

HOUSE BILL No. 5558

December 21, 2001, Introduced by Reps. Ehardt, Meyer, Pappageorge, Kowall and Bisbee and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 34 (MCL 211.34), as amended by 1986 PA 105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) The county board of commissioners in each
2 county shall meet in April each year to determine THE county
3 equalized value, which ~~equalization~~ shall be completed and sub-
4 mitted along with the tabular statement required by section 5 of
5 ~~Act No. 44 of the Public Acts of 1911, being section 209.5 of~~
6 ~~the Michigan Compiled Laws~~ 1911 PA 44, MCL 209.5, to the state
7 tax commission before the first Monday in May. The business
8 ~~which~~ THAT the COUNTY board OF COMMISSIONERS may perform shall
9 be conducted at a public meeting of the COUNTY board OF
10 COMMISSIONERS held in compliance with the open meetings act, ~~Act~~
11 ~~No. 267 of the Public Acts of 1976, as amended, being sections~~

1 ~~15.261 to 15.275 of the Michigan Compiled Laws~~ 1976 PA 267,
2 MCL 15.261 TO 15.275. Public notice of the time, date, and place
3 of the meeting shall be given in the manner required by ~~Act~~
4 ~~No. 267 of the Public Acts of 1976, as amended~~ THE OPEN MEETINGS
5 ACT, 1976 PA 267, MCL 15.261 TO 15.275. Each year the county
6 board of commissioners shall advise the local taxing units ~~when~~
7 IF the state tax commission increases the equalized value of the
8 county as established by the ~~board of~~ county BOARD OF commis-
9 sioners and each taxing unit other than a city, township, school
10 district, intermediate school district, or community college dis-
11 trict, shall immediately reduce its maximum authorized millage
12 rate, as determined after any reduction ~~caused by~~ PURSUANT TO
13 section 34d, so that ~~subsequent to~~ AFTER the increase ordered
14 by the state tax commission pursuant to ~~Act No. 44 of the Public~~
15 ~~Acts of 1911, as amended, being sections 209.1 to 209.8 of the~~
16 ~~Michigan Compiled Laws~~ 1911 PA 44, MCL 209.1 TO 209.8, total
17 property taxes levied for that unit shall not exceed that which
18 would have been levied for that unit at its maximum authorized
19 millage rate, as determined after any reduction ~~caused by~~
20 PURSUANT TO section 34d, if there had not been an increase in
21 valuation by the state TAX COMMISSION. If its state equalized
22 valuation exceeds its assessed valuation by 5.0% or more in 1982
23 or by any amount in 1983 or any year ~~thereafter~~ AFTER 1983, a
24 city or township shall reduce its maximum authorized millage
25 rate, as determined after any reduction ~~caused by~~ PURSUANT TO
26 section 34d, so that total property taxes levied for that unit do

1 not exceed that which would have been levied based on its
2 assessed valuation.

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

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

1 to the supervisor of the proper township or city, who shall file
2 and 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 NECESSARY tech-
7 nical and clerical personnel. ~~which in its judgment are consid-~~
8 ~~ered necessary.~~ The personnel of the department shall be under
9 the direct supervision and control of a director of the tax or
10 equalization department who may designate an employee of the
11 department as his or her deputy. The director of the county tax
12 or equalization department shall be appointed by the county board
13 of 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~~ UNDER
16 this act, including the development and maintenance of accurate
17 property descriptions, the discovery, listing, and valuation of
18 properties for tax purposes, and the development and use of uni-
19 form 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 certified assessor of a township or city,
23 or the intermediate district board of education, or the board of
24 education of an incorporated city or village aggrieved by the
25 action of the county board of commissioners ~~—~~ in equalizing the
26 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~~ THAT shall
4 set forth in detail the reasons for taking the appeal. The peti-
5 tion shall be signed and sworn to by the supervisor, the certi-
6 fied assessor, or a majority of the members of the board of edu-
7 cation 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~~ REQUEST that the ~~state~~ tax tri-
10 bunal proceed at its earliest convenience to review the action
11 from which the appeal is taken. The ~~state~~ tax tribunal shall
12 ~~, upon hearing,~~ determine if ~~in its judgment there is a show-~~
13 ~~ing that~~ the equalization complained of is unfair, unjust, ineq-
14 uitable, or discriminatory. The ~~state~~ tax tribunal ~~shall~~
15 ~~have~~ HAS the same authority to consider and pass upon the action
16 and determination of the county board of commissioners in equal-
17 izing valuations as it has to consider complaints relative to the
18 assessment and taxation of property. The ~~state~~ tax tribunal
19 may order the county board of commissioners to reconvene and to
20 cause the assessment rolls of the county to be brought before it,
21 may summon the commissioners of the county to give evidence in
22 relation to the equalization, and may take further action and may
23 make further investigation ~~in the premises~~ as it considers
24 necessary. The ~~state~~ tax tribunal shall fix a valuation on all
25 property of the county. If the ~~state~~ tax tribunal decides that
26 the determination and equalization made by the county board of
27 commissioners is correct, further action shall not be taken. If

1 the ~~state~~ tax tribunal, after the hearing, decides that the
2 valuations of the county were improperly equalized, it shall pro-
3 ceed to make deductions from, or additions to, the valuations of
4 the respective townships, cities, or school districts as ~~may be~~
5 ~~considered proper~~ NECESSARY, ~~and in so doing the tribunal shall~~
6 ~~have~~ WITH the same powers ~~as~~ THAT 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~~
10 ~~total state equalized valuation of the county in the case of an~~
11 ~~appeal under this section to the state tax tribunal.~~ If the tax
12 tribunal finds that the valuations of a class of property in a
13 county were improperly equalized by that county and determines
14 that the total value of that class of property in the county may
15 not be at the level required by law, prior to entry of a final
16 order ~~—~~, the tax tribunal shall forward its findings and deter-
17 mination to the state tax commission. Within 90 days after
18 receiving the findings and determination of the tax tribunal, the
19 state tax commission shall determine whether the state equalized
20 valuation of that class of property in the county was set at the
21 level prescribed by law or should be revised to provide unifor-
22 mity among the counties and shall enter an order consistent with
23 the state tax commission's findings. The tax tribunal shall
24 enter a final order based upon the revised state equalized valua-
25 tion, if any, ~~which~~ THAT is adopted by the state tax
26 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~~ shall constitute the equalization of
6 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.~~