



# HOUSE BILL No. 5018

August 31, 1993, Introduced by Reps. Bullard, Gnodtke, Munsell, Brackenridge, Shugars, McBryde, Hammerstrom and Galloway and referred to the Committee on Taxation.

A bill to amend section 34 of Act No. 206 of the Public Acts of 1893, entitled as amended

"The general property tax act,"

as amended by Act No. 105 of the Public Acts of 1986, being section 211.34 of the Michigan Compiled Laws, and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 34 of Act No. 206 of the Public Acts of  
2 1893, as amended by Act No. 105 of the Public Acts of 1986, being  
3 section 211.34 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 34. (1) The county board of commissioners in each  
6 county shall meet in April each year to determine county  
7 equalized value which equalization shall be completed and  
8 submitted along with the tabular statement required by section 5

1 of Act No. 44 of the Public Acts of 1911, being section 209.5 of  
2 the Michigan Compiled Laws, to the state tax commission before  
3 the first Monday in May. The business ~~which~~ THAT the board  
4 ~~may perform~~ PERFORMS shall be conducted at a public meeting of  
5 the board held in compliance with the open meetings act, Act  
6 No. 267 of the Public Acts of 1976, as amended, being sections  
7 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of  
8 the time, date, and place of the meeting shall be given in the  
9 manner required by Act No. 267 of the Public Acts of 1976, as  
10 amended. Each year the county board of commissioners shall  
11 advise the local taxing units when the state tax commission  
12 increases the equalized value of the county as established by the  
13 board of county commissioners and each taxing unit other than a  
14 city, township, school district, intermediate school district, or  
15 community college district, shall immediately reduce its maximum  
16 authorized millage rate, as determined after any reduction caused  
17 by section 34d, so that subsequent to the increase ordered by the  
18 state tax commission pursuant to Act No. 44 of the Public Acts of  
19 1911, as amended, being sections 209.1 to 209.8 of the Michigan  
20 Compiled Laws, total property taxes levied for that unit shall  
21 not exceed that which would have been levied for that unit at its  
22 maximum authorized millage rate, as determined after any reduc-  
23 tion caused by section 34d, if there had not been an increase in  
24 valuation by the state. ~~If its state equalized valuation~~  
25 ~~exceeds its assessed valuation by 5.0% or more in 1982 or by any~~  
26 ~~amount in 1983 or any year thereafter, a city or township shall~~  
27 ~~reduce its maximum authorized millage rate, as determined after~~

~~1 any reduction caused by section 34d, so that total property taxes~~  
~~2 levied for that unit do not exceed that which would have been~~  
~~3 levied based on its assessed valuation.~~

4 (2) The county board of commissioners shall examine the  
5 assessment rolls of the townships or cities and ~~ascertain~~  
6 ~~whether~~ DETERMINE IF the real and personal property in the  
7 respective townships or cities has been equally and uniformly  
8 assessed at true cash value. If, on ~~the~~ examination, the  
9 county board of commissioners considers the assessments to be  
10 relatively unequal, it shall equalize the assessments by adding  
11 to or deducting from the valuation of the taxable property in a  
12 township or city an amount ~~which~~ THAT in the judgment of the  
13 county board of commissioners will produce a sum ~~which~~ THAT  
14 represents the true cash value of that property, and the amount  
15 added to or deducted from the valuations in a township or city  
16 shall be entered upon the records. The county board of commis-  
17 sioners and the state tax commission shall equalize real and per-  
18 sonal property separately by adding to or deducting from the val-  
19 uation of taxable real property, and by adding to or deducting  
20 from the valuation of taxable personal property in a township,  
21 city, or county, an amount ~~which~~ THAT will produce a sum  
22 ~~which~~ THAT represents the proportion of true cash value estab-  
23 lished by the legislature. ~~Beginning December 31, 1980, the~~  
24 THE county board of commissioners and the state tax commission  
25 shall equalize separately the following classes of real property  
26 by adding to or deducting from the valuation of agricultural,  
27 developmental, residential, commercial, industrial, and timber

1 cutover taxable real property, and by adding to or deducting from  
2 the valuation of taxable personal property in a township, city,  
3 or county, an amount ~~as~~ THAT will produce a sum ~~which~~ THAT  
4 represents the proportion of true cash value established by the  
5 legislature. The tax roll and the tax statement shall clearly  
6 set forth the latest state equalized valuation for each item or  
7 property ~~which shall be~~ THAT IS determined by using a separate  
8 factor for personal property and a separate factor for real prop-  
9 erty as equalized. ~~Beginning December 31, 1980, the~~ THE tax  
10 roll and the tax statement shall clearly set forth the latest  
11 state equalized valuation for each item or property ~~which shall~~  
12 ~~be~~ THAT IS determined by using a separate factor for personal  
13 property and a separate factor for each classification for real  
14 property as equalized. Factors used in determining the state  
15 equalized valuation for real and personal property on the tax  
16 roll shall be rounded up to not less than 4 decimal places.  
17 Equalized values for both real and personal property shall be  
18 equalized uniformly at the same proportion of true cash value in  
19 the county. The county board of commissioners shall also cause  
20 to be entered upon its records the aggregate valuation of the  
21 taxable real and personal property of each township or city in  
22 its county as determined by the county board. The county board  
23 of commissioners shall also make alterations in the description  
24 of any land on the rolls as ~~is~~ necessary to ~~render~~ CONFORM  
25 the descriptions ~~conformable~~ to the requirements of this act.  
26 After the rolls are equalized, each ROLL shall be certified ~~to~~  
27 by the chairperson and the clerk of the board and be delivered to

1 the supervisor of the proper township or city, who shall file and  
2 keep the roll in his or her office.

3 (3) The county board of commissioners of a county shall  
4 establish and maintain a department to survey assessments and  
5 assist the board of commissioners in the matter of equalization  
6 of assessments, and may employ in that department technical and  
7 clerical personnel ~~which~~ THAT in its judgment are considered  
8 necessary. The personnel of the department shall be under the  
9 direct supervision and control of a director of the tax or equal-  
10 ization department who may designate an employee of the depart-  
11 ment as his or her deputy. The director of the county tax or  
12 equalization department shall be appointed by the county board of  
13 commissioners. The county board of commissioners, through the  
14 department, may furnish assistance to local assessing officers in  
15 the performance of duties imposed upon those officers by this  
16 act, including the development and maintenance of accurate prop-  
17 erty descriptions, the discovery, listing, and valuation of prop-  
18 erties for tax purposes, and the development and use of uniform  
19 valuation standards and techniques for the assessment of  
20 property.

21 (4) The supervisor of a township or, with the approval of  
22 the governing body ~~the~~ the certified assessor of a township or  
23 city, or the intermediate district board of education, or the  
24 board of education of an incorporated city or village aggrieved  
25 by the action of the county board of commissioners, in equalizing  
26 the valuations of the townships or cities of the county, may  
27 appeal from the determination to the state tax tribunal in the

1 manner provided by law. An appeal from the determination by the  
2 county board of commissioners shall be filed with the clerk of  
3 the tribunal by a written or printed petition ~~which shall set~~  
4 THAT SETS forth in detail the reasons for taking the appeal. The  
5 petition shall be signed and sworn to by the supervisor, the cer-  
6 tified assessor, or a majority of the members of the board of  
7 education taking the appeal, shall show that a certain township,  
8 city, or school district has been discriminated against in the  
9 equalization, and shall ~~pray~~ ASK that the state tax tribunal  
10 proceed at its earliest convenience to review the action from  
11 which the appeal is taken. The state tax tribunal shall, upon  
12 hearing, determine if in its judgment there is a showing that the  
13 equalization complained of is unfair, unjust, inequitable, or  
14 discriminatory. The state tax tribunal shall have the same  
15 authority to consider and pass upon the action and determination  
16 of the county board of commissioners in equalizing valuations as  
17 it has to consider complaints relative to the assessment and tax-  
18 ation of property. The state tax tribunal may order the county  
19 board of commissioners to reconvene and ~~to~~ cause the assessment  
20 rolls of the county to be brought before it, may summon the com-  
21 missioners of the county to give evidence in relation to the  
22 equalization, and may take further action and may make further  
23 investigation in the ~~premises~~ MATTER as ~~it considers~~  
24 CONSIDERED necessary. The state tax tribunal shall fix a valua-  
25 tion on all property of the county. If the state tax tribunal  
26 decides that the determination and equalization made by the  
27 county board of commissioners is correct, further action shall

1 not be taken. If the state tax tribunal, after the hearing,  
2 decides that the valuations of the county were improperly equal-  
3 ized, it shall proceed to make deductions from, or additions to,  
4 the valuations of the respective townships, cities, or school  
5 districts as ~~may be~~ considered proper, and in so doing the tri-  
6 bunal shall have the same powers as the county board of commis-  
7 sioners had in the first instance. The deductions or additions  
8 shall decrease or increase the state equalized valuation of the  
9 local unit affected but shall not increase or decrease the total  
10 state equalized valuation of the county ~~in the case~~ AS A RESULT  
11 of an appeal under this section to the state tax tribunal. If  
12 the tax tribunal finds that the valuations of a class of property  
13 in a county were improperly equalized by that county and deter-  
14 mines that the total value of that class of property in the  
15 county may not be at the level required by law, ~~prior to~~ BEFORE  
16 entry of a final order, the tax tribunal shall forward its find-  
17 ings and determination to the state tax commission. Within 90  
18 days after receiving the findings and determination of the tax  
19 tribunal, the state tax commission shall determine whether the  
20 state equalized valuation of that class of property in the county  
21 was set at the level prescribed by law or should be revised to  
22 provide uniformity among the counties and shall enter an order  
23 consistent with the state tax commission's findings. The tax  
24 tribunal shall enter a final order based upon the revised state  
25 equalized valuation, if any, ~~which~~ THAT is adopted by the state  
26 tax commission. The state tax tribunal immediately after  
27 completing its revision of the equalization of the valuation of

1 the several assessment districts shall report its action to the  
2 county board of commissioners and board of education if the board  
3 has instituted the appeal by filing its report with the clerk of  
4 the county board of commissioners. The action of the state tax  
5 tribunal in the ~~premises~~ MATTER shall constitute the equaliza-  
6 tion of the county for the tax year.

7 ~~(5) For purposes of appeals pursuant to subsection (4) in~~  
8 ~~1981 only, an agent of a supervisor, including an assessor, shall~~  
9 ~~be considered to have the authority to file and sign a petition~~  
10 ~~for an appeal, and any otherwise timely submitted petition in~~  
11 ~~1981 by an agent of a supervisor shall be reviewed by the tribu-~~  
12 ~~nal as if submitted by the supervisor.~~

13 Section 2. Section 24e of Act No. 206 of the Public Acts of  
14 1893, being section 211.24e of the Michigan Compiled Laws, is  
15 repealed.