

HOUSE BILL No. 5612

April 28, 2016, Introduced by Rep. Farrington and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 43 (MCL 211.43), as amended by 1994 PA 253.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 43. (1) The supervisor of each township, immediately upon
2 authorization to raise money by taxation pursuant to an election
3 held under section 36 or on or before the November 5 in each year,
4 shall notify the township treasurer of the amount of the state,
5 county, school, and public transportation authority taxes as
6 apportioned to his or her township.

7 (2) The treasurer, immediately upon authorization to raise
8 money by taxation pursuant to an election held under section 36 or
9 on or before the third day immediately preceding the day the taxes
10 to be collected become a lien, shall give to the county treasurer a
11 bond running to the county in the actual amount of state, county,

1 and school taxes, except school taxes collected through a city
2 treasurer, with sufficient sureties to be approved by the
3 supervisor of the township and the county treasurer, conditioned
4 that he or she will pay over to the county treasurer as required by
5 law all state and county taxes, pay over to the respective school
6 treasurers all school taxes that he or she collects during each
7 year of his or her term of office, and duly and faithfully perform
8 all the other duties of the office of treasurer. If a corporate
9 surety bond is provided, the bond shall be approved only by the
10 county treasurer. If the bond is furnished by a surety company
11 authorized to transact business under the laws of this state, it is
12 sufficient that the bond is equal to 40% of the amount of state,
13 county, and school taxes. If the bond is furnished by a surety
14 company, the premium and cost of the bond given to the county shall
15 be paid by the county treasurer from the general fund of the county
16 against which the premium and cost is made a charge. However, the
17 county treasurer having paid the premium may bill each district
18 school board afforded protection by the bond that portion of the
19 premium charge as is allocated to the school taxes and the school
20 district treasurers shall pay that allocated premium charge as
21 determined by the county treasurer for the protection of school
22 taxes from available school district funds. If the county treasurer
23 and township supervisor determine that the bond of the township
24 treasurer recorded with the township clerk and on file with the
25 township supervisor is adequate and sufficient to safeguard the
26 proper accounting of state, county, and school taxes as required by
27 law, the township treasurer shall not be required to file with the

1 county treasurer the bond provided for in this section. The county
2 treasurer shall deliver to the supervisor on or before the day the
3 taxes to be collected become a lien a signed statement of approval
4 of the bond. Upon the receipt of the signed statement and on or
5 before the day the taxes to be collected become a lien, the
6 supervisor shall deliver to the township treasurer the tax roll of
7 ~~this~~**THE** township. The county treasurer shall file and safely keep
8 the bond in his or her office and shall give to the township
9 treasurer a receipt stating that the required bond was received,
10 which receipt the township treasurer shall deliver to the
11 supervisor on or before the day the taxes to be collected become a
12 lien. After the delivery of the receipt and on or before the day
13 the taxes to be collected become a lien, the supervisor shall
14 deliver to the township treasurer the tax roll of the township.

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

17 (a) Within 10 business days after the first and fifteenth day
18 of each month, the township or city treasurer shall account for and
19 deliver to the county treasurer the total amount of state and
20 county tax collections on hand on the first and fifteenth day of
21 each month; to the school district treasurers the total amount of
22 school tax collections on hand on the first and fifteenth day of
23 each month; and to the public transportation authorities the total
24 amount of public transportation authority tax collections on hand
25 the first and fifteenth day of each month. If the intermediate
26 school district and community college district provide for direct
27 payment pursuant to subsection (9), the township or city treasurer

1 shall also account for and deliver to the intermediate school
2 district and the community college district the total respective
3 amounts of school tax collections on hand the first and fifteenth
4 day of each month. This subdivision shall not apply to the month of
5 March.

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

21 (c) A final adjustment and delivery of the total amount of tax
22 collections on hand for the county, community college districts,
23 intermediate school districts, school districts, and public
24 transportation authorities shall be made not later than April 1 of
25 each year.

26 (4) Instead of following the schedule prescribed in subsection
27 (3), the township or city serving as the tax collecting unit and

1 the local governmental unit for which the tax collections are made
2 may enter into an agreement to establish an alternative schedule
3 for delivering tax collections.

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

1 authorities of the total amount of taxes paid to the respective
2 treasurer or authority, which notification shall show the different
3 funds for which the taxes were collected.

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

13 (7) ~~The~~ **A** county treasurer shall account for and deposit in
14 the 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 section~~
17 ~~397.301 of the Michigan Compiled Laws,~~ **1917 PA 138, MCL 397.301**,
18 within 10 business days after the county treasurer receives the
19 funds.

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

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

1 the county in which the tax is collected to the credit of the
2 general fund.

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

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

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

1 (14) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE
2 CONTRARY, THE COLLECTION AND RETURN OF TAXES LEVIED BY THE BOARD OF
3 TRUSTEES OF A COMMUNITY COLLEGE DISTRICT IS SUBJECT TO THE
4 LIMITATION SET FORTH IN SECTION 144(6) OF THE COMMUNITY COLLEGE ACT
5 OF 1966, 1966 PA 331, MCL 389.144.

6 (15) ~~(14)~~ As used in this section:

7 (a) "Metropolitan transportation authority" means an authority
8 created under the metropolitan transportation authorities act of
9 1967, ~~Act No. 204 of the Public Acts of 1967, being sections~~
10 ~~124.401 to 124.425 of the Michigan Compiled Laws.~~ 1967 PA 204, MCL
11 124.401 TO 124.426.

12 (b) "Public transportation authority" means an authority
13 created under ~~Act No. 55 of the Public Acts of 1963, being sections~~
14 ~~124.351 to 124.359 of the Michigan Compiled Laws.~~ 1963 PA 55, MCL
15 124.351 TO 124.359.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 98th Legislature are
18 enacted into law:

19 (a) Senate Bill No. 98.

20 (b) Senate Bill No. ____ or House Bill No. 5611 (request no.
21 05793'16).