Bulletin No. 12
September 30, 1986

STATE OF MICHIGAN

JAMES J. BLANCHARD, Governor

DEPARTMENT OF TREASURY

ROBERT A. BOWMAN, State Treasurer

STATE TAX COMMISSION
4th Floor Treasury Building
Lansing, Michigan 48922 Telephone 517 373-0500

COMMISSION MEMBERS
WARD G. DEXEL
LEROY J. NELSON
ROBERT O. VANDERMARK

TO: Assessing Officers

FROM: State Tax Commission

RE: Act 223, P.A. of 1986
Effective Date: September 25, 1986

Act 223, P.A. of 1986 amends Section 36, and adds Sections 10e and 10f to Act 206, P.A. of 1893 (General Property Tax Act). The Act also repeals Act 122, P.A. of 1962 (Section 211.721, M.C.L.).

The repealed Section 211.721, M.C.L., has been reenacted in this new Act as Section 10e of the General Property Tax Act. Section 10f is self-explanatory.

Section 36 (Section 211.36, M.C.L.) was previously amended in 1986. The changes in this Act to this section allow a township to hold a millage election for a renewal of an existing millage for emergency medical units (ambulance, rescue squads, etc.) provided the election is held prior to November 15, 1986. If approved by the electorate, the millage may be levied in 1986.

A township may also hold an election after September 30, but not later than November 15, 1986, and levy the tax in 1986, but only if both of the following apply:

(a) The millage is for a court ordered payment of debt service for a sewer system.

(b) A millage for the same purpose was defeated in the 1986 calendar year.

A copy of Act 223 is attached.

Attachment

ACT NO. 223
PUBLIC ACTS OF 1986
Approved by the Governor
September 24, 1986
Filed with the Secretary of State
September 25, 1986

STATE OF MICHIGAN
83RD LEGISLATURE
REGULAR SESSION OF 1986

Introduced by Senators DeGrow, DeSana, Shinkle and Posthumus

ENROLLED SENATE BILL No. 305

AN ACT to amend section 36 of Act No. 206 of the Public Acts of 1893, entitled as amended "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," as amended by Act No. 141 of the Public Acts of 1986, being section 211.36 of the Michigan Compiled Laws; to add sections 10e and 10f; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Section 36 of Act No. 206 of the Public Acts of 1893, as amended by Act No. 141 of the Public Acts of 1986, being section 211.36 of the Michigan Compiled Laws, is amended and sections 10e and 10f are added to read as follows:

Sec. 10e. All assessing officials, whose duty it is to assess real or personal property on which real or personal property taxes are levied by any taxing unit of the state, shall use only the official assessor's manual or any manual approved by the state tax commission, consistent with the official assessor's manual, with their latest supplements, as prepared or approved by the state tax commission as a guide in preparing assessments. Beginning with the tax assessing year 1978, all assessing officials shall maintain records relevant to the assessments, including appraisal record cards, personal property records, historical assessment data, tax maps, and land value maps consistent with standards set forth in the assessor's manual published by the state tax commission.

Sec. 10f. (1) If a local assessing district does not have an assessment roll which has been certified by a qualified certified assessing officer, the state tax commission shall assume jurisdiction over the assessment roll and provide for the preparation of a certified roll. The commission may order the county tax or equalization department to prepare the roll; may provide for the use of state employees to prepare the roll; or may order the local assessing unit to contract with a commercial appraisal firm to conduct an appraisal of the property in the assessing unit under the supervision of the county tax or equalization department and the commission. The costs of an appraisal and the preparation of the roll by the county tax or equalization department or by the commission shall be paid by the local assessing district as provided by section 10d. The commission shall consider the quality of the tax maps and appraisal records required by section 10e as part of its investigation of the facts before ordering the local assessing unit to contract for an appraisal.

(2) If a certified assessment roll cannot be provided in sufficient time for a summer tax levy, or for the annual levy on December 1, the commission shall order the levy of interim taxes based on the state equalized valuations of individual properties as determined by the commission sitting as the state board of equalization, apportioned to the local assessing unit by the county board of commissioners, and apportioned to each property in proportion to the assessed valuations entered in the current uncertified assessment roll. If there is no current assessment roll, the commission shall substitute the latest complete assessment roll for the current roll for the interim tax levy. The payment of a tax levied as an interim tax levy shall not constitute a final and ultimate discharge of the taxpayer's liability for the tax levied against that property. An interim tax levy made pursuant to this subsection shall be clearly labeled as an "interim tax levy subject to adjustment after an assessment roll is certified".

(3) Within 30 days after the final determination by the commission of the assessed valuations for each individual property listed on the assessment roll, the commission shall cause to be mailed a notice of the new assessment to each owner. An owner has the right to petition the tax tribunal directly for a hearing on the assessed valuation within 30 days after the date of the notice in the same manner as provided under section 35 of Act No. 186 of the Public Acts of 1973, being section 205.735 of the Michigan Compiled Laws. The notice shall specify each parcel of property, the assessed valuation for the year, the assessed valuation for the previous year, the state equalized valuation for the previous year, the tentative equalized valuation for the year, the net change in the assessed valuation, and the net change between the tentative equalized valuation for the year and the state equalized valuation for the previous year. The notice shall also include a statement informing the owner that an appeal of the assessment must be made within 30 days of the date of the assessment notice directly to the Michigan tax tribunal and shall include information on how and where an appeal can be made.

(4) After the final determination of the equalized assessed valuations by the commission, the assessing officer, or, if there is no assessing officer, by an agent designated by the commission, shall determine the difference in tax, if any, between the interim levy and a levy made on the equalized assessed valuations as finally determined by the commission, which may be referred to as the "final levy". The final levy shall be at the rates which were approved and ordered spread for the year in which there was not a certified assessment roll.

(5) A difference in the tax determined in subsection (4) shall be reported to the county board of commissioners, which shall order that additional taxes or credits against individual properties shall be added to or subtracted from the next succeeding annual tax roll, together with a proportionate share of a property tax administration fee, if a fee is charged, applicable to the difference.

(6) Additional taxes collected or credits against tax liability made under this section shall be shared by taxing units in the respective proportions they share the revenue received from the final levy.

(7) The commission shall render technical assistance when necessary to implement the provisions of this section.

(8) The commission shall provide the tax tribunal with a certified copy of its orders and a copy of each final determination made under this section.

Sec. 36. (1) The township clerk of each township, on or before September 30 of each year, shall make and deliver to the supervisor of the clerk's township and to the county clerk, a certified copy of all statements and certificates on file, and of all records of any vote or resolution in the clerk's office authorizing or directing money to be raised in the township by taxation for township, school, highway, drain, and all other purposes, together with a statement of the aggregate amount thereof. The clerk shall present the copies to the county board of commissioners at its annual meeting and file the copies in the clerk's office. The county board of commissioners shall not levy in the year voted a tax levy voted on or after September 30. This subsection does not apply if subsection (2), (3), or (4) applies.

(2) The amount of taxes which are to be levied for school purposes in a school district, an intermediate school district, or community or junior college district that holds an election on or after September 30 and on or before November 15, or that holds a second millage election under this subsection allowable pursuant to subsection (3) on or before December 7, and which are approved, shall be certified for the calendar year in which the election is held, only if 1 of the following applies:

(a) For a school district, a prior school millage election in that district has been defeated in the same calendar year.

(b) For a school district, the school millage election is held in November on the date that school district elects its board members.

(c) For a community or junior college district, a prior community or junior college millage election in that district has been defeated in the same calendar year.

(d) For an intermediate school district, the district has a population greater than 1,400,000.

(e) For an intermediate school district with a population of less than 1,400,000, the millage election is held on or before October 15.

(3) Except as otherwise provided in this subsection, a school district, an intermediate school district, or a community or junior college district shall not conduct more than 1 millage election pursuant to subsection (2). If a district's operating revenue is less than the total operating revenue for the previous school year, the district may hold a second school millage election pursuant to subsection (2) on or before December 7.

(4) The amount of taxes which are to be levied for township purposes in a township that holds an election after September 30 and on or before November 15 and which are approved shall be certified for the 1986 calendar year if both of the following apply:

(a) The millage is for a court ordered payment of debt service for a sewer system.

(b) A millage for the same purpose was defeated in the 1986 calendar year.

(5) The amount of taxes which are to be levied for emergency medical units in a township which holds an election for renewal of a millage for this purpose prior to November 15, shall be certified for the 1986 calendar year.

(6) On the day after the millage is certified pursuant to subsection (2) or (4), the appropriate county board of commissioners shall meet and direct or amend its direction for the spread of millages by local units in the county in accordance with the certification or amended certification.

(7) The reasonable and actual expenses incurred by a township, county, or city in assessing and collecting the school district, intermediate school district, or community or junior college district taxes levied and spread pursuant to an election under subsection (2) or (4) which is held after September 30, to the extent these expenses are in addition to the expense of collection and assessing any other taxes at the same time and exceed the amount of any fees imposed for the collection of these taxes, shall be billed to and paid by the school district, intermediate school district, or community or junior college district.

Section 2. Act No. 122 of the Public Acts of 1962, being section 211.721 of the Michigan Compiled Laws, is repealed.

This act is ordered to take immediate effect.

William C. Kandler

Secretary of the Senate.

Daniel H. Evans

Clerk of the House of Representatives.

Approved .....

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Governor.