

SENATE BILL No. 640

December 3, 1991, Introduced by Senators BOUCHARD,
ARTHURHULTZ, DI NELLO, BARCIA and HONIGMAN and
referred to the Committee on Finance.

A bill to amend section 37 of Act No. 186 of the Public Acts
of 1973, entitled
"Tax tribunal act,"
as amended by Act No. 23 of the Public Acts of 1987, being sec-
tion 205.737 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 37 of Act No. 186 of the Public Acts of
2 1973, as amended by Act No. 23 of the Public Acts of 1987, being
3 section 205.737 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 37. (1) In arriving at its determination of a lawful
6 property assessment, the tribunal shall multiply its finding of
7 true cash value by a percentage equal to the ratio of the average
8 level of assessment in relation to true cash values in the
9 assessment district.

1 (2) The lawful assessment as determined by the tribunal is
2 subject to equalization and shall be equalized by application of
3 the equalization factor ~~which~~ THAT is uniformly applicable in
4 the assessment district for the year in question, which, after
5 equalization, shall not exceed 50% of the true cash value of the
6 property on the assessment date. HOWEVER, NOTWITHSTANDING THE
7 FINDING, THE TRIBUNAL SHALL NOT ORDER AN INCREASE IN THE AMOUNT
8 OF THE ASSESSMENT UNDER APPEAL.

9 (3) The petitioner has the burden of proof in establishing
10 the true cash value of the property, and the assessing agency has
11 the burden of proof in establishing the ratio of the average
12 level of assessments in relation to true cash values in the
13 assessment district and the equalization factor ~~which~~ THAT was
14 uniformly applied in the assessment district for the year in
15 question.

16 (4) If subsequent to the filing of the petition the taxpayer
17 paid additional taxes as a result of the unlawful assessments on
18 the same property, or if in subsequent years unlawful assessments
19 were made against the same property, the taxpayer, after protest
20 before the board of review and not later than the filing deadline
21 as prescribed by section 35(2), except as provided by subsections
22 (5) and (7), may amend his or her petition to join all of his or
23 her claims for lawful assessment determination and for refund by
24 reason of payments based on the unlawful assessments. Any sum
25 determined by the tribunal to have been unlawfully paid shall
26 bear interest from the date of payment to the date of judgment
27 and the judgment shall bear interest to date of its payment.

1 Interest required by this subsection shall accrue for periods
2 before April 1, 1982 at a rate of 6% per year, shall accrue for
3 periods after March 31, 1982 but before April 1, 1985 at a rate
4 of 12% per year, and shall accrue for periods after March 31,
5 1985 at a rate of 9% per year.

6 (5) If the residential property and small claims division of
7 the tribunal has jurisdiction over a petition that the taxpayer
8 seeks to amend to include an assessment dispute for 1 or more
9 subsequent years, the following shall apply:

10 (a) The taxpayer need not have protested those assessments
11 he or she seeks to include before the board of review.

12 (b) Instead of the deadline provided by subsection (4), the
13 taxpayer may amend his or her petition by a motion filed within 7
14 days after mailing of the notice of the hearing on the petition
15 being amended, or not later than 20 days before the date set for
16 the hearing on the petition being amended, whichever date is the
17 later.

18 (6) The notice of the hearing on a petition shall include a
19 statement advising the petitioner of the right to amend his or
20 her petition to include assessment disputes for subsequent years
21 as provided by subsections (4) and (5).

22 (7) If the final equalization multiplier for the tax year
23 exceeds the tentative multiplier used in preparing the assessment
24 notice and as a result of action of the state board of equaliza-
25 tion or county board of commissioners a taxpayer's assessment as
26 equalized is in excess of 50% of true cash value, that person may
27 appeal directly to the tax tribunal without a prior protest

1 before the local board of review. The appeal shall be filed
2 under this subsection on or before the third Monday in August and
3 shall be heard in the same manner as other appeals of the
4 tribunal. A taxpayer making an appeal pursuant to this subsec-
5 tion may amend his or her petition to include subsequent years'
6 assessments based on the alleged unlawful determination in the
7 manner provided by subsection (5)(b). An appeal pursuant to this
8 subsection shall not result in an equalized value less than the
9 assessed value multiplied by the tentative equalization multi-
10 plier used in preparing the assessment notice. This subsection
11 does not apply to appeals filed after December 31, 1990.