

SENATE BILL No. 634

September 8, 2011, Introduced by Senator HUNE and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 51 (MCL 211.51), as amended by 2009 PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51. (1) If a township treasurer does not file his or her
2 bond with the county treasurer as prescribed by law and the
3 township board fails to appoint a treasurer to give the bond and
4 deliver a receipt for the bond to the supervisor by December 10,
5 the supervisor shall deliver the tax roll with the necessary
6 warrant directed to the county treasurer, who shall make the
7 collection and return of taxes. The county treasurer, pursuant to
8 the adoption of a resolution by the county board of commissioners,
9 has the same powers and duties to add a property tax administration

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

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

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

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

19 (A) Is a totally and permanently disabled person, blind
20 person, paraplegic, quadriplegic, eligible serviceperson, eligible
21 veteran, or eligible widow or widower, as these persons are defined
22 in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL
23 206.501 to 206.532.

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

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

1 the following:

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

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

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

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

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

23 (3) A taxpayer may claim a deferment provided by subsection
24 (2) by filing with the treasurer of the local property tax
25 collecting unit an intent to defer the summer property taxes that
26 are due and payable in that year without penalty or interest. Taxes
27 deferred under subsection (2) that are not paid by the following

1 February 15 are not subject to penalties or interest for the period
2 of deferment.

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

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

8 (a) Cause a notice of the availability of the deferment to be
9 published in a newspaper of general circulation within the local
10 property tax collecting unit or to be included as an insertion with
11 the tax bill.

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

13 (6) If a local property tax collecting unit that collects a
14 summer property tax also collects a winter property tax in the same
15 year, a statement of the amount of taxes deferred pursuant to
16 subsection (2) shall be in the December tax statement mailed by the
17 local property tax collecting unit for each summer property tax
18 payment that was deferred from collection. If a local property tax
19 collecting unit that collects a summer property tax does not
20 collect a winter property tax in the same year, it shall mail a
21 statement of the amount of taxes deferred under subsection (2) at
22 the same time December tax statements are required to be mailed
23 under section 44.

24 (7) Persons eligible for deferment of summer property taxes
25 under subsection (2) may file their intent to defer until September
26 15 or the time the tax would otherwise become subject to interest
27 or a late penalty charge for late payment, whichever is later.

1 (8) To the extent permitted by the revised school code, 1976
2 PA 451, MCL 380.1 to 380.1852, or the charter of a local property
3 tax collecting unit, a local property tax collecting unit may
4 provide for the levy and collection of summer property taxes. The
5 terms and conditions of collection established by or under an
6 agreement executed pursuant to the revised school code, 1976 PA
7 451, MCL 380.1 to 380.1852, or the charter of a local tax
8 collecting unit govern a summer property tax levy.

9 (9) As used in this section:

10 (a) "Principal residence" means property exempt under section
11 7cc.

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