



SENATE BILL No. 291

January 28, 1993, Introduced by Senators BOUCHARD and
WELBORN 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. 172 of the Public Acts of 1992, 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. 172 of the Public Acts of 1992, 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.

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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 that is uniformly applicable in the
4 assessment district for the year in question. ~~—which—~~ THE
5 ASSESSMENT after equalization ~~—~~ shall not exceed 50% of the
6 true cash value of the property on the assessment date. HOWEVER,
7 IF THE TRIBUNAL DETERMINES THAT THE ASSESSMENT AFTER EQUALIZATION
8 IS GREATER THAN THE ASSESSMENT THAT WAS APPEALED, THE TRIBUNAL
9 SHALL NOT ORDER AN INCREASE IN THE AMOUNT OF THE ASSESSMENT UNDER
10 APPEAL.

11 (3) The petitioner has the burden of proof in establishing
12 the true cash value of the property, and the assessing agency has
13 the burden of proof in establishing the ratio of the average
14 level of assessments in relation to true cash values in the
15 assessment district and the equalization factor that was uni-
16 formly applied in the assessment district for the year in
17 question.

18 (4) If subsequent to the filing of the petition the taxpayer
19 paid additional taxes as a result of the unlawful assessments on
20 the same property, or if in subsequent years unlawful assessments
21 were made against the same property, the taxpayer, after protest
22 before the board of review and not later than the filing deadline
23 as prescribed by section 35(2), except as provided by subsections
24 (5) and (7), may amend his or her petition to join all of his or
25 her claims for lawful assessment determination and for refund by
26 reason of payments based on the unlawful assessments. The motion
27 to amend the petition to add a subsequent year shall be

1 accompanied by a motion fee equal to 50% of what the original
2 filing fee would be. A sum determined by the tribunal to have
3 been unlawfully paid shall bear interest from the date of payment
4 to the date of judgment and the judgment shall bear interest to
5 THE date of its payment. Interest required by this subsection
6 shall accrue ~~for periods before April 1, 1982 at a rate of 6%~~
7 ~~per year, shall accrue for periods after March 31, 1982 but~~
8 ~~before April 1, 1985 at a rate of 12% per year, and shall accrue~~
9 ~~for periods after March 31, 1985 at a rate of 9% per year.~~

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

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

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

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

26 (7) If the final equalization multiplier for the tax year
27 exceeds the tentative multiplier used in preparing the assessment

1 notice and as a result of action of the state board of
2 equalization or county board of commissioners a taxpayer's
3 assessment as equalized is in excess of 50% of true cash value,
4 that person may appeal directly to the tax tribunal without a
5 prior protest before the local board of review. The appeal shall
6 be filed under this subsection on or before the third Monday in
7 August and shall be heard in the same manner as other appeals of
8 the tribunal. A taxpayer making an appeal pursuant to this sub-
9 section may amend his or her petition to include subsequent
10 years' assessments based on the alleged unlawful determination in
11 the manner provided by subsection (5)(b). An appeal pursuant to
12 this subsection shall not result in an equalized value less than
13 the assessed value multiplied by the tentative equalization
14 multiplier used in preparing the assessment notice. This subsec-
15 tion does not apply to appeals filed after December 31, 1990.