

HOUSE BILL No. 6169

June 8, 2006, Introduced by Reps. Gosselin, Sheen, Hoogendyk, Marleau, Baxter, Mortimer, Acciavatti, LaJoy, Drolet, Bennett and Zelenko and referred to the Committee on Tax Policy.

A bill to amend 1973 PA 186, entitled
"Tax tribunal act,"
by amending sections 26, 49, and 61 (MCL 205.726, 205.749, and 205.761), sections 26 and 49 as amended by 1980 PA 437 and section 61 as amended by 1992 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 26. The tribunal may appoint 1 or more hearing officers
2 to hold hearings. Hearings, except as otherwise provided in chapter
3 6, shall be conducted pursuant to chapter 4 of ~~Act No. 306 of the~~
4 ~~Public Acts of 1969, as amended, being sections 24.271 through~~
5 ~~24.287 of the Michigan Compiled Laws and Act No. 267 of the Public~~
6 ~~Acts of 1976, as amended, being sections 15.261 to 15.275 of the~~
7 ~~Michigan Compiled Laws~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
8 **1969 PA 306, MCL 24.271 TO 24.287, AND THE OPEN MEETINGS ACT, 1976**

1 PA 267, MCL 15.261 TO 15.275. Public notice of the time, date, and
 2 place of the hearing shall be given in the manner required by ~~Act~~
 3 ~~No. 267 of the Public Acts of 1976, as amended. In matters other~~
 4 ~~than before the small claims division under chapter 6, a~~ **THE OPEN**
 5 **MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A** proposed
 6 decision of ~~the~~ **A** hearing officer **OR REFEREE** shall be considered
 7 and decided by 1 or more members of the tribunal.

8 Sec. 49. (1) The tribunal by rule shall prescribe filing fees
 9 and other fees to be paid in connection with a proceeding **BEFORE**
 10 **THE TRIBUNAL.** ~~The fees charged shall be sufficient to cover costs~~
 11 ~~of the tribunal except the costs of publishing its decisions, the~~
 12 ~~salaries of the tribunal members, their chief clerk, and the costs~~
 13 ~~of homestead appeal in the small claims division.~~ The fees shall
 14 be paid to the clerk of the tribunal and by order of the tribunal
 15 may be taxed as costs.

16 (2) The residential property **AND SMALL CLAIMS** division of the
 17 tribunal shall not charge fees or costs on appeals of ~~homestead~~
 18 **PRINCIPAL RESIDENCE** property **AS DEFINED IN RULES PROMULGATED BY THE**
 19 **TAX TRIBUNAL.**

20 (3) ~~Fees shall be collected by the clerk and paid directly~~
 21 ~~into the state general fund.~~ **THE FEES AND CHARGES UNDER THIS ACT**
 22 **SHALL BE DEPOSITED IN AN INTEREST BEARING ACCOUNT, THE PROCEEDS OF**
 23 **WHICH SHALL BE USED SOLELY FOR OPERATION OF THE TRIBUNAL.**

24 Sec. 61. (1) A residential property and small claims division
 25 of the tribunal is created and consists of 1 or more members of the
 26 tribunal appointed and serving pursuant to this act and those
 27 hearing officers and referees appointed by the tribunal who shall

1 hear and decide proceedings before ~~this~~ **THE RESIDENTIAL PROPERTY**
2 **AND SMALL CLAIMS** division.

3 (2) The tribunal may contract with qualified persons other
4 than tribunal employees to act as referees to hear and decide
5 proceedings before the **RESIDENTIAL PROPERTY AND** small claims
6 division.

7 (3) **IN MATTERS BEFORE THE RESIDENTIAL PROPERTY AND SMALL**
8 **CLAIMS DIVISION, A PROPOSED DECISION OF A HEARING OFFICER OR**
9 **REFEREE SHALL BE CONSIDERED AND DECIDED BY 1 OR MORE MEMBERS OF THE**
10 **TRIBUNAL.**