

HOUSE BILL No. 5252

August 19, 2009, Introduced by Rep. Hammel and referred to the Committee on Appropriations.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 44a (MCL 211.44a), as amended by 2008 PA 498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44a. (1) Notwithstanding any other statutory or charter
2 provision to the contrary, beginning in 2005 and each year after
3 2005, a county shall impose as a summer property tax levy that
4 portion of the number of mills allocated to the county by a county
5 tax allocation board or authorized for the county through a
6 separate tax limitation vote as provided in this section. The
7 treasurer that collects the state education tax shall collect the
8 summer property tax levy under this section. The portion of the
9 total number of mills allocated to a county by a county tax

1 allocation board or authorized for a county through a separate tax
2 limitation vote that shall be imposed in each year as a summer
3 property tax levy under this section is as follows:

4 (a) In 2005, 1/3 of the total number of mills allocated to the
5 county by a county tax allocation board or authorized for the
6 county through a separate tax limitation vote.

7 (b) In 2006, 2/3 of the total number of mills allocated to the
8 county by a county tax allocation board or authorized for the
9 county through a separate tax limitation vote.

10 (c) In 2007 and each year after 2007, the total number of
11 mills allocated to the county by a county tax allocation board or
12 authorized for the county through a separate tax limitation vote.

13 (2) Before June 30 and in conformance with the procedures
14 prescribed by this act, the taxes being collected as a summer
15 property tax levy shall be spread in terms of millages on the
16 assessment roll, the amount of tax levied shall be assessed in
17 proportion to the taxable value, and a tax roll shall be prepared
18 that commands the appropriate treasurer to collect on July 1 the
19 taxes indicated as due on the tax roll.

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

23 (4) All taxes and interest imposed pursuant to this section
24 that are unpaid before March 1 shall be returned as delinquent on
25 March 1 and collected pursuant to this act.

26 (5) Interest shall be added to taxes collected after September
27 14 at that rate imposed by section 78a on delinquent property tax

1 levies that became a lien in the same year. The tax levied under
2 this act that is collected with the city taxes shall be subject to
3 the same penalties, interest, and collection charges as city taxes
4 and shall be returned as delinquent to the county treasurer in the
5 same manner and with the same interest, penalties, and fees as city
6 taxes.

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

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

15 (8) To the extent applicable and consistent with the
16 requirements of this section, this act shall apply to proceedings
17 in relation to the assessment, spreading, and collection of taxes
18 pursuant to this section.

19 (9) Each county shall establish a restricted fund known as the
20 revenue sharing reserve fund. The total amount required to be
21 placed in the revenue sharing reserve fund for each county shall
22 equal the amount of that county's December 2004 property tax levy
23 of the total number of mills allocated to the county by a county
24 tax allocation board or authorized for the county through a
25 separate tax limitation vote, less any amount of tax levy captured
26 and used under a tax increment financing plan under 1975 PA 197,
27 MCL 125.1651 to 125.1681; the tax increment finance authority act,

1 1980 PA 450, MCL 125.1801 to 125.1830; the local development
2 financing act, 1986 PA 281, MCL 125.2151 to 125.2174; or the
3 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651
4 to 125.2672, and shall be deposited in the revenue sharing reserve
5 fund as provided in this section. Revenues credited to the revenue
6 sharing reserve fund from the December tax levy of a county with a
7 fiscal year ending December 31 shall be accrued to the fiscal year
8 ending in the year of that December property tax levy. Revenue
9 shall be credited to the fund by each county as follows:

10 (a) From the county's December 2004 property tax levy, 1/3 of
11 the total December levy of the total number of mills allocated to
12 the county by a county tax allocation board or authorized for the
13 county through a separate tax limitation vote, less any amount of
14 tax levy captured and used under a tax increment financing plan
15 under 1975 PA 197, MCL 125.1651 to 125.1681; the tax increment
16 finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830; the
17 local development financing act, 1986 PA 281, MCL 125.2151 to
18 125.2174; or the brownfield redevelopment financing act, 1996 PA
19 381, MCL 125.2651 to 125.2672.

20 (b) From the county's December 2005 property tax levy, 1/2 of
21 the remaining balance required to be deposited in the fund.

22 (c) From the county's December 2006 property tax levy, the
23 balance required to be deposited in the fund.

24 (10) All of the following apply to a revenue sharing reserve
25 fund established under subsection (9):

26 (a) Funds in the revenue sharing reserve fund may not be
27 expended in any fiscal year except as provided in this section.

1 (b) Funds in the revenue sharing reserve fund may be used
2 within a county fiscal year for cash flow purposes at the
3 discretion of the county.

4 (c) Interest earnings on funds deposited in the revenue
5 sharing reserve fund shall be credited to the revenue sharing
6 reserve fund. However, the county is not required to reimburse the
7 revenue sharing reserve fund for a reduction of interest earnings
8 that occurs because funds in the revenue sharing reserve fund were
9 used for cash flow purposes.

10 (d) The revenue sharing reserve fund shall be separately
11 reported in the annual financial report required under section 4 of
12 1919 PA 71, MCL 21.44.

13 (11) For a county fiscal year that ends on December 31, 2004,
14 a county may expend in that fiscal year an amount not to exceed the
15 payments made to that county under the Glenn Steil state revenue
16 sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, in
17 October and December 2003 and, if the payment is accrued back to
18 the county's 2003 fiscal year, February 2004.

19 (12) Not later than March 1, 2005, a county that receives a
20 payment in October 2004 as provided in a bill making appropriations
21 to the department of treasury for the 2004-05 fiscal year shall pay
22 the amount of that payment to the state treasurer from the revenue
23 sharing reserve fund. A county that does not make the payment
24 required under this subsection shall not make any expenditures from
25 the fund provided under subsection (13).

26 (13) For each fiscal year of a county that begins after
27 September 30, 2004 **THROUGH THE STATE FISCAL YEAR ENDING SEPTEMBER**

1 30, 2008, a county may expend from the revenue sharing reserve fund
2 an amount not to exceed the total payments made to that county
3 under the Glenn Steil state revenue sharing act of 1971, 1971 PA
4 140, MCL 141.901 to 141.921, in the state fiscal year ending
5 September 30, 2004, adjusted annually by the inflation rate,
6 without regard to any executive orders issued after May 17, 2004.
7 As used in this subsection, "inflation rate" means that term as
8 defined in section 34d.

9 (14) FOR EACH FISCAL YEAR OF A COUNTY THAT BEGINS AFTER
10 SEPTEMBER 30, 2008, A COUNTY MAY EXPEND FROM THE REVENUE SHARING
11 RESERVE FUND AN AMOUNT NOT TO EXCEED THE TOTAL PAYMENTS MADE TO
12 THAT COUNTY UNDER THE GLENN STEIL STATE REVENUE SHARING ACT OF
13 1971, 1971 PA 140, MCL 141.901 TO 141.921, IN THE STATE FISCAL YEAR
14 ENDING SEPTEMBER 30, 2004, WITHOUT REGARD TO ANY EXECUTIVE ORDERS
15 ISSUED AFTER MAY 17, 2004.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 5251(request no.
18 03913'09) of the 95th Legislature is enacted into law.