

TAX TRIBUNAL FILINGS

House Bill 5260 as introduced First Analysis (3-15-00)

Sponsor: Rep. Nancy Cassis
Committee: Tax Policy

THE APPARENT PROBLEM:

The Tax Tribunal Act contains provisions describing how a petitioner can invoke the jurisdiction of the tribunal. One set of provisions applies to property assessment disputes. In those cases, a party can invoke the jurisdiction of the tribunal by filing a written petition on or before June 30 of the tax year involved. The act says the petition must be sent by certified mail on or before that date, unless it is filed in the residential property and small claims division, in which case it can be postmarked by first class mail or delivered in person on or before that date. A second set of provisions deals with invoking the jurisdiction of the tribunal "in all other matters." These require the filing of a written petition within 30 days after the final decision, ruling, determination, or order that the petitioner seeks to review. However, these provisions do not contain the language regarding when a petition is considered filed (e.g., when postmarked). This is considered an oversight and legislation has been introduced to correct it and provide clarity to taxpayers seeking redress of grievances.

THE CONTENT OF THE BILL:

The bill would amend the Tax Tribunal Act to specify when a written petition would be considered filed in cases not involving property assessment disputes. A petition would be considered filed if it was sent by certified mail or delivered in person on or before the expiration of the period in which an appeal can be made, unless it was filed in the residential property and small claims division, in which case it could be postmarked by first class mail or delivered in person on or before the expiration of the specified period. The act says petitions are to be filed within 30 days after the final decision, ruling, determination, or order that the petitioner seeks to review. The bill would specify that a written petition would have to be filed within 35 days (rather than the usual 30 days) if it was pursuant to Section 22(1) of the revenue act, which deals with appeals of assessments, decisions, and orders of the Department of Treasury and which already allows 35 days to appeal.

MCL 205.735

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no significant fiscal impact. (3-15-00)

ARGUMENTS:

For:

The bill aids taxpayers seeking a hearing before the tax tribunal by putting into statute the same filing requirements for appeals of matters other than property assessment disputes that are found in the statute for property assessment disputes. Some people have assumed the current provisions apply to both kinds of cases, but the statute is not specific. The bill provides taxpayers with greater clarity about how to meet deadlines for filing putting a case before the tax tribunal.

POSITIONS:

The Department of Treasury has indicated support for the bill. (3-15-00)

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.