

SENATE BILL No. 45

January 16, 2013, Introduced by Senator BOOHER and referred to the Committee on Finance.

A bill to amend 1973 PA 186, entitled
"Tax tribunal act,"
by amending sections 34 and 62 (MCL 205.734 and 205.762), section
34 as amended by 1980 PA 437 and section 62 as amended by 2008 PA
128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) One or more members of the tribunal may hear and
2 decide proceedings.

3 (2) The tribunal shall sit at places throughout ~~the~~**THIS** state
4 as the tribunal determines. The county board of commissioners for
5 the county in which the tribunal is sitting, except when the
6 tribunal is sitting in the city of Lansing, shall provide the
7 tribunal with suitable accommodations and equipment on request of
8 the chairperson.

9 (3) The business ~~which~~**THAT** the tribunal may perform shall be

1 conducted at a public meeting ~~on~~ **OF** the tribunal held in compliance
2 with ~~Act No. 267 of the Public Acts of 1976, as amended~~ **THE OPEN**
3 **MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.** Public notice of
4 the time, date, and place of the meeting shall be given in the
5 manner required by ~~Act No. 267 of the Public Acts of 1976, as~~
6 ~~amended~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A**
7 **PROCEEDING SHALL NOT BE SCHEDULED ON ANY DAY THAT THE BOARD OF**
8 **REVIEW FOR THE LOCAL TAX COLLECTING DISTRICT IN WHICH THE PROPERTY**
9 **IN QUESTION IS LOCATED IS SCHEDULED TO MEET PURSUANT TO SECTION 30**
10 **OR 53B OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.30 AND**
11 **211.53B.**

12 Sec. 62. (1) The residential property and small claims
13 division created in section 61 has jurisdiction over a proceeding,
14 otherwise cognizable by the tribunal, in which residential property
15 is exclusively involved. Property other than residential property
16 may be included in a proceeding before the residential property and
17 small claims division if the amount of that property's taxable
18 value or state equalized valuation in dispute is not more than
19 \$100,000.00. The residential property and small claims division
20 also has jurisdiction over a proceeding involving an appeal of any
21 other tax over which the tribunal has jurisdiction if the amount of
22 the tax in dispute is \$20,000.00 or less, adjusted annually by the
23 inflation rate. As used in this subsection, "inflation rate" means
24 the ratio of the general price level for the state fiscal year
25 ending in the calendar year immediately preceding the current year
26 divided by the general price level for the state fiscal year ending
27 in the calendar year before the year immediately preceding the

1 current year.

2 (2) A person or legal entity entitled to proceed under section
3 31, and whose proceeding meets the jurisdictional requirements of
4 subsection (1), may elect to proceed before either the residential
5 property and small claims division or the entire tribunal. A formal
6 record of residential property and small claims division
7 proceedings is not required. Within 20 days after a hearing officer
8 or referee issues a proposed order, a party may file exceptions to
9 the proposed order. The tribunal shall review the exceptions to
10 determine if the proposed order shall be adopted as a final order.
11 Upon a showing of good cause or at the tribunal's discretion, the
12 tribunal may modify the proposed order and issue a final order or
13 hold a rehearing by a tribunal member. A rehearing is not limited
14 to the evidence presented before the hearing officer or referee.

15 (3) Except as otherwise provided in this subsection, the
16 residential property and small claims division shall meet in the
17 county in which the property in question is located or in a county
18 contiguous to the county in which the property in question is
19 located. A petitioner-appellant shall not be required to travel
20 more than 100 miles from the location of the property in question
21 to the hearing site, except that a rehearing by a tribunal member
22 shall be at a site determined by the tribunal. By leave of the
23 tribunal and with the mutual consent of all parties, a residential
24 property and small claims division proceeding may take place at a
25 location mutually agreed upon by all parties or may take place by
26 the use of amplified telephonic or video conferencing equipment. **A**
27 **RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION PROCEEDING SHALL NOT**

1 BE SCHEDULED ON ANY DAY THAT THE BOARD OF REVIEW FOR THE LOCAL TAX
2 COLLECTING DISTRICT IN WHICH THE PROPERTY IN QUESTION IS LOCATED IS
3 SCHEDULED TO MEET PURSUANT TO SECTION 30 OR 53B OF THE GENERAL
4 PROPERTY TAX ACT, 1893 PA 206, MCL 211.30 AND 211.53B.

5 (4) The tribunal shall make a short form for the simplified
6 filing of residential property and small claims appeals.

7 (5) In a proceeding before the residential property and small
8 claims division for property other than residential property, if
9 the amount of taxable value or state equalized valuation in dispute
10 is greater than \$20,000.00, or in nonproperty matters if the amount
11 in dispute is greater than \$1,000.00, the filing fee is the amount
12 that would have been paid if the proceeding was brought before the
13 entire tribunal and not the residential property and small claims
14 division.

15 (6) As used in this chapter, "residential property" means any
16 of the following:

17 (a) Real property exempt under section 7cc of the general
18 property tax act, 1893 PA 206, MCL 211.7cc.

19 (b) Real property classified as residential real property
20 under section 34c of the general property tax act, 1893 PA 206, MCL
21 211.34c.

22 (c) Real property with less than 4 rental units.

23 (d) Real property classified as agricultural real property
24 under section 34c of the general property tax act, 1893 PA 206, MCL
25 211.34c.