

# HOUSE BILL No. 4664

April 16, 1991, Introduced by Reps. Randall and Niederstadt and referred to the Committee on Taxation.

A bill to amend section 44 of Act No. 206 of the Public Acts of 1893, entitled as amended "The general property tax act," as amended by Act No. 124 of the Public Acts of 1989, being section 211.44 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 44 of Act No. 206 of the Public Acts of  
2 1893, as amended by Act No. 124 of the Public Acts of 1989, being  
3 section 211.44 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 44. (1) Upon receipt of the tax roll, the township  
6 treasurer or other collector shall proceed to collect the taxes.  
7 The township treasurer or other collector shall mail to each  
8 taxpayer at the taxpayer's last known address on the tax roll or  
9 to the taxpayer's designated agent a statement showing the

1 description of the property against which the tax is levied, the  
2 assessed valuation of the property, and the amount of the tax on  
3 the property. The tax statement shall set forth the state equal-  
4 ized valuation. If a tax statement is mailed to the taxpayer, a  
5 tax statement sent to a taxpayer's designated agent may be in a  
6 summary form or may be in an electronic data processing format.  
7 If the tax statement information is provided to both a taxpayer  
8 and the taxpayer's designated agent, the tax statement mailed to  
9 the taxpayer may be identified as an informational copy. A town-  
10 ship treasurer or other collector electing to send a tax state-  
11 ment to a taxpayer's designated agent or electing not to include  
12 an itemization in the manner described in subsection (9)(c) in a  
13 tax statement mailed to the taxpayer shall, upon request, mail a  
14 detailed copy of the tax statement, including an itemization of  
15 the amount of tax in the manner described by subsection (9)(c),  
16 to the taxpayer without charge, as previously required by this  
17 section.

18 (2) The expense of preparing and mailing the statement shall  
19 be paid from the county, township, city, or village funds.  
20 Failure to send or receive the notice ~~shall~~ DOES not prejudice  
21 the right to collect or enforce the payment of the tax. THE  
22 TOWNSHIP TREASURER SHALL RECEIVE TAXES UPON A WEEKDAY WHEN THEY  
23 ARE OFFERED. The township treasurer shall remain in the office of  
24 the township treasurer at some convenient place in the township  
25 on each Friday in the month of December, from 9 a.m. to 5 p.m. to  
26 receive taxes ~~, but shall receive taxes upon a weekday when they~~

1 ~~are offered. However, if~~ EXCEPT IF EITHER OF THE FOLLOWING  
2 APPLIES:

3 (i) IF a Friday in the month of December is Christmas eve,  
4 Christmas day, New Year's eve, or a day designated by the town-  
5 ship as a holiday for township employees, the township treasurer  
6 ~~shall not be~~ IS NOT required to remain in the office of the  
7 township treasurer on that Friday, but shall remain in the office  
8 of the township treasurer at some convenient place in the town-  
9 ship from 9 a.m. to 5 p.m. on the day ~~most~~ immediately preced-  
10 ing that Friday ~~, which~~ IF THAT day is not Christmas eve,  
11 Christmas day, New Year's eve, or a day designated by the town-  
12 ship as a holiday for township employees, to receive taxes.

13 (ii) IF THE TOWNSHIP TREASURER MAINTAINS REGULARLY SCHEDULED  
14 BUSINESS HOURS AT THE OFFICE OF THE TOWNSHIP TREASURER IN EXCESS  
15 OF 24 HOURS FOR 1 OR MORE WEEKS IN DECEMBER, THE TOWNSHIP TREA-  
16 SURER IS NOT REQUIRED TO REMAIN IN THE OFFICE ON FRIDAY OF A WEEK  
17 IN WHICH HE OR SHE MAINTAINS REGULARLY SCHEDULED BUSINESS HOURS  
18 IN EXCESS OF 24 HOURS.

19 (3) Except as provided by subsection (7), on a sum volun-  
20 tarily paid before February 15 of the succeeding year, the local  
21 property tax collecting unit shall add 1% for a property tax  
22 administration fee. However, unless otherwise provided for by an  
23 agreement between the assessing unit and the collecting unit, if  
24 a local property tax collecting unit other than a village does  
25 not also serve as the local assessing unit, the excess of the  
26 amount of property tax administration fees over the expense to  
27 the local property tax collecting unit in collecting the taxes,

1 but not less than 80% of the fee imposed, shall be returned to  
2 the local assessing unit. A property tax administration fee is  
3 defined as a fee to offset costs incurred by a collecting unit in  
4 assessing property values, collecting the property tax levies,  
5 and in the review and appeal processes. The costs of any  
6 appeals, in excess of funds available from the property tax  
7 administration fee, may be shared by any taxing unit only if  
8 approved by the governing body of the taxing unit. Except as  
9 provided by subsection (7), on all taxes paid after February 14  
10 and before March 1 the governing body of a city or township may  
11 authorize the treasurer to add to the tax a property tax adminis-  
12 tration fee to the extent imposed on taxes paid before February  
13 15 and a late penalty charge equal to 3% of the tax. Interest  
14 from February 15 to the last day of February on a summer property  
15 tax that has been deferred pursuant to section 51 or any late  
16 penalty charge may be waived by the governing body of a city or  
17 township for the homestead property of a senior citizen, paraple-  
18 gic, quadriplegic, eligible serviceperson, eligible veteran, eli-  
19 gible widow or widower, totally and permanently disabled person,  
20 or blind person, as those persons are defined in chapter 9 of the  
21 income tax act of 1967, Act No. 281 of the Public Acts of 1967,  
22 as amended, being sections 206.501 to 206.532 of the Michigan  
23 Compiled Laws, if the person makes a claim before February 15 for  
24 a credit for that property provided by chapter 9 of Act No. 281  
25 of the Public Acts of 1967, as amended, if the person presents a  
26 copy of the form filed for that credit to the local treasurer,  
27 and if the person has not received the credit before

1 February 15. Interest from February 15 to the last day of  
2 February on a summer property tax that has been deferred under  
3 section 51 or any late penalty charge may be waived by the gov-  
4 erning body of a city or township for the property of a person ~~7~~  
5 ~~which~~ IF THE property is subject to a farmland development  
6 rights agreement recorded with the register of deeds of the  
7 county in which the property is situated as provided in section 5  
8 of the farmland and open space preservation act, Act No. 116 of  
9 the Public Acts of 1974, being section 554.705 of the Michigan  
10 Compiled Laws, if the person presents a copy of the development  
11 rights agreement or verification that the property is subject to  
12 a development rights agreement before February 15. A 4% county  
13 property tax administration fee, a property tax administration  
14 fee to the extent imposed on and if authorized pursuant to sub-  
15 section (7) for taxes paid before March 1, and interest on the  
16 tax at the rate of 1% per month shall be added to taxes collected  
17 by the township or city treasurer after the last day of February  
18 and before settlement with the county treasurer, which payment  
19 shall be treated as though collected by the county treasurer. If  
20 the statements required to be mailed by this section are not  
21 mailed before December 31, the treasurer shall not impose a late  
22 penalty charge with respect to taxes collected after  
23 February 14.

24 (4) The governing body of a local property tax collecting  
25 unit may waive all or part of the property tax administration fee  
26 or the late penalty charge, or both. A property tax  
27 administration fee collected by the township treasurer shall be

1 used only for the purposes for which it ~~may be~~ IS collected as  
2 specified by subsection (3) and this subsection. When the bond  
3 of the treasurer, as provided in section 43, is furnished by a  
4 surety company, the cost of the bond may be paid by the township  
5 from the property tax administration fee.

6 (5) If apprehensive of the loss of personal PROPERTY tax  
7 assessed upon the roll, the township treasurer may enforce col-  
8 lection of the tax at any time, and if compelled to seize prop-  
9 erty or bring an action in December may add, if authorized pursu-  
10 ant to subsection (7), 1% for a property tax administration fee  
11 and 3% for a late penalty charge.

12 (6) Along with taxes returned delinquent to a county trea-  
13 surer pursuant to section 55, the amount of the 1% property tax  
14 administration fee prescribed by subsection (3) that is imposed  
15 and not paid shall be included in the return of delinquent  
16 taxes. ~~and, when~~ WHEN delinquent taxes are distributed by the  
17 county treasurer pursuant to this act, the delinquent 1% property  
18 tax administration fee shall be distributed to the treasurer of  
19 the local unit who transmitted the statement of taxes returned as  
20 delinquent. Interest imposed upon delinquent property taxes pur-  
21 suant to this act shall also be imposed upon the 1% property tax  
22 administration fee and, for purposes of this act other than to  
23 which local unit the county treasurer shall distribute a delin-  
24 quent 1% property tax administration fee, any reference to delin-  
25 quent taxes shall be considered to include the 1% property tax  
26 administration fee returned as delinquent for the same property.  
27 This subsection ~~shall apply~~ APPLIES to property tax

1 administration fees imposed upon property taxes that become a  
2 lien in 1983 or any year ~~thereafter~~ AFTER 1983.

3 (7) ~~For levies that become a lien in 1983 or any year~~  
4 ~~thereafter, the~~ THE local property tax collecting treasurer  
5 shall not impose a property tax administration fee, collection  
6 fee, or any type of late penalty charge authorized by law or  
7 charter unless the governing body of the local property tax col-  
8 lecting unit approves, by resolution or ordinance, ~~adopted after~~  
9 ~~December 31, 1982,~~ an authorization for the imposition of a  
10 property tax administration fee, collection fee, or any type of  
11 late penalty charge provided for by this section or by charter.  
12 ~~, which~~ THE authorization ~~shall be~~ IS valid for all levies  
13 that become a lien after the resolution or ordinance is adopted.  
14 However, unless otherwise provided for by an agreement between  
15 the assessing unit and the collecting unit, a local property tax  
16 collecting unit that does not also serve as the assessing unit  
17 shall impose a property tax administration fee on each parcel at  
18 a rate equal to the rate of the fee imposed for city or township  
19 taxes on that parcel.

20 (8) The annual statement required by Act No. 125 of the  
21 Public Acts of 1966, being sections 565.161 to 565.163 of the  
22 Michigan Compiled Laws, or a monthly billing form or mortgagor  
23 passbook provided in lieu of that annual statement shall include  
24 a statement to the effect that a taxpayer who has not been mailed  
25 the tax statement or a copy of the tax statement by the township  
26 treasurer or other collector shall receive, upon request and  
27 without charge, a copy of the tax statement from the township

1 treasurer or other collector or, if the tax statement has been  
2 mailed to the taxpayer's designated agent, from either the  
3 taxpayer's designated agent or the township treasurer or other  
4 collector. A designated agent, ~~who is~~ subject to Act No. 125  
5 of the Public Acts of 1966, ~~and~~ who has been mailed the tax  
6 statement for taxes that became a lien in the calendar year imme-  
7 diately preceding the year in which the annual statement may be  
8 required to be furnished shall mail ~~, upon the request of and~~  
9 ~~without charge~~ A COPY OF THAT TAX STATEMENT to a taxpayer who  
10 has not been mailed that tax statement or a copy of that tax  
11 statement ~~, a copy of that tax statement~~ UPON THE REQUEST OF  
12 AND WITHOUT CHARGE to that taxpayer.

13 (9) As used in this section:

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



1 right to revoke the designation by a writing filed with the  
2 township treasurer.

3 (b) "Taxpayer" means the owner of the property upon which  
4 the tax is imposed.

5 (c) When describing in subsection (1) that the amount of tax  
6 on the property must be shown in the tax statement, "amount of  
7 tax" means an itemization by dollar amount of each of the several  
8 ad valorem property taxes and special assessments that a person  
9 may pay pursuant to section 53 and an itemization by millage  
10 rate, on either the tax statement or a separate form accompanying  
11 the tax statement, of each of the several ad valorem property  
12 taxes that a person may pay pursuant to section 53. The township  
13 treasurer or other collector may replace the itemization  
14 described in this subdivision with a statement informing the tax-  
15 payer that the itemization of the dollar amount and millage rate  
16 of the taxes is available without charge from the local property  
17 tax collecting unit. This subdivision ~~shall~~ DOES not apply for  
18 tax statements for taxes that become a lien in 1983.