 4 ~~each year~~ for taxes levied before January 1, 2005 or at a
 5 special meeting held before the annual levy on July 1 for taxes
 6 levied after December 31, 2004, forward to the state treasurer,
 7 to be filed in his or her office, a statement showing the
 8 aggregate ~~valuation~~ **taxable value** of all property ~~as~~ assessed
 9 in each ~~assessing precinct~~ **local tax collecting unit** within the
 10 county during the current year. The ~~state treasurer~~ **county**
 11 **clerk** shall include in the statement a ~~detail~~ **detailed**
 12 **description** of all taxes to be raised in the county for that year
 13 and the amount of taxes not included in the general tax levy, **as**
 14 reported ~~to him or her~~ by the ~~several~~ city and village
 15 clerks. ~~as provided in this section.~~

16 Sec. 42. (1) The supervisor shall prepare a tax roll, with
 17 the taxes levied as provided in this act. ~~—and~~ **The supervisor**
 18 **shall** annex to the **tax** roll a warrant signed by him or her,
 19 ~~commanding~~ **directing** the township or city treasurer to
 20 ~~collect~~ **do all of the following:**

21 (a) **Collect** the ~~several~~ sums mentioned in the last column
 22 of the **tax** roll. ~~but the warrant shall not refer to the total or~~
 23 ~~aggregate of the several sums mentioned in the last column, and~~
 24 ~~to retain~~

25 (b) **Retain** the amount receivable by law into the township
 26 treasury for the ~~purpose therein~~ **purposes** specified ~~—and to~~
 27 ~~pay over as provided in section 43~~ **in the tax roll.**

1 **(c) Pay** to the county treasurer the amounts ~~which are~~
 2 collected for state and county purposes ~~,~~ and **pay** to the
 3 treasurer of each school district the amounts ~~which are~~
 4 collected for that school district as provided in section 43. ~~,~~
 5 ~~and notify~~

6 **(d) Notify** the secretary or director of each school district
 7 of the amount paid to the school district treasurer ~~,~~ and the
 8 remainder of the amounts specified in the **tax** roll for the
 9 purposes specified in the **tax** roll. ~~,~~ ~~and account~~

10 **(e) Account** in full for all money received on or before
 11 March 1. ~~next following.~~ The

12 **(2) The warrant shall not refer to the total or aggregate of**
 13 **the several sums mentioned in the last column of the tax roll.**

14 **(3) If any person named in the tax roll neglects or refuses**
 15 **to pay the tax stated in the tax roll, the warrant shall**
 16 authorize and ~~command the~~ **direct the township or city** treasurer
 17 ~~,~~ ~~in case any person named in the tax roll neglects or refuses~~
 18 ~~to pay the tax,~~ to levy the tax by distress and sale of ~~the~~
 19 **that person's** goods and chattels. ~~of the person.~~

20 **(4) The supervisor may make a new roll and warrant** ~~in case~~
 21 ~~of the loss of~~ **if** the roll originally given to the township
 22 treasurer **is lost.**

23 **(5) The copy of the roll with the warrant annexed shall be**
 24 known as "the tax ~~roll.~~" **roll".**

25 Sec. 43. (1) The supervisor of each township, immediately
 26 upon authorization to raise money by taxation pursuant to an
 27 election held under section 36 or on or before ~~the~~ November 5

1 ~~in each year~~ for taxes levied before January 1, 2005 or on or
2 before June 1 for taxes levied after December 31, 2004, shall
3 notify the township treasurer of the amount of the state, county,
4 school, and public transportation authority taxes ~~as~~
5 apportioned to his or her township.

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

1 premium and cost is made a charge. However, the county treasurer
2 ~~having~~ **who has** paid the premium may bill each district school
3 board afforded protection by the bond that portion of the premium
4 charge ~~as is~~ allocated to the school taxes and the school
5 district treasurers shall pay ~~that~~ **the** allocated premium charge
6 ~~as~~ determined by the county treasurer for the protection of
7 school taxes from available school district funds. If the county
8 treasurer and township supervisor determine that the bond of the
9 township treasurer recorded with the township clerk and on file
10 with the township supervisor is adequate and sufficient to
11 safeguard the proper accounting of state, county, and school
12 taxes as required by law, the township treasurer ~~shall~~ **is** not
13 ~~be~~ required to file with the county treasurer the bond provided
14 for in this section. The county treasurer shall deliver to the
15 supervisor on or before the day the taxes to be collected become
16 a lien a signed statement of approval of the bond. Upon the
17 receipt of the signed statement and on or before the day the
18 taxes to be collected become a lien, the supervisor shall deliver
19 to the township treasurer the tax roll of ~~this~~ **the** township.
20 The county treasurer shall file and ~~safely~~ keep the bond in his
21 or her office and shall give to the township treasurer a receipt
22 stating that the required bond was received, which receipt the
23 township treasurer shall deliver to the supervisor on or before
24 the day the taxes to be collected become a lien. After the
25 delivery of the receipt and on or before the day the taxes to be
26 collected become a lien, the supervisor shall deliver to the
27 township treasurer the tax roll of the township.

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

4 (a) Within 10 business days after the first and fifteenth day
5 of each month, the township or city treasurer shall account for
6 and deliver to the county treasurer the total amount of state and
7 county tax collections on hand on the first and fifteenth day of
8 each month; to the school district treasurers the total amount of
9 school tax collections on hand on the first and fifteenth day of
10 each month; and to the public transportation authorities the
11 total amount of public transportation authority tax collections
12 on hand the first and fifteenth day of each month. If the
13 intermediate school district and community college district
14 provide for direct payment pursuant to subsection (9), the
15 township or city treasurer shall also account for and deliver to
16 the intermediate school district and the community college
17 district the total respective amounts of school tax collections
18 on hand the first and fifteenth day of each month. This
19 subdivision ~~shall~~ **does** not apply to the month of March.

20 (b) Within 10 business days after the last day of February
21 **for taxes levied before January 1, 2005 or the last day of**
22 **September for taxes levied after December 31, 2004**, the township
23 or city treasurer shall account for and deliver to the county
24 treasurer at least 90% of the total amount of state and county
25 tax collections on hand on the last day of February **for taxes**
26 **levied before January 1, 2005 or the last day of September for**
27 **taxes levied after December 31, 2004**; to the school district

1 treasurers at least 90% of the total amount of school tax
2 collections on hand on the last day of February **for taxes levied**
3 **before January 1, 2005 or the last day of September for taxes**
4 **levied after December 31, 2004;** and to the public transportation
5 authorities at least 90% of the total amount of public
6 transportation authority tax collections on hand on the last day
7 of February **for taxes levied before January 1, 2005 or the last**
8 **day of September for taxes levied after December 31, 2004.** If
9 the intermediate school district and community college district
10 provide for direct payment pursuant to subsection (9), the
11 township or city treasurer shall also account for and deliver to
12 the intermediate school district and community college district
13 at least 90% of the total respective amounts of school tax
14 collections on hand on the last day of February **for taxes levied**
15 **before January 1, 2005 or the last day of September for taxes**
16 **levied after December 31, 2004.**

17 (c) A final adjustment and delivery of the total amount of
18 tax collections on hand for the county, community college
19 districts, intermediate school districts, school districts, and
20 public transportation authorities shall be made not later than
21 April 1 ~~of each year~~ **for taxes levied before January 1, 2005 or**
22 **November 1 for taxes levied after December 31, 2004.**

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

1 (5) A township that has a ~~state equalized valuation~~ **taxable**
2 **value** of \$15,000,000.00 or less shall account for and deliver to
3 the county treasurer, the school district treasurers, and the
4 public transportation authorities and, if the intermediate school
5 district and community college district provide for direct
6 payment pursuant to subsection (9), the intermediate school
7 district treasurers and community college treasurers the taxes
8 collected up to and including January 10 **for taxes levied before**
9 **January 1, 2005 or August 10 for taxes levied after December 31,**
10 **2004**, within 10 business days after January 10 **for taxes levied**
11 **before January 1, 2005 or August 10 for taxes levied after**
12 **December 31, 2004**. However, a township treasurer subject to this
13 subsection shall at no time have on hand collections of state,
14 county, community college, intermediate school district if
15 applicable pursuant to subsection (9), school district, and
16 public transportation authority taxes in excess of 25% of the
17 amount of the taxes apportioned to the township and, ~~when~~ **if**
18 collections on hand reach ~~this percentage~~ **25% of the amount of**
19 **the taxes apportioned to the township**, the township treasurer
20 shall immediately account for and turn over the total amount of
21 state and county tax collections on hand to the county treasurer,
22 the total respective amounts of school tax collections on hand to
23 the respective treasurers, and the total respective amounts of
24 public transportation authority tax collections on hand to the
25 respective public transportation authorities. The township
26 treasurer shall notify the secretary or superintendent of each
27 community college district, intermediate school district, and

1 school district applicable and each of the applicable public
2 transportation authorities of the total amount of taxes paid to
3 the respective treasurer or authority, which notification shall
4 show the different funds for which the taxes were collected.

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

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

20 (8) The county treasurer shall account for and deliver to the
21 boards of each metropolitan transportation authority the county
22 tax collections for transportation authority purposes received by
23 the county treasurer within 10 business days after the county
24 treasurer receives the funds.

25 (9) ~~For taxes that become a lien in December 1984 or after~~
26 ~~1984, an~~ **An** intermediate school district board or the board of
27 trustees of a community college may provide that a local tax

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

12 (10) By the fifteenth day of each month, the county treasurer
13 shall account for and deliver to the state the collections under
14 the state education tax act, ~~Act No. 331 of the Public Acts of~~
15 ~~1993, being sections 211.901 to 211.906 of the Michigan Compiled~~
16 ~~Laws~~ **1993 PA 331, MCL 211.901 to 211.906**, on hand on the last
17 day of the preceding month. By the first day of each month, the
18 county treasurer shall account for and deliver to the state the
19 collections under the state education tax act, ~~Act No. 331 of~~
20 ~~the Public Acts of 1993~~ **1993 PA 331, MCL 211.901 to 211.906**, on
21 hand on or before the fifteenth day of the immediately preceding
22 month. The county treasurer may retain the interest earned on
23 the money collected under ~~Act No. 331 of the Public Acts of~~
24 ~~1993~~ **the state education tax act, 1993 PA 331, MCL 211.901 to**
25 **211.906**, while held by the county treasurer, as reimbursement for
26 the cost incurred by the county in collecting and transmitting
27 the tax imposed by ~~that act~~ **the state education tax act, 1993**

1 PA 331, MCL 211.901 to 211.906. The money retained by the county
2 treasurer under this section shall be deposited in the treasury
3 of the county in which the tax is collected to the credit of the
4 general fund.

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

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

27 (13) If there is an agreement for an alternative schedule for

1 delivering tax collections or for interest earned under
2 subsections (4) and (12), the collection of the state education
3 tax is subject to those provisions of that agreement.

4 (14) As used in this section:

5 (a) "Metropolitan transportation authority" means an
6 authority created under the metropolitan transportation
7 authorities act of 1967, ~~Act No. 204 of the Public Acts of 1967,~~
8 ~~being sections 124.401 to 124.425 of the Michigan Compiled Laws~~
9 **1967 PA 204, MCL 124.401 to 124.426.**

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

14 Sec. 44. (1) Upon receipt of the tax roll, the township
15 treasurer or other collector shall proceed to collect the taxes.
16 The township treasurer or other collector shall mail to each
17 taxpayer at the taxpayer's last known address on the tax roll or
18 to the taxpayer's designated agent a statement showing the
19 description of the property against which the tax is levied, the
20 taxable value of the property, and the amount of the tax on the
21 property. If a tax statement is mailed to the taxpayer, a tax
22 statement sent to a taxpayer's designated agent may be in a
23 summary form or may be in an electronic data processing format.
24 If the tax statement information is provided to both a taxpayer
25 and the taxpayer's designated agent, the tax statement mailed to
26 the taxpayer may be identified as an informational copy. A
27 township treasurer or other collector electing to send a tax

1 statement to a taxpayer's designated agent or electing not to
2 include an itemization in the manner described in subsection
3 ~~-(10)(d)-~~ **(13)(d)** in a tax statement mailed to the taxpayer
4 shall, upon request, mail a detailed copy of the tax statement,
5 including an itemization of the amount of tax in the manner
6 described by subsection ~~-(10)(d)-~~ **(13)(d)**, to the taxpayer
7 without charge.

8 (2) The expense of preparing and mailing the statement shall
9 be paid from the county, township, city, or village funds.

10 Failure to send or receive the notice does not prejudice the
11 right to collect or enforce the payment of the tax. The township
12 treasurer shall remain in the office of the township treasurer at
13 some convenient place in the township from 9 a.m. to 5 p.m. to
14 receive taxes on the following days:

15 (a) ~~At~~ **For taxes levied before January 1, 2005, at least**
16 ~~one~~ 1 business day between December 25 and December 31 unless
17 the township has an arrangement with a local financial
18 institution to receive taxes on behalf of the township treasurer
19 and to forward that payment to the township on the next business
20 day. The township shall provide timely notification of which
21 financial institutions will receive taxes for the township and
22 which days the treasurer will be in the office to receive taxes.

23 (b) The last day that taxes are due and payable before being
24 returned as delinquent under section 55.

25 (3) Except as provided by subsection ~~-(7)-~~ **(10)**, on a sum
26 voluntarily paid before February 15 of the succeeding year **for**
27 **taxes levied before January 1, 2005 or September 15 of that year**

1 **for taxes levied after December 31, 2004**, the local property tax
2 collecting unit shall add a property tax administration fee of
3 not more than 1% of the total tax bill per parcel. However,
4 unless otherwise provided for by an agreement between the
5 assessing unit and the collecting unit, if a local property tax
6 collecting unit other than a village does not also serve as the
7 local assessing unit, the excess of the amount of property tax
8 administration fees over the expense to the local property tax
9 collecting unit in collecting the taxes, but not less than 80% of
10 the fee imposed, shall be returned to the local assessing unit.
11 A property tax administration fee is defined as a fee to offset
12 costs incurred by a collecting unit in assessing property values,
13 in collecting the property tax levies, and in the review and
14 appeal processes. The costs of any appeals, in excess of funds
15 available from the property tax administration fee, may be shared
16 by any taxing unit only if approved by the governing body of the
17 taxing unit. Except as provided by subsection ~~(7)~~ **(10)**, on all
18 taxes paid after February 14 **for taxes levied before January 1,**
19 **2005 or after September 15 for taxes levied after December 31,**
20 **2004**, and before March 1 the governing body of a city or township
21 may authorize the treasurer to add to the tax a property tax
22 administration fee to the extent imposed on taxes paid before
23 February 15 **for taxes levied before January 1, 2005 or September**
24 **15 for taxes levied after December 31, 2004** and a late penalty
25 charge equal to 3% of the tax. ~~The~~

26 **(4) For taxes levied before January 1, 2005, 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 for the
3 homestead property of a senior citizen, paraplegic, quadriplegic,
4 hemiplegic, eligible serviceperson, eligible veteran, eligible
5 widow or widower, totally and permanently disabled person, or
6 blind person, as those persons are defined in chapter 9 of the
7 income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, if
8 the person makes a claim before February 15 for a credit for that
9 property provided by chapter 9 of the income tax act of 1967,
10 1967 PA 281, MCL 206.501 to 206.532, if the person presents a
11 copy of the form filed for that credit to the local treasurer,
12 and if the person has not received the credit before
13 February 15. ~~The~~

14 **(5) For taxes levied before January 1, 2005, the** governing
15 body of a city or township may waive interest from February 15 to
16 the last day of February on a summer property tax deferred under
17 section 51 or any late penalty charge for a person's property
18 that is subject to a farmland development rights agreement
19 recorded with the register of deeds of the county in which the
20 property is situated as provided in section 36104 of the natural
21 resources and environmental protection act, 1994 PA 451, MCL
22 324.36104, if the person presents a copy of the development
23 rights agreement or verification that the property is subject to
24 a development rights agreement before February 15.

25 **(6)** A 4% county property tax administration fee, a property
26 tax administration fee to the extent imposed on and if authorized
27 under subsection ~~-(7)-~~ **(10)** for taxes paid before March 1, and

1 interest on the tax at the rate of 1% per month shall be added to
2 taxes collected by the township or city treasurer after the last
3 day of February **for taxes levied before January 1, 2005 and after**
4 **the last day of September for taxes levied after December 31,**
5 **2004,** and before settlement with the county treasurer, and the
6 payment shall be treated as though collected by the county
7 treasurer. If the statements required to be mailed by this
8 section are not mailed before December 31 **for taxes levied before**
9 **January 1, 2005 or before July 31 for taxes levied after December**
10 **31, 2004,** the treasurer shall not impose a late penalty charge on
11 taxes collected after February 14 **for taxes levied before January**
12 **1, 2005 or after September 14 for taxes levied after December 31,**
13 **2004.**

14 (7) ~~(4)~~ The governing body of a local property tax
15 collecting unit may waive all or part of the property tax
16 administration fee or the late penalty charge, or both. A
17 property tax administration fee collected by the township
18 treasurer shall be used only for the purposes for which it may be
19 collected as specified by subsection (3) and this subsection. If
20 the bond of the treasurer, as provided in section 43, is
21 furnished by a surety company, the cost of the bond may be paid
22 by the township from the property tax administration fee.

23 (8) ~~(5)~~ If apprehensive of the loss of personal tax
24 assessed upon the roll, the township treasurer may enforce
25 collection of the tax at any time, and if compelled to seize
26 property or bring an action ~~in December~~ may add, if authorized
27 under subsection ~~(7)~~ (10), a property tax administration fee of

1 not more than 1% of the total tax bill per parcel and 3% for a
2 late penalty charge.

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

19 (10) ~~-(7)-~~ The local property tax collecting treasurer shall
20 not impose a property tax administration fee, collection fee, or
21 any type of late penalty charge authorized by law or charter
22 unless the governing body of the local property tax collecting
23 unit approves, by resolution or ordinance, ~~adopted after~~
24 ~~December 31, 1982,~~ an authorization for the imposition of a
25 property tax administration fee, collection fee, or any type of
26 late penalty charge provided for by this section or by charter,
27 which authorization shall be valid for all levies that become a

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

8 **(11)** ~~-(8)-~~ The annual statement required by 1966 PA 125, MCL
9 565.161 to 565.164, or a monthly billing form or mortgagor
10 passbook provided instead of that annual statement shall include
11 a statement to the effect that a taxpayer who was not mailed the
12 tax statement or a copy of the tax statement by the township
13 treasurer or other collector shall receive, upon request and
14 without charge, a copy of the tax statement from the township
15 treasurer or other collector or, if the tax statement has been
16 mailed to the taxpayer's designated agent, from either the
17 taxpayer's designated agent or the township treasurer or other
18 collector. A designated agent who is subject to 1966 PA 125, MCL
19 565.161 to 565.164, and who has been mailed the tax statement for
20 taxes that became a lien in the calendar year immediately
21 preceding the year in which the annual statement may be required
22 to be furnished shall mail, upon request and without charge to a
23 taxpayer who was not mailed that tax statement or a copy of that
24 tax statement, a copy of that tax statement.

25 **(12)** ~~-(9)-~~ For taxes levied after December 31, 2001, if taxes
26 levied on qualified real property remain unpaid on February 15
27 **for taxes levied before January 1, 2005 or on September 15 for**

1 **taxes levied after December 31, 2004**, all of the following shall
2 apply:

3 (a) The unpaid taxes on that qualified real property shall be
4 collected in the same manner as unpaid taxes levied on personal
5 property are collected under this act.

6 (b) Unpaid taxes on qualified real property shall not be
7 returned as delinquent to the county treasurer for forfeiture,
8 foreclosure, and sale under sections 78 to 79a.

9 (c) If a county treasurer discovers that unpaid taxes on
10 qualified real property have been returned as delinquent for
11 forfeiture, foreclosure, and sale under sections 78 to 79a, the
12 county treasurer shall return those unpaid taxes to the
13 appropriate local tax collection unit for collection as provided
14 in subdivision (a).

15 **(13)** ~~-(10)-~~ As used in this section:

16 (a) "Designated agent" means an individual, partnership,
17 association, corporation, receiver, estate, trust, or other legal
18 entity that has entered into an escrow account agreement or other
19 agreement with the taxpayer that obligates that individual or
20 legal entity to pay the property taxes for the taxpayer or, if an
21 agreement has not been entered into, that was designated by the
22 taxpayer on a form made available to the taxpayer by the township
23 treasurer and filed with that treasurer. The designation by the
24 taxpayer shall remain in effect until revoked by the taxpayer in
25 a writing filed with the township treasurer. The form made
26 available by the township treasurer shall include a statement
27 that submission of the form allows the treasurer to mail the tax

1 statement to the designated agent instead of to the taxpayer and
2 a statement notifying the taxpayer of his or her right to revoke
3 the designation by a writing filed with the township treasurer.

4 (b) "Qualified real property" means buildings and
5 improvements located upon leased real property that are assessed
6 as real property under section 2(1)(c), except buildings and
7 improvements exempt under section 9f, if the value of the
8 buildings or improvements is not otherwise included in the
9 assessment of the real property.

10 (c) "Taxpayer" means the owner of the property on which the
11 tax is imposed.

12 (d) When describing in subsection (1) that the amount of tax
13 on the property must be shown in the tax statement, "amount of
14 tax" means an itemization by dollar amount of each of the several
15 ad valorem property taxes and special assessments that a person
16 may pay under section 53 and an itemization by millage rate, on
17 either the tax statement or a separate form accompanying the tax
18 statement, of each of the several ad valorem property taxes that
19 a person may pay under section 53. The township treasurer or
20 other collector may replace the itemization described in this
21 subdivision with a statement informing the taxpayer that the
22 itemization of the dollar amount and millage rate of the taxes is
23 available without charge from the local property tax collecting
24 unit.

25 Sec. 44a. (1) ~~Notwithstanding~~ **For taxes levied before**
26 **January 1, 2005, notwithstanding** any other statutory or charter
27 provision to the contrary, a county in which 1 or more local

1 units of government levies a summer property tax may by
2 resolution of its governing body determine to impose in 1995 one
3 quarter of, in 1996 one half of and for collections after 1996
4 all or one half of its property tax levy as a summer property tax
5 levy in those local units of government where a summer tax is
6 being collected by the local tax collecting treasurer. The
7 resolution by its terms may be applicable until revoked by the
8 governing body of the county.

9 (2) Upon adoption of a resolution authorized by subsection
10 (1), the county shall notify by April 15 of each year each
11 applicable local tax collecting unit of its determination to
12 impose a summer property tax levy in that year. Before June 30
13 and in conformance with the procedures prescribed by this act,
14 the taxes being collected shall be spread in terms of millages on
15 the assessment roll, the amount of tax levied shall be assessed
16 in proportion to the state equalized valuation, and a tax roll
17 shall be prepared which commands the appropriate treasurer to
18 collect on July 1 the taxes indicated as due on the tax roll.

19 (3) Taxes authorized to be collected shall become a lien
20 against the property on which assessed, and due from the owner of
21 that property on July 1.

22 (4) Taxes shall be collected on or before September 14 and
23 all taxes and interest imposed pursuant to this section unpaid
24 before March 1 shall be returned as delinquent on March 1 and
25 collected pursuant to this act.

26 (5) Interest shall be added to taxes collected after
27 September 14 at that rate imposed by section 59 on delinquent

1 property tax levies which became a lien in the same year.

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

9 (7) Collections shall be remitted to the county for which the
10 taxes were collected pursuant to section 43.

11 (8) To the extent applicable and consistent with the
12 requirements of this section, this act shall apply to proceedings
13 in relation to the assessment, spreading, and collection of taxes
14 pursuant to this section.

15 ~~(9) This section is effective for property tax collections~~
16 ~~in 1995 and after 1995 if the sales tax is levied at a rate of 4%~~
17 ~~under the general sales tax act, Act No. 167 of the Public Acts~~
18 ~~of 1933, being sections 205.51 to 205.78 of the Michigan Compiled~~
19 ~~Laws.~~

20 **Sec. 44c. (1) A local governmental unit may defer the**
21 **collection of property taxes under section 44 against the**
22 **following property for which a deferment is claimed until the**
23 **following March 1:**

24 (a) Homestead property of a taxpayer who is a totally and
25 permanently disabled person, blind person, paraplegic,
26 quadriplegic, hemiplegic, eligible serviceperson, eligible
27 veteran, or eligible widow or widower, as these persons are

1 defined in chapter 9 of the income tax act of 1967, 1967 PA 281,
2 MCL 206.501 to 206.532, or who is 62 years of age or older,
3 including the unremarried surviving spouse of a person who was 62
4 years of age or older at the time of death, and who for the prior
5 tax year had a total household income of \$25,000.00 or less.

6 (b) Property classified or used as agricultural real
7 property if the gross receipts of the agricultural or
8 horticultural operations in the immediately preceding year or the
9 average gross receipts of the operations in the previous 3 years
10 are not less than the household income of the owner in the
11 previous year.

12 (2) A taxpayer may claim a deferment provided by
13 subsection (1) by filing with the treasurer of the local tax
14 collecting unit an intent to defer the property taxes that are
15 due and payable in that year without penalty or interest. Taxes
16 deferred under subsection (1) that are not paid by the following
17 March 1 are subject to all penalties and interest that would have
18 accrued during the period of deferment as if the deferment had
19 not been granted.

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

23 (4) The treasurer of the local tax collecting unit shall do
24 all of the following:

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

1 tax bill.

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

3 (5) A person who is eligible for and who seeks a deferment
4 of property taxes under subsection (1) shall file his or her
5 intent to defer before September 15.

6 Sec. 44d. A tax shall not be levied in December under this
7 act after 2004. Beginning in 2004, taxes levied under this act
8 shall be collected in a summer levy, which levy shall be on July
9 1 in 2005 and each year after 2005.

10 Sec. 44e. (1) A mortgage loan servicer that has established
11 an escrow account for the payment of taxes shall pay those taxes
12 in 1 tax payment to the local tax collecting unit on or before
13 September 15.

14 (2) A mortgage loan servicer that has established an escrow
15 account for the payment of taxes shall not submit partial
16 payments for those taxes.

17 (3) As used in this section, "mortgage loan servicer" means
18 an individual, partnership, corporation, association, or other
19 legal entity that, directly or indirectly, receives more than 3
20 installment payments of the principal, interest, or an amount
21 placed in escrow under a loan secured by a first mortgage on real
22 property used, or improved to be used, as a dwelling and designed
23 for occupancy by 4 or fewer families or a land contract covering
24 real property used, or improved to be used, as a dwelling and
25 designed for occupancy by 4 or fewer families.

26 Sec. 46. (1) For the purpose of collecting personal
27 property taxes remaining unpaid on February 15 for taxes levied

1 **before January 1, 2005 or on September 15 for taxes levied after**
 2 **December 31, 2004**, the treasurer shall, ~~thereafter~~ during that
 3 month, make demand for the payment of taxes either personally or
 4 by mail. In cases of companies or corporations demand may be
 5 made at the principal or other office of the company or
 6 corporation, or by mail directed to the corporation or company,
 7 or its principal officer at its usual place of business. In
 8 cities where some special provision is made for demand or
 9 collection of taxes, the collector or treasurer shall comply with
 10 the special provision. ~~, or otherwise be bound by this act.~~

11 (2) If demand is sent by mail, the amount of the tax shall
 12 be stated along with the place and time where and when the taxes
 13 may be paid. The treasurer shall give a receipt for every tax
 14 paid, and shall ~~cause to be entered in an indelible manner the~~
 15 ~~fact of~~ **enter the** payment ~~, and the date of payment upon his~~
 16 ~~or her~~ **on the** tax roll.

17 Sec. 51. ~~(1)~~ If the township treasurer neglects or
 18 refuses to file his or her bond with the county treasurer ~~, in~~
 19 the manner and within the time prescribed ~~by law,~~ **under section**
 20 **43** and the township board fails to appoint a treasurer ~~who~~
 21 ~~shall~~ **to** give the bond and deliver a receipt for the bond to the
 22 supervisor by December 10 **for taxes levied before January 1, 2005**
 23 **or by July 10 for taxes levied after December 31, 2004**, the
 24 supervisor shall deliver the tax roll with the necessary warrant
 25 directed to the treasurer of the county, who shall make the
 26 collection and return of taxes. The county treasurer, pursuant
 27 to the adoption of a resolution by the county board of

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

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

18 ~~—— (a) Homestead property of a taxpayer who is a totally and~~
 19 ~~permanently disabled person, blind person, paraplegic,~~
 20 ~~quadriplegic, eligible serviceperson, eligible veteran, or~~
 21 ~~eligible widow or widower, as these persons are defined in~~
 22 ~~chapter 9 of the income tax act of 1967, Act No. 281 of the~~
 23 ~~Public Acts of 1967, being sections 206.501 to 206.532 of the~~
 24 ~~Michigan Compiled Laws, or who is 62 years of age or older,~~
 25 ~~including the unremarried surviving spouse of a person who was 62~~
 26 ~~years of age or older at the time of death, and who for the prior~~
 27 ~~taxable year had a total household income of \$25,000.00 or less.~~

1 ~~—— (b) Property classified or used as agricultural real property~~
2 ~~if the gross receipts of the agricultural or horticultural~~
3 ~~operations in the previous year or the average gross receipts of~~
4 ~~the operations in the previous 3 years are not less than the~~
5 ~~household income of the owner in the previous year.~~

6 ~~—— (3) A taxpayer may claim a deferment provided by~~
7 ~~subsection (2) by filing with the treasurer of the property tax~~
8 ~~collecting unit an intent to defer the summer property taxes that~~
9 ~~are due and payable in that year without penalty or interest.~~
10 ~~Taxes deferred under subsection (2) that are not paid by the~~
11 ~~following February 15 are not subject to penalties or interest~~
12 ~~for the period of deferment.~~

13 ~~—— (4) The intent statement required by subsection (3) shall be~~
14 ~~on a form prescribed and provided by the department to the~~
15 ~~treasurer of the property tax collecting unit.~~

16 ~~—— (5) The treasurer of the property tax collecting unit~~
17 ~~collecting a summer property tax shall do the following:~~

18 ~~—— (a) Cause a notice of the availability of the deferment to be~~
19 ~~published in a newspaper of general circulation within the local~~
20 ~~unit levying the summer property tax or included as an insertion~~
21 ~~with the tax bill.~~

22 ~~—— (b) Assist persons in completion of the deferment form.~~

23 ~~—— (6) If the local property tax collecting unit for a summer~~
24 ~~property tax levy also collects a winter property tax levy in the~~
25 ~~same year, a statement of the amount of taxes deferred pursuant~~
26 ~~to subsection (2) shall be in the December tax statement mailed~~
27 ~~by the local property tax collecting unit for each summer~~

~~1 property tax payment that was deferred from collection by that
2 local property tax collecting unit. If the local property tax
3 collecting unit of a summer property tax levy does not collect a
4 winter property tax levy in the same year, a statement of the
5 amount of taxes deferred pursuant to subsection (2) from the
6 collection made by that local property tax collecting unit shall
7 be mailed pursuant to section 44 by the local property tax
8 collecting unit of the summer property tax levy at the same time
9 December tax statements are required to be mailed.~~

~~10 ——— (7) Persons eligible for deferment of summer property taxes
11 under subsection (2) may file their intent to defer until
12 September 15 or the time the tax would otherwise become subject
13 to interest or a late penalty charge for late payment, whichever
14 is later.~~

~~15 ——— (8) To the extent permitted by the school code of 1976, Act
16 No. 451 of the Public Acts of 1976, as amended, being
17 sections 380.1 to 380.1852 of the Michigan Compiled Laws, or the
18 charter of a local taxing unit, a local taxing unit may provide
19 for the levy and collection of summer property taxes. The terms
20 and conditions of collection established by, or under an
21 agreement executed pursuant to, the school code of 1976 or the
22 charter of a local taxing unit govern a summer property tax
23 levy.~~

~~24 ——— (9) For purposes of this section, "summer property tax" means
25 a levy of ad valorem property taxes that first becomes a lien
26 before December 1 of any calendar year.~~

27 Sec. 53b. (1) If there has been a clerical error or a

1 mutual mistake of fact relative to the correct assessment
2 figures, the rate of taxation, or the mathematical computation
3 relating to the assessing of taxes, the clerical error or mutual
4 mistake of fact shall be verified by the local assessing officer
5 and approved by the board of review at a meeting held for the
6 purposes of this section.

7 **(2) For taxes levied before January 1, 2005, the board of**
8 **review shall meet** on Tuesday following the second Monday in
9 December and, for summer property taxes, on Tuesday following the
10 third Monday in July. If there is not a levy of summer property
11 taxes, the board of review may meet for the purposes of this
12 section on Tuesday following the third Monday in July.

13 **(3) For taxes levied after December 31, 2004, the board of**
14 **review shall meet on the Tuesday following the third Monday in**
15 **July.**

16 **(4) If approved, the board of review shall file an affidavit**
17 ~~within 30 days relative to the~~ **regarding the** clerical error or
18 mutual mistake of fact **within 30 days** with the proper officials
19 who are involved with the ~~assessment figures~~ **tax levied**, rate
20 of taxation, or mathematical computation and all affected
21 official records shall be corrected. If the clerical error or
22 mutual mistake of fact results in an overpayment or underpayment,
23 the rebate, including any interest paid, shall be made to the
24 taxpayer or the taxpayer shall be notified and payment made
25 within 30 days of the notice. A rebate shall be without
26 interest. The county treasurer may deduct the rebate from the
27 appropriate tax collecting unit's subsequent distribution of

1 taxes. The county treasurer shall bill to the appropriate tax
2 collecting unit the tax collecting unit's share of taxes
3 rebated. Except as otherwise provided in subsection ~~-(6)-~~ (9), a
4 correction under this subsection may be made in the year in which
5 the error was made or in the following year only.

6 (5) ~~-(2)-~~ Action pursuant to this section may be initiated by
7 the taxpayer or the assessing officer.

8 (6) ~~-(3)-~~ The board of review meeting ~~in July and December~~
9 **under this section** shall meet only for the purpose described in
10 subsection (1) and to hear appeals provided for in sections 7u,
11 7cc, and 7ee. If an exemption under section 7u is approved, the
12 board of review shall file an affidavit with the proper officials
13 involved in the assessment and collection of taxes and all
14 affected official records shall be corrected. If an appeal under
15 section 7cc or 7ee results in a determination that an overpayment
16 has been made, the board of review shall file an affidavit and a
17 rebate shall be made at the times and in the manner provided in
18 subsection ~~-(1)-~~ (4). Except as otherwise provided in
19 sections 7cc and 7ee, a correction under this subsection shall be
20 made for the year in which the appeal is made only. If the board
21 of review grants an exemption or provides a rebate for property
22 under section 7cc or 7ee as provided in this subsection, the
23 board of review shall require the owner to execute the affidavit
24 provided for in section 7cc or 7ee and shall forward a copy of
25 any section 7cc affidavits to the department of treasury.

26 (7) ~~-(4)-~~ If an exemption under section 7cc is granted by the
27 board of review under this section, the provisions of

1 section 7cc(6) through (8) apply. If an exemption under
2 section 7cc is not granted by the board of review under this
3 section, the owner may appeal that decision in writing to the
4 department of treasury within 35 days of the board of review's
5 denial and the appeal shall be conducted as provided in
6 section 7cc(7).

7 **(8)** ~~-(5)-~~ An owner or assessor may appeal a decision of the
8 board of review under this section regarding an exemption under
9 section 7ee to the residential and small claims division of the
10 Michigan tax tribunal. An owner is not required to pay the
11 amount of tax in dispute in order to receive a final
12 determination of the residential and small claims division of the
13 Michigan tax tribunal. However, interest and penalties, if any,
14 shall accrue and be computed based on interest and penalties that
15 would have accrued from the date the taxes were originally levied
16 as if there had not been an exemption.

17 **(9)** ~~-(6)-~~ A correction under this section that grants a
18 homestead exemption pursuant to section 7cc(14) may be made for
19 the year in which the appeal was filed and the 3 immediately
20 preceding tax years.

21 Sec. 53c. If the ~~July or December~~ board of review denies
22 a claim for exemption under section 7u, the person claiming the
23 exemption may appeal that decision to the Michigan tax tribunal
24 within 30 days of the denial.

25 Sec. 59. (1) A person may pay the taxes, any 1 of the
26 taxes, a portion of the taxes specified by resolution of the
27 county board of commissioners, or if a specification is not made

1 by a resolution of the county board of commissioners, a portion
2 of the taxes approved by the county treasurer on a parcel or
3 description of property returned as delinquent, or on an
4 undivided share of a parcel or description of property returned
5 as delinquent. For taxes levied on real property before
6 January 1, 1999 and for taxes levied on personal property **before**
7 **January 1, 2005**, the amount paid under this subsection shall
8 include interest computed from the March 1 after the taxes were
9 assessed at the rate of 1% per month or fraction of a month,
10 except as provided in section 89, and 4% of the delinquent taxes
11 as a county property tax administration fee that shall be a
12 minimum of \$1.00 per payment of delinquent taxes, except as
13 provided in section 89. **For taxes levied on personal property**
14 **after December 31, 2004**, the amount paid under this subsection
15 **shall include interest computed from the October 1 after the**
16 **taxes were assessed at the rate of 1% per month or fraction of a**
17 **month, except as provided in section 89, and 4% of the delinquent**
18 **taxes as a county property tax administration fee that shall be a**
19 **minimum of \$1.00 per payment of delinquent taxes, except as**
20 **provided in section 89.** Payment under this subsection shall be
21 made to the county treasurer of the county in which the property
22 is situated, at any time before the property is sold at a tax
23 sale held pursuant to section 60, bid off to this state pursuant
24 to section 70, or forfeited to a county treasurer pursuant to
25 section 78g. The county treasurer and the treasurer for the
26 local tax collecting unit shall allocate and distribute the taxes
27 and interest paid proportionately among the county or local tax

1 collecting unit funds and the property tax administration fee
2 returned as delinquent under section 44(6) to the treasurer of
3 the local tax collecting unit who transmitted the taxes returned
4 as delinquent. For taxes levied before January 1, 1999, on all
5 descriptions of property with unpaid taxes on the October 1
6 before the time prescribed for the sale of a tax lien on the
7 property, an additional \$10.00 shall be charged for expenses,
8 which shall be a lien on the property. If collected, \$5.00 of
9 this expense charge shall be credited to a restricted revenue
10 fund of this state, to be known as the delinquent property tax
11 administration fund, to reimburse this state for the cost of
12 publishing the lists of property and other expenses, and \$5.00
13 shall belong to the general fund of the county to reimburse the
14 county for the expense incurred in preparing the list of
15 delinquent property for sale or forfeiture.

16 (2) For taxes levied before January 1, 1999, the property
17 tax administration fee paid to the county treasurer shall be
18 credited to the general fund of the county and the property tax
19 administration fee paid to the state treasurer shall be credited
20 to the delinquent property tax administration fund. Amounts
21 credited to the general fund of the county shall be used only for
22 the purposes specified in subsection (6).

23 (3) For taxes levied before January 1, 1999, and for taxes
24 levied after December 31, 1998, a county board of commissioners,
25 by resolution, may provide all of the following for taxes paid
26 before May 1 in the first year of delinquency for the homestead
27 property of a senior citizen, paraplegic, hemiplegic,

1 quadriplegic, eligible serviceman, eligible veteran, eligible
2 widow, totally and permanently disabled person, or blind person,
3 as those persons are defined in chapter 9 of the income tax act
4 of 1967, 1967 PA 281, MCL 206.501 to 206.532, if a claim is made
5 before February 15 for the credit provided by chapter 9 of the
6 income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, if
7 that claimant presents a copy of the form filed for that credit
8 to the county treasurer, and if that claimant has not received
9 the credit before March 1:

10 (a) Any interest, fee, or penalty in excess of the interest,
11 fee, or penalty that would have been added if the tax had been
12 paid before February 15 **for taxes levied before January 1, 2005**
13 **or before September 15 for taxes levied after December 31, 2004,**
14 is waived.

15 (b) Interest paid under subsection (1) or section 89(1)(a)
16 is waived unless the interest is pledged to the repayment of
17 delinquent tax revolving fund notes or payable to the county
18 delinquent tax revolving fund, in which case the interest shall
19 be refunded from the general fund of the county.

20 (c) The county property tax administration fee is waived.

21 (4) The treasurer of the local tax collecting unit shall
22 indicate on the delinquent tax roll if a 1% property tax
23 administration fee was added to taxes collected before
24 February 15 **for taxes levied before January 1, 2005 or before**
25 **September 15 for taxes levied after December 31, 2004.**

26 (5) The fees authorized and collected under this section and
27 credited to the delinquent property tax administration fund shall

1 be used by the department of treasury to pay expenses incurred in
2 the administration of this act.

3 (6) The county property tax administration fee shall be used
4 by the county to offset the costs incurred in and ancillary to
5 collecting delinquent property taxes and for purposes authorized
6 by sections 87b and 87d.

7 Sec. 78a. (1) For taxes levied after December 31, 1998, all
8 property returned for delinquent taxes, and upon which taxes,
9 interest, penalties, and fees remain unpaid after the property is
10 returned as delinquent to the county treasurers of this state
11 under this act, is subject to forfeiture, foreclosure, and sale
12 for the enforcement and collection of the delinquent taxes as
13 provided in section 78, this section, and sections 78b to 79a.
14 As used in section 78, this section, and sections 78b to 79a,
15 "taxes" includes interest, penalties, and fees imposed before the
16 taxes become delinquent and unpaid special assessments or other
17 assessments that are due and payable up to and including the date
18 of the foreclosure hearing under section 78k.

19 (2) ~~On~~ **Except as otherwise provided in this subsection, on**
20 March 1 in each year, taxes levied in the immediately preceding
21 year that remain unpaid shall be returned as delinquent for
22 collection. Except as otherwise provided in section 79 for
23 certified abandoned property, property delinquent for taxes
24 levied in the second year preceding the forfeiture under section
25 78g or in a prior year to which this section applies shall be
26 forfeited to the county treasurer for the total of the unpaid
27 taxes, interest, penalties, and fees for those years as provided

1 under section 78g. **Taxes levied in 2005 shall be returned as**
2 **delinquent for collection on March 1, 2007.**

3 (3) A county property tax administration fee of 4% and
4 interest computed at a noncompounded rate of 1% per month or
5 fraction of a month on the taxes that were originally returned as
6 delinquent, computed from the March 1 that the taxes originally
7 became delinquent, shall be added to property returned as
8 delinquent under this section. A county property tax
9 administration fee provided for under this subsection shall not
10 be less than \$1.00.

11 (4) Any person with an unrecorded property interest or any
12 other person who wishes at any time to receive notice of the
13 return of delinquent taxes on a parcel of property may pay an
14 annual fee not to exceed \$5.00 by February 1 to the county
15 treasurer and specify the parcel identification number, the
16 address of the property, and the address to which the notice
17 shall be sent. Holders of any undischarged mortgages wishing to
18 receive notice of the return of delinquent taxes on a parcel or
19 parcels of property may provide a list of such parcels in a form
20 prescribed by the county treasurer and pay an annual fee not to
21 exceed \$1.00 per parcel to the county treasurer and specify for
22 each parcel the parcel identification number, the address of the
23 property, and the address to which the notice should be sent.
24 The county treasurer shall notify the person or holders of
25 undischarged mortgages if delinquent taxes on the property or
26 properties are returned within that year.

27 (5) Upon the request of a holder of a tax lien purchased

1 under ~~the Michigan tax lien sale and collateralized securities~~
2 ~~act,~~ **former** 1998 PA 379, ~~MCL 211.921 to 211.941,~~ and payment
3 to the county treasurer of the actual costs incurred in complying
4 with that request, the county treasurer shall provide a list
5 identifying the parcels of property for which a notice is
6 required under sections 78 to 78/. The list required under this
7 subsection may be in a computer generated form or other form.

8 (6) Notwithstanding any charter provision to the contrary,
9 the governing body of a local governmental unit that collects
10 delinquent taxes may establish for any property, by ordinance,
11 procedures for the collection of delinquent taxes and the
12 enforcement of tax liens and the schedule for the forfeiture or
13 foreclosure of delinquent tax liens. The procedures and schedule
14 established by ordinance shall conform at a minimum to those
15 procedures and schedules established under sections 78a to 78/,
16 except that those taxes subject to a payment plan approved by the
17 treasurer of the local governmental unit as of July 1, 1999 shall
18 not be considered delinquent as of the following March 1 if
19 payments are not delinquent under that payment plan.

20 Enacting section 1. Section 7a of the general property tax
21 act, 1893 PA 206, MCL 211.7a, is repealed.

22 Enacting section 2. This amendatory act takes effect
23 December 30, 2004.