

SENATE BILL NO. 507

September 19, 2023, Introduced by Senator ANTHONY and referred to the Committee of the Whole.

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 6 and 9 of chapter 1 and sections 3, 73, 84, 85, 86a, 86b, 86c, 91, 92, and 93 of chapter 2 (MCL 141.506, 141.509, 141.603, 141.673, 141.684, 141.685, 141.686a, 141.686b, 141.686c, 141.691, 141.692, and 141.693), section 6 of chapter 1 as amended and sections 86a, 86b, and 86c of chapter 2 as added by 2018 PA 456 and section 9 of chapter 1 as added and sections 3, 73, 84, 85, 92, and 93 of chapter 2 as amended by 1996 PA 478, and by

adding section 92a to chapter 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 1

1
2 Sec. 6. Except as otherwise provided in this section, the
3 uniform city income tax ordinance does not apply to a person or
4 corporation as to whom or which it is beyond the power of the city
5 to impose the tax provided for in this act. However, an employer
6 located in this state that does not do business in or maintain an
7 establishment in a city that has ~~a population of more than 600,000~~
8 ~~and that imposes an income tax pursuant to this act~~ **entered into an**
9 **agreement with the department pursuant to section 9 of this chapter**
10 may voluntarily register to withhold taxes on compensation of
11 certain employees in accordance with this act. If an employer
12 voluntarily registers to withhold taxes pursuant to this section,
13 the employer is required to withhold taxes from all employees who
14 are residents of that city and to comply with sections 51 through
15 61 of chapter 2 and the alternative provisions of chapter 3. An
16 employee who is a resident of that city is not permitted to opt out
17 of the withholding requirements voluntarily imposed by his or her
18 employer pursuant to this section.

19 Sec. 9. (1) ~~For the 1996 tax year and each year after 1996, a~~
20 **A** city that imposes a city income tax pursuant to this act may
21 enter into an agreement with the department of treasury under which
22 the department of treasury shall administer, enforce, and collect
23 the city income tax on behalf of the city.

24 (2) City income taxes, interest, penalties, and collection
25 fees collected under an agreement entered into pursuant to
26 subsection (1) shall be kept in the city income tax trust fund and
27 shall be paid to the city, except that an amount of the taxes

1 collected as determined in the agreement may be retained by the
 2 department of treasury to cover the cost of collection and
 3 administration and that amount shall be deposited into the state
 4 general fund. The department of treasury shall not charge to or
 5 collect from a taxpayer any amount not otherwise authorized by law
 6 in conjunction with the collection of city income tax pursuant to
 7 an agreement entered into pursuant to this section.

8 (3) If the city enters into an agreement under subsection (1),
 9 the agreement shall include provisions that relate to all of the
 10 following:

11 (a) The development of and distribution of forms required by
 12 the agreement and the ordinance under chapter 2.

13 (b) The processing of all payments.

14 (c) Enforcement procedures.

15 (d) Administrative and legal costs.

16 (e) Data exchange.

17 (f) Transfer and payment of funds.

18 (g) Termination of the agreement by either party.

19 (h) Any additional provisions as appropriate.

20 CHAPTER 2

21 Sec. 3. (1) "Administrator" means the official designated by
 22 the city to administer this ordinance or the duly authorized agent
 23 or representative of that official but does not mean the
 24 department. ~~of treasury.~~

25 (2) "Business" means an enterprise, activity, profession, or
 26 undertaking of any nature conducted or ordinarily conducted for
 27 profit or gain by any person, including the operation of an
 28 unrelated business by a charitable, religious, or educational
 29 organization.

1 (3) "Capital gains" and "capital losses" mean those terms as
2 defined for federal income tax purposes.

3 (4) "Department" means the department of treasury. ~~for tax~~
4 ~~years after the 1996 tax year for which a city has entered into an~~
5 ~~agreement with the department of treasury pursuant to section 9 of~~
6 ~~chapter 1.~~ Department includes a duly authorized agent or
7 representative of the department.

8 Sec. 73. (1) If a taxpayer or employer fails or refuses to
9 make a return or payment as required, in whole or in part, or if
10 the administrator or the department has reason to believe that a
11 return made does not supply sufficient information for an accurate
12 determination of the amount of tax due, the administrator or the
13 department may obtain information on which to base an assessment of
14 the tax. The administrator or the department may examine the books,
15 papers, and records of any person, employer, taxpayer, or agent or
16 representative of any person, employer, or taxpayer or audit the
17 accounts of any person, employer, or taxpayer or any other records
18 pertaining to the tax, to verify the accuracy and completeness of a
19 return filed, or, if no return was filed, to ascertain the tax,
20 withholding, penalties, or interest due under this ordinance.

21 (2) The administrator or the department may examine any
22 person, under oath, concerning income which was or should have been
23 reported for taxation under this ordinance, and for this purpose
24 may compel the production of books, papers, and records and the
25 attendance of all parties before him or her, whether as parties or
26 witnesses, if he or she believes those persons have knowledge of
27 the income. ~~In addition, for tax years after the 1996 tax year and~~
28 ~~for which~~ **For** a city **that** has entered into an agreement with the
29 department ~~of treasury~~ pursuant to section 9 of chapter 1, all of

1 the following apply to implement this section:

2 (a) The department ~~of treasury~~ shall send to the taxpayer or
 3 employer a letter of inquiry stating, in a courteous and
 4 unthreatening manner, the department's opinion that the taxpayer
 5 or employer needs to furnish further information or owes taxes to
 6 the city, and the reason for that opinion. A letter of inquiry
 7 shall also explain the procedure by which the taxpayer or employer
 8 may initiate communication with the department to resolve any
 9 dispute. A letter of inquiry may be served on the taxpayer in any
 10 manner determined appropriate by the department. ~~of treasury.~~ This
 11 subdivision does not apply in any of the following circumstances:

12 (i) The taxpayer or employer files a return that shows a tax
 13 due and fails to pay that tax.

14 (ii) The deficiency resulted from an audit of the taxpayer's or
 15 employer's books and records by the city or the department.

16 (iii) The taxpayer or employer otherwise affirmatively admits
 17 that a tax is due and owing.

18 (b) If the dispute is not resolved within 30 days after the
 19 department ~~of treasury~~ sends the taxpayer or employer a letter of
 20 inquiry or if a letter of inquiry is not required under subdivision
 21 (a), the department, after determining the amount of tax due from a
 22 taxpayer or employer, shall give notice to the taxpayer or employer
 23 of the ~~department of treasury's~~ **department's** notice of intent to
 24 assess the tax. The notice shall include all of the following:

25 (i) The amount of the tax the department ~~of treasury~~ claims the
 26 taxpayer or employer owes.

27 (ii) The reason for the deficiency.

28 (iii) A statement advising the taxpayer or employer of his or
 29 her right to file a protest and to a hearing with the department

1 ~~of treasury as provided under section 84.~~

2 ~~(3) A taxpayer or employer has 30 days after receipt of a~~
 3 ~~notice of intent to assess within which to file a written protest~~
 4 ~~with the department of treasury. If a written protest is received,~~
 5 ~~the department of treasury shall give the taxpayer or employer or~~
 6 ~~duly authorized representative of the taxpayer or employer an~~
 7 ~~opportunity to be heard and present evidence and arguments in his~~
 8 ~~or her behalf.~~

9 ~~(4) If a protest to the notice of intent to assess the tax~~
 10 ~~under subsection (2) is determined by the department of treasury to~~
 11 ~~be a frivolous protest or a desire by the taxpayer or employer to~~
 12 ~~delay or impede the administration of the tax under this ordinance,~~
 13 ~~a penalty of \$25.00 or 25% of the amount of tax under protest,~~
 14 ~~whichever is greater, shall be added to the tax.~~

15 Sec. 84. (1) For ~~tax years before the 1997 tax year and for~~
 16 ~~tax years after the 1996 tax year and for which a city~~ **that** has not
 17 entered into an agreement pursuant to section 9 of chapter 1, if
 18 the administrator determines that a taxpayer or an employer subject
 19 to the provisions of this ordinance has failed to pay the full
 20 amount of the tax due or tax withheld, he or she shall issue a
 21 proposed assessment showing the amount due and unpaid, together
 22 with interest and penalties that may have accrued thereon. The
 23 proposed assessment shall be served upon the taxpayer or employer
 24 in person or by registered or certified mail to the last known
 25 address of the taxpayer or employer. Proof of mailing the proposed
 26 assessment is prima facie evidence of a receipt of the proposed
 27 assessment by the addressee.

28 ~~(2)~~ A taxpayer or employer has 30 days after receipt of a
 29 proposed assessment **issued under this subsection** within which to

1 file a written protest with the administrator, ~~or 30 days after~~
2 ~~receipt of a notice of intent to assess from the department of~~
3 ~~treasury to file a written protest with the department of treasury,~~
4 who shall then give the taxpayer or employer or his or her duly
5 authorized representative an opportunity to be heard and present
6 evidence and arguments in his or her behalf.

7 **(2) For a city that has entered into an agreement with the**
8 **department pursuant to section 9 of chapter 1, a taxpayer or**
9 **employer has 60 days after receipt of a notice of intent to assess**
10 **from the department issued under section 73(2) (b) to file a written**
11 **request for an informal conference to dispute the assessment, in**
12 **whole or in part. Except as otherwise provided under this chapter,**
13 **the department shall conduct the informal conference in accordance**
14 **with section 21 of 1941 PA 122, MCL 205.21.**

15 **(3) If a protest to the proposed assessment or notice of**
16 **intent to assess the tax filed under this section is determined by**
17 **the administrator or the department, whichever is applicable, to be**
18 **a frivolous protest or a desire by the taxpayer or employer to**
19 **delay or impede the administration of the tax under this ordinance,**
20 **a penalty of \$25.00 or 25% of the amount of tax under protest,**
21 **whichever is greater, shall be added to the tax.**

22 **Sec. 85. (1) After the hearing or informal conference as**
23 **provided in section 84, the administrator or the department shall**
24 **issue a final assessment setting forth the total amount found due**
25 **in the proposed assessment or notice of intent to assess and any**
26 **adjustment he or she may have made as a result of the protest. The**
27 **final assessment shall be served in the same manner as a proposed**
28 **assessment or notice of intent to assess. Proof of mailing of the**
29 **final assessment is prima facie evidence of receipt of the final**

1 assessment by the addressee.

2 (2) If a protest under section ~~73(3) or 84(2)~~ **84** is not filed
3 in respect to a proposed assessment or notice of intent to assess,
4 a taxpayer or employer is considered to have received a final
5 assessment 30 days after receipt of the proposed assessment **or**
6 **notice of intent to assess.**

7 Sec. 86a. (1) Notwithstanding section 86, a city that has a
8 ~~population of more than 600,000~~ **entered into an agreement with the**
9 **department pursuant to section 9 of chapter 1** may recover the tax
10 with interest and penalties without a judgment or order from a
11 court of competent jurisdiction by imposing a lien as provided
12 under this section. ~~However, the city's authority to impose a lien~~
13 ~~under this section only applies to property owned by a natural~~
14 ~~person and wages, or other income, that are reported on a federal~~
15 ~~W-2 or 1099 form.~~ A lien imposed pursuant to this section is a lien
16 in favor of the city against all property and rights of property,
17 both real and personal, tangible and intangible, owned at the time
18 the lien attaches, or afterwards acquired by any person liable for
19 the tax, to secure the payment of the tax. The lien shall attach to
20 the property from and after the date that any report or return on
21 which the tax is levied is required to be filed and shall continue
22 for 7 years after the date of attachment. The lien may be extended
23 for another 7 years by refiling under subsection (2) if the
24 refiling is done within 6 months prior to the expiration date of
25 the original 7-year period.

26 (2) The lien imposed by this section shall take precedence
27 over all other liens and encumbrances, except bona fide liens
28 recorded before the date the lien under this ordinance is recorded.
29 However, bona fide liens recorded before the lien under this

1 ordinance is recorded shall take precedence only to the extent of
2 disbursements made under a financing arrangement before the forty-
3 sixth day after the date of the tax lien recording or before the
4 person making the disbursements had actual knowledge of a tax lien
5 recording under this ordinance, whichever is earlier. A lien shall
6 be recorded and discharged in the same manner required for a state
7 tax lien under the state tax lien registration act, 1968 PA 203,
8 MCL 211.681 to 211.687.

9 (3) A purchaser or succeeding purchaser of property, from a
10 taxpayer in other than the ordinary course of business, against
11 which a lien has been properly recorded as provided under
12 subsection (2) is personally liable for the unpaid taxes that are
13 due on the lien. The purchaser's liability is limited to the value
14 of the property less any proceeds that were applied to balances due
15 on secured interests which are superior to the lien recorded under
16 subsection (2).

17 Sec. 86b. (1) Notwithstanding section 86, a city that has a
18 ~~population of more than 600,000~~ **entered into an agreement with the**
19 **department pursuant to section 9 of chapter 1** may cause a demand to
20 be made on a taxpayer for the payment of a tax due under this
21 ordinance. ~~However, the city's authority to cause a demand for~~
22 ~~payment under this section only applies to property owned by a~~
23 ~~natural person and wages, or other income, that are reported on a~~
24 ~~federal W-2 or 1099 form.~~ If the liability remains unpaid for 10
25 days after the demand and proceedings are not taken to review the
26 liability, a warrant may be issued. Except as provided in this
27 section, the city, through any officer or agent or person
28 authorized to serve process or through authorized employees, may
29 levy on all property and rights to property, real and personal,

1 tangible and intangible, belonging to the taxpayer or on which a
2 lien is provided by law for the amount of the deficiency, and sell
3 the real and personal property of the taxpayer found within the
4 state for the payment of the amount due, the cost of executing the
5 warrant, and the additional penalties and interest. Except as
6 provided in subsection (6), the officer or agent or person serving
7 the warrant shall proceed upon the warrant in all respects and in
8 the same manner as prescribed by law in respect to executions
9 issued against property upon judgments by a court of record. A
10 city, through its authorized representative, may bid for and
11 purchase any property sold pursuant to this section.

12 (2) A person that refuses or fails to surrender any property
13 or rights to property subject to levy, upon demand by the city, is
14 personally liable to the city in a sum equal to the value of the
15 property or rights not surrendered, but not exceeding the amount
16 due for which the levy was made, together with costs and interest
17 on the sum at the rate provided in section 82 from the date of the
18 levy. Any amount, other than costs, recovered under this subsection
19 shall be credited against the liability for the collection of which
20 the levy was made.

21 (3) In addition to the personal liability imposed by
22 subsection (2), if a person required to surrender property or
23 rights to property fails or refuses to surrender the property or
24 rights to property without reasonable cause, the person shall be
25 liable for a penalty equal to 50% of the amount recoverable under
26 subsection (2), none of which penalty shall be credited against the
27 liability for the collection of which the levy was made.

28 (4) A person in possession of, or obligated with respect to,
29 property or property rights subject to levy and upon which a levy

1 has been made who, upon demand of the city, surrenders the property
2 or rights to property or discharges the obligation to the city or
3 who pays a liability under subsection (1) shall have that
4 obligation to a person delinquent in payment of a tax reduced in an
5 amount equal to the property or rights to property surrendered or
6 amounts paid to the city.

7 (5) Property described in section 6334 of the internal revenue
8 code of 1986, 26 USC 6334, is exempt from levy under this section
9 for an unpaid tax. The effect of a levy on salary or wages shall be
10 continuous from the date the levy is first made until the liability
11 out of which the levy arose is satisfied.

12 (6) A warrant notice of levy may be served by certified mail,
13 return receipt requested, on any person in possession of, or
14 obligated with respect to, property and rights to property, real
15 and personal, tangible and intangible, belonging to the taxpayer or
16 on which a lien is provided by law. The date of delivery on the
17 receipt shall be the date the levy is made. A person may, upon
18 written notice to the department, on behalf of the city, have all
19 notices of levy sent to 1 designated office.

20 Sec. 86c. (1) If a city that has ~~a population of more than~~
21 ~~600,000~~ **entered into an agreement with the department pursuant to**
22 **section 9 of chapter 1** files for recording a lien imposed pursuant
23 to this ordinance against property or rights of property to satisfy
24 a tax liability and the city determines that the tax liability out
25 of which the lien arose is satisfied, the city shall file for
26 recording a release regarding the property or rights of property in
27 the same manner required for a state tax lien under the state tax
28 lien registration act, 1968 PA 203, MCL 211.681 to 211.687, not
29 more than 20 business days after funds to satisfy the tax liability

1 out of which the lien arose have been applied to the taxpayer's
2 account.

3 (2) If the city files for recording a lien imposed pursuant to
4 this ordinance against property or rights of property to satisfy a
5 tax liability and upon request the city determines that the
6 taxpayer named on the recorded lien does not have any interest in
7 certain properties owned by another person, the city shall file for
8 recording a certificate of nonattachment regarding the property or
9 rights of property, in the same manner as required for a state tax
10 lien under the state tax lien registration act, 1968 PA 203, MCL
11 211.681 to 211.687, with all due haste but not more than 5 business
12 days after the city determines that the lien is recorded or filed
13 against property or rights of property to which the city does not
14 have a lien interest under section 86a. The city shall clearly
15 indicate on the certificate of nonattachment that the taxpayer
16 named on the recorded lien does not have any interest in the
17 property or rights of property of the other person.

18 (3) If a warrant or warrant-notice of levy is issued and
19 served upon a person to levy on property or rights of property to
20 satisfy a tax liability and the city determines that the tax
21 liability out of which the warrant or warrant-notice of levy arose
22 is satisfied, the city shall serve a release of levy regarding the
23 property or rights of property on the person that was served the
24 warrant or warrant-notice of levy not more than 10 business days
25 after funds to satisfy the tax liability out of which the warrant
26 or warrant-notice of levy arose have been applied to the taxpayer's
27 account.

28 (4) If a warrant or warrant-notice of levy is issued and
29 served upon a person to levy on property or rights of property to

1 satisfy a tax liability and the city determines that the property
2 or rights of property are not subject to levy under section 86a,
3 the city shall serve a release of levy regarding the property or
4 rights of property on the person that was served the warrant or
5 warrant-notice of levy with all due haste but not more than 5
6 business days after the city determines that the property or rights
7 of property are not subject to levy under section 86a, the city
8 shall clearly indicate on the release of levy that the property or
9 rights of property were not subject to levy under section 86a.

10 (5) If a person is required to pay a fee to the city, a bank,
11 or other financial institution as the result of an erroneous
12 recording or filing of a lien as described in subsection (2), or an
13 erroneous issuance and service of a warrant or warrant-notice of
14 levy as described in subsection (4), the city shall reimburse the
15 fee to that person.

16 (6) If the city receives money to satisfy a tax liability or
17 liabilities or receives information that would cancel that tax
18 liability or those liabilities and subsequently files a lien for
19 recording specifying that tax liability or those liabilities, the
20 city, upon request and upon a determination by the city that the
21 lien was filed and recorded in error, with all due haste, but not
22 more than 5 business days after the city determines that it has
23 erroneously filed a lien for recording, shall file for recording a
24 certificate of withdrawal for that tax liability or those
25 liabilities which were satisfied which states that the recorded
26 lien for that tax liability or those liabilities was filed in
27 error.

28 (7) If the city receives money to satisfy a tax liability or
29 liabilities or receives information that would cancel that tax

1 liability or those liabilities and subsequently issues a warrant or
2 warrant-notice of levy specifying that liability or those
3 liabilities pursuant to this ordinance, upon request and upon a
4 determination by the city that the warrant or warrant-notice of
5 levy was issued in error, with all due haste, but not more than 5
6 business days after the department determines that it has
7 erroneously issued a warrant or warrant-notice of levy, the city
8 shall issue a release of levy for that tax liability or those
9 liabilities which were satisfied which states that the levy for
10 that tax liability or those liabilities was issued in error.

11 Sec. 91. (1) The governing body of the city **that has not**
12 **entered into an agreement with the department pursuant to section 9**
13 **of chapter 1** shall appoint an income tax board of review consisting
14 of 3 residents of the city who are not city officials or city
15 employees.

16 (2) The board shall select a chairperson, secretary, and other
17 officers as the board considers necessary and shall adopt rules
18 governing the procedure for hearings and other procedures. The
19 rules shall be filed in the office of the city clerk and shall be
20 available for inspection by an interested person. A copy of the
21 rules shall be furnished on request to an interested person.

22 (3) A majority of the board members shall constitute a quorum
23 for an action by or hearing before the board, or for any other
24 purpose. A member of the board shall not act on a matter in which
25 the member has a financial interest other than the common public
26 interest. A record shall be kept of the board's transactions and
27 proceedings. The record and any other writing prepared, owned,
28 used, in the possession of, or retained by the board of review in
29 the performance of an official function shall be made available to

1 the public in compliance with ~~Act No. 442 of the Public Acts of~~
 2 ~~1976.~~ **the freedom of information act, 1976 PA 442, MCL 15.231 to**
 3 **15.246.**

4 (4) The business which the board may perform shall be
 5 conducted at a public hearing of the commission held in compliance
 6 with ~~Act No. 267 of the Public Acts of 1976, being sections the~~
 7 **open meetings act, 1976 PA 267, MCL 15.261 to 15.275.** ~~of the~~
 8 ~~Michigan Compiled Laws.~~ Public notice of the time, date, and place
 9 of the hearing shall be given in the manner required by ~~Act No. 267~~
 10 ~~of the Public Acts of 1976.~~ **the open meetings act, 1976 PA 267, MCL**
 11 **15.261 to 15.275.**

12 Sec. 92. (1) ~~A~~ **If a city has not entered into an agreement**
 13 **with the department pursuant to section 9 of chapter 1, a** taxpayer
 14 or employer may file a written notice of appeal with the secretary
 15 of the income tax board of review not more than 30 days after
 16 receipt by the taxpayer or employer of a final assessment, denial
 17 in whole or part of a claim for refund, decision, order, or special
 18 ruling of the administrator. ~~or the department.~~ Upon receipt of the
 19 notice of appeal, the income tax board of review shall notify the
 20 administrator, ~~or the department,~~ who shall forward within 15 days
 21 to the income tax board of review a certified transcript of all
 22 actions and findings taken by the administrator ~~or the department~~
 23 that relate to the matter under appeal. The appellant or his or her
 24 duly authorized representative may inspect the transcript.

25 (2) The income tax board of review shall grant the appellant a
 26 hearing at which the appellant or his or her duly authorized
 27 representative and the administrator ~~or the department~~ have an
 28 opportunity to present evidence that relates to the matter under
 29 appeal. After conclusion of the hearing, the income tax board of

1 review by a majority vote of its 3 members shall affirm, reverse,
 2 or modify the final assessment, denial, decision, or order under
 3 appeal and furnish a copy of the decision to the appellant and to
 4 the administrator. ~~or the department.~~

5 (3) The provisions of this ordinance as to the confidential
 6 character of tax data are applicable to proceedings pending before
 7 or submitted to the income tax board of review.

8 (4) A tax deficiency or refund and any interest or penalties
 9 on a deficiency or refund shall be paid not more than 30 days after
 10 receipt by the taxpayer or employer or by the city ~~or the~~
 11 ~~department~~ of notice of determination by the income tax board of
 12 review if no further appeal is made.

13 **Sec. 92a. (1) If a city has entered into an agreement with the**
 14 **department pursuant to section 9 of chapter 1, a taxpayer or**
 15 **employer within 35 days after receipt by the taxpayer or employer**
 16 **of a final assessment, decision, or order of the department after**
 17 **an informal conference conducted as provided under section 84(2)**
 18 **may appeal the contested portion of the assessment, decision, or**
 19 **order to the tax tribunal. The uncontested portion of an**
 20 **assessment, order, or decision must be paid as a prerequisite to**
 21 **appeal. An appeal under this section must be conducted in**
 22 **accordance with the tax tribunal act, 1973 PA 186, MCL 205.701 to**
 23 **205.779.**

24 (2) A taxpayer or employer that failed to request or
 25 participate in an informal conference as provided under section
 26 84(2) is not allowed to appeal a final assessment, decision, or
 27 order of the department under this section.

28 Sec. 93. (1) A taxpayer, employer, or other person aggrieved
 29 by a rule adopted by the administrator may file a timely appeal to

1 the ~~state commissioner of revenue~~ **department** in the form and manner
 2 prescribed by the ~~commissioner.~~ **department.**

3 (2) ~~A~~ **If a city has not entered into an agreement with the**
 4 **department pursuant to section 9 of chapter 1, a** taxpayer or
 5 employer aggrieved by a final assessment, denial, decision, or
 6 order of the income tax board of review other than a decision under
 7 subsection (1), may appeal the assessment, denial, decision, or
 8 order to the tax tribunal not more than 35 days after the final
 9 assessment, denial, decision, or order was issued. The uncontested
 10 portion of a final assessment, order, or decision shall be paid as
 11 a prerequisite to appeal. An appeal under this subsection shall be
 12 perfected as provided under the tax tribunal act, ~~Act No. 186 of~~
 13 ~~the Public Acts of 1973, being sections~~ **1973 PA 186, MCL** 205.701 to
 14 205.779, ~~of the Michigan Compiled Laws,~~ and rules promulgated under
 15 that act for the tax tribunal.

16 (3) Not more than 35 days after a final order of the tax
 17 tribunal, the taxpayer, employer, or other person shall pay the
 18 city the taxes, interest, and penalty found due to the city, ~~or the~~
 19 ~~department,~~ and the city ~~or the department~~ shall refund to the
 20 taxpayer, employer, or other person any amount found to have been
 21 overpaid by the taxpayer, employer, or other person.