

HOUSE BILL No. 5560

January 18, 2006, Introduced by Reps. Kooiman, Sak, Hildenbrand, Steil, LaJoy, Green, Meyer, Casperson, Pearce and Stahl and referred to the Committee on Transportation.

A bill to amend 1986 PA 196, entitled
"Public transportation authority act,"
by amending section 18 (MCL 124.468).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) A public authority formed under this act may levy
2 a tax on all of the taxable property within the limits of the
3 public authority for public transportation purposes as authorized
4 by this act.

5 (2) The tax authorized in subsection (1) shall not exceed 5
6 mills of the state equalized valuation on each dollar of assessed
7 valuation of taxable property within the limits of the applicable
8 public authority.

9 (3) The tax authorized under subsection (1) shall not be

1 levied except upon the approval of a majority of the registered
2 electors residing in the public authority affected and qualified to
3 vote and voting on the tax at a general or special election. The
4 election may be called by resolution of the board of the public
5 authority. The recording officer of the public authority shall file
6 a copy of the resolution of the board calling the election with the
7 clerk of each affected county, city, or township not less than 60
8 days before the date of the election. The resolution calling the
9 election shall contain a statement of the proposition to be
10 submitted to the electors. Each county, city, and township clerk
11 and all other county, city, and township officials shall undertake
12 those steps to properly submit the proposition to the electors of
13 the county, city, and township at the election specified in the
14 resolutions of the public authority. The election shall be
15 conducted and canvassed in accordance with the Michigan election
16 law, ~~Act No. 116 of the Public Acts of 1954, being sections 168.1~~
17 ~~to 168.992 of the Michigan Compiled Laws~~ **1954 PA 116, MCL 168.1 TO**
18 **168.992**, except that if the public authority is located in more
19 than 1 county, the election shall be canvassed by the state board
20 of canvassers. The results of the election shall be certified to
21 the board of the public authority promptly after the date of the
22 election. Not more than 1 election may be held in a public
23 authority in a calendar year for approval of the tax authorized
24 under subsection (1). If the election is a special election, the
25 public authority in which the election is held shall pay its share
26 of the costs of the election.

27 (4) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**

1 taxes authorized by this section may be levied at a rate and for a
2 period of not more than 5 years as determined by the public
3 authority in the resolution calling the election and as ~~shall be~~
4 set forth in the proposition submitted to the electors. **FOR A**
5 **PUBLIC AUTHORITY LOCATED IN A COUNTY THAT HAS A POPULATION GREATER**
6 **THAN 500,000 AND LESS THAN 750,000, TAXES MAY BE LEVIED AT A RATE**
7 **AND FOR A PERIOD OF NOT MORE THAN 25 YEARS AS DETERMINED BY THE**
8 **PUBLIC AUTHORITY IN THE RESOLUTION CALLING THE ELECTION AND AS SET**
9 **FORTH IN THE PROPOSITION SUBMITTED TO THE ELECTORS IF THE PUBLIC**
10 **AUTHORITY SEEKING THE LEVY IS SEEKING THE LEVY FOR PUBLIC TRANSIT**
11 **SERVICES THAT INCLUDE A FIXED GUIDEWAY PROJECT AUTHORIZED UNDER 49**
12 **USC 5309.**

13 (5) The tax rate authorized by this section shall be levied
14 and collected as are all ad valorem property taxes in the state and
15 the recording officer of the public authority shall at the
16 appropriate times certify to the proper tax assessing or collecting
17 officers of each tax collecting county, city, and township the
18 amount of taxes to be levied and collected each year by each
19 county, city, and township. Consistent with ~~the provisions of~~
20 subsection (6), the board of the public authority shall determine
21 on which tax roll, if there be more than 1, of each county, city,
22 or township that the taxes authorized by this section shall be
23 collected. Each tax assessing and collecting officer and each
24 county treasurer shall levy and collect the taxes certified by the
25 public authority and pay those taxes to the public authority by the
26 time provided in section 43 of the general property tax act, ~~Act~~
27 ~~No. 206 of the Public Acts of 1893, being section 211.43 of the~~

1 ~~Michigan Compiled Laws~~ **1893 PA 206, MCL 211.43**. The tax rate
2 authorized by this section may be first levied by the public
3 authority as a part of the first tax roll of the appropriate
4 counties, cities, and townships occurring after the election
5 described in subsection (3). The tax may be levied and collected on
6 the July or December tax roll next following the date of election,
7 if the tax is certified to the proper tax assessing officials not
8 later than May 15 or September 15, respectively, of the year in
9 which the election is held.

10 (6) A public authority which is authorized to impose a July
11 property tax levy and if it determines to do so, it shall negotiate
12 agreements with the appropriate cities and townships for the
13 collection of that levy. If a city or township and the public
14 authority fail to reach an agreement for the collection by the city
15 or township of the July property tax levy of the public authority,
16 the public authority then may negotiate, until April 1, a proposed
17 agreement with the county treasurer to collect its July property
18 tax levy against property located in that city or township. If the
19 county treasurer and the public authority fail to reach an
20 agreement for the collection by the county of the July property tax
21 levy of the public authority, the July property tax levy shall be
22 collected with the December property tax levy. Any agreement
23 negotiated under this subsection shall guarantee the collecting
24 unit its reasonable expenses. The provisions of this subsection
25 shall not apply to a city or township which is levying a July
26 property tax.

27 (7) If, pursuant to subsection (6), the public authority has

1 reached a proposed agreement with a county treasurer on the
2 collection of its July property tax levy against property located
3 in a city or township with which an agreement to collect this levy
4 could not be made pursuant to subsection (6), the public authority
5 shall notify by April 15 that city or township of the terms of that
6 fact and the city or township shall have 15 days in which to
7 exercise an option to collect the public authority's July property
8 tax levy.

9 (8) Collection of all or part of a public authority's property
10 tax levy by a treasurer pursuant to subsection (6) or (7) shall
11 comply with all of the following:

12 (a) Collection shall be either 1/2 or the total of the
13 property tax levy against the properties, as specified for that
14 year in the resolution of the public authority.

15 (b) The amount the public authority has agreed to pay as
16 reasonable collection expenses shall be stated in writing and
17 reported to the state treasurer.

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

21 (d) Taxes shall be collected on or before September 14 and all
22 taxes and interest imposed pursuant to subdivision (f) unpaid
23 before March 1 shall be returned as delinquent on March 1. Taxes
24 delinquent under this subdivision shall be collected pursuant to
25 ~~Act No. 206 of the Public Acts of 1893~~ **THE GENERAL PROPERTY TAX**
26 **ACT, 1893 PA 206, MCL 211.1 TO 211.157.**

27 (e) Interest shall be added to taxes collected after September

1 14 at that rate imposed by section 59 of ~~Act No. 206 of the Public~~
2 ~~Acts of 1893, being section 211.59 of the Michigan Compiled Laws~~
3 **THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.59**, on
4 delinquent property tax levies which became a lien in the same
5 year.

6 (f) All or a portion of fees or charges, or both, authorized
7 under section 44 of ~~Act No. 206 of the Public Acts of 1893, being~~
8 ~~section 211.44 of the Michigan Compiled Laws~~ **THE GENERAL PROPERTY**
9 **TAX ACT, 1893 PA 206, MCL 211.44**, may be imposed on taxes paid
10 before March 1 and shall be retained by the treasurer actually
11 performing the collection of the July property tax levy of the
12 public authority, regardless of whether all or part of these fees
13 or charges, or both, have been waived by the township or city.

14 (9) An agreement for the collection of a July property tax
15 levy of a public authority with a county treasurer shall include a
16 schedule for delivering collections to the public authority.

17 (10) To the extent applicable and consistent with the
18 requirements of this section, the ~~provisions of Act No. 206 of the~~
19 ~~Public Acts of 1893~~ **GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL**
20 **211.1 TO 211.157**, shall apply to proceedings in relation to the
21 assessment, spreading, and collection of taxes pursuant to this
22 section. Additionally, in relation to the assessment, spreading,
23 and collection of taxes pursuant to this section, the county
24 treasurer shall have powers and duties similar to those prescribed
25 by ~~Act No. 206 of the Public Acts of 1893~~ **THE GENERAL PROPERTY**
26 **TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157**, for township
27 supervisors, township clerks, and township treasurers. However,

1 this section shall not be considered to transfer any authority over
2 the assessment of property.

3 (11) If a county treasurer collects the July property tax levy
4 of the public authority, the township or city shall deliver by June
5 1 a certified copy of the assessment roll containing state
6 equalized valuations for each parcel of taxable property in the
7 township or city to the treasurer collecting the July property tax
8 levy of the public authority. The county treasurer receiving this
9 certified copy of the assessment roll shall remit the necessary
10 cost incident to the reproduction of the assessment roll to the
11 township or city.

12 (12) A county treasurer collecting taxes pursuant to this
13 section shall be bonded for tax collection in the same amount and
14 in the same manner as a township treasurer would be for undertaking
15 the duties prescribed by this section.

16 (13) An agreement for the collection of a July property tax
17 levy between a public authority and a county may cover July
18 collections for 2 years. If an agreement covers July collections
19 for 2 years, the notice required by subsection (7) and the option
20 to reconsider provided by subsection (7) shall not apply for July
21 collections in the second year.

22 (14) If collections are made pursuant to this section by a
23 county treasurer, all payments from a public authority for
24 collecting its July property tax levy and all revenues generated
25 from collection fees shall be deposited, when received or
26 collected, in a fund, which fund shall be used by the county
27 treasurer to pay for the cost of collecting the public authority's

1 July property tax levy.