(13) A tribal agreement authorized under subsection (12) may include 1 or more of the following:

(a) A provision for dispute resolution between this state and the tribe, which may include a nonjudicial forum.

(b) A provision for the sharing between the parties of certain taxes collected by the tribe and its members.

(c) Any other provisions beneficial to the administration or enforcement of the tribal agreement.

(14) A tribal agreement authorized under subsection (12) shall not authorize the approval of a class III gaming compact negotiated under the Indian gaming regulatory act, Public Law 100-497, 102 Stat. 2467.

(15) As used in this section:

(a) "Lookback period" means 1 or more of the following:

(*i*) The most recent 48-month period as determined by the department or the first date the person subject to an agreement under this section began doing business in this state if less than 48 months.

(*ii*) For single business taxes levied under the single business tax act, 1975 PA 228, MCL 208.1 to 208.145, the lookback period shall be the 4 most recent completed fiscal or calendar years over a 48-month period or the first date the person subject to an agreement under this section began doing business in this state if less than 48 months.

(*iii*) Notwithstanding subparagraphs (*i*), (*ii*), and (*iv*), the most recent 36-month period as determined by the department or the first date the person subject to an agreement under this section began doing business in this state if less than 36 months, if tax returns filed in another state for a tax based on net income that included sales in the numerator of the apportionment formula that now must be included in the numerator of the apportionment formula under the single business tax act, 1975 PA 228, MCL 208.1 to 208.145, and those sales increased the net tax liability payable to that state.

(*iv*) If there is doubt as to liability for the tax during the lookback period, another period as determined by the state treasurer to be in the best interest of this state and to preserve equitable and fair administration of taxes.

(b) "Nonfiler" for a particular tax means, beginning July 1, 1998, a person that has not filed a return for the particular tax being disclosed for periods beginning after December 31, 1988. Nonfiler also includes a person whose only filing was a single business tax estimated tax return filed before January 1, 1999.

(c) "Person" means an individual, firm, bank, financial institution, limited partnership, copartnership, partnership, joint venture, association, corporation, limited liability company, limited liability partnership, receiver, estate, trust, or any other group or combination acting as a unit.

(d) "Previous contact" means any notification of an impending audit pursuant to section 21(1), review, notice of intent to assess, or assessment. Previous contact also includes final letters of inquiry pursuant to section 21(2)(a) or a subpoena from the department.

(e) "Unjust enrichment" includes the withholding of income tax under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, and the collection of any other tax administered by this act that has not been remitted to the department.

(f) "Voluntary disclosure agreement" or "agreement" means a written agreement that complies with this act.

(16) The department of treasury shall post a copy of each tribal agreement and any changes to a tribal agreement on the department of treasury's website not later than 60 days after the tribal agreement takes effect or the changes to the tribal agreement take effect.

(17) Not later than January 31 of each year, the department of treasury shall report to each house of the legislature, including the majority leader and minority leader of the senate and the speaker and minority leader of the house of representatives, on the tribal agreement and changes to the tribal agreement entered into during the immediately preceding calendar year. The report shall include all of the following:

(a) A copy of the tribal agreement.

(b) A summary of the changes since the immediately preceding report.

(c) A detailed listing and description of changes to any agreement areas described in a tribal agreement.

This act is ordered to take immediate effect.
Approved December 20, 2002.
Filed with Secretary of State December 20, 2002.

[No. 617]

(HB 6481)

AN ACT to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," (MCL 205.51 to 205.78) by adding section 4aa.

The People of the State of Michigan enact:

205.54aa Tax exemption; resident tribal member.

Sec. 4aa. (1) The tax under this act does not apply to the sale of a motor vehicle, recreational watercraft, snowmobile, or all terrain vehicle, not for resale, to a resident tribal member if the motor vehicle, recreational watercraft, snowmobile, or all terrain vehicle is for personal use and is principally garaged, berthed, or stored within that resident tribal member's tribe agreement area.

(2) The tax under this act does not apply to the sale of a mobile home, not for resale, to a resident tribal member if the mobile home is to be used as that resident tribal member's principal residence and the mobile home is located within that resident tribal member's tribe agreement area.

(3) As used in this section, "resident tribal member" means an individual who meets all of the following criteria:

(a) Is an enrolled member of a federally recognized tribe.

(b) The individual's tribe has an agreement with this state pursuant to section 30c of 1941 PA 122, MCL 205.30c, that is in full force and effect.

(c) The individual's principal place of residence is located within the agreement area as designated in the agreement under subdivision (b).

This act is ordered to take immediate effect.
Approved December 20, 2002.
Filed with Secretary of State December 20, 2002.

[No. 618]

(SB 1391)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

The People of the State of Michigan enact:

257.19a "Disabled person" and "person with disabilities" defined.

Sec. 19a. "Disabled person" or "person with disabilities" means a person who is determined by a physician, a physician assistant, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics:

(a) Blindness as determined by an optometrist, a physician, or a physician assistant.

(b) Inability to walk more than 200 feet without having to stop and rest.

(c) Inability to do both of the following:

(*i*) Use 1 or both legs or feet.

(*ii*) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person.

(d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest.

(e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health.

(f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.

(g) The persistent reliance upon an oxygen source other than ordinary air.

257.675 Stopping, standing, or parking of vehicle; requirements; signs; traffic control orders; hearing; windshield placard; certificate of identification for disabled person; special registration plates; courtesy required; free parking sticker; display; confiscation; false statement, deception, or fraud as misdemeanor; penalty; violation as civil infraction; cancellation, revocation, or suspension; driver's, chauffeur's, or state personal identification card number; signature of out-of-state physician or physician assistant.

Sec. 675. (1) Except as otherwise provided in this section and this chapter, a vehicle stopped or parked upon a highway or street shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any curb existing at the right of the vehicle.

(2) A local authority may by ordinance permit parking of a vehicle on a 1-way roadway with the vehicle's left wheels adjacent to and within 12 inches of any curb existing at the left of the vehicle.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking shall not be permitted on a state trunk line highway.

(4) The state transportation commission with respect to state trunk line highways and the board of county road commissioners with respect to county roads, acting jointly with the director of the department of state police, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in the opinion of the officials as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. The signs shall be installed only after a proper traffic order is filed with the county clerk. Upon the application to the state transportation commission by a home rule city affected by an order, opportunity shall be given to the city for a hearing before the state transportation commission, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway; when the home rule city, by lawfully authorized official action, requests the state transportation department to prohibit or restrict parking on a state trunk line highway; or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction. Traffic control orders, so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city, are considered "rules" within the meaning of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application for a hearing by a home rule city, the proceedings before the state transportation commission shall be considered a "contested case" within the meaning of that act.

(5) A disabled person may apply, on a form prescribed by the secretary of state, for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled person. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled individual. If it appears obvious that the individual has a qualifying disability, the individual shall not be required to present a medical statement attesting to the disability. The application for and the issuance of the serially numbered

nontransferable temporary or permanent windshield placard is subject to all of the following:

(a) The secretary of state may issue to a disabled person with a temporary disability a temporary windshield placard that is valid for a period of not more than 6 months.

(b) The secretary of state may issue to a disabled person with a permanent disability an original or renewal permanent windshield placard that is valid for at least 4 years.

(c) An original certificate of identification or permanent windshield placard shall expire on the disabled person's fifth birthday after the date of issuance.

(d) A renewal permanent windshield placard shall expire on the disabled person's fourth birthday after the date of renewal.

(e) A person holding a certificate of identification or permanent windshield placard at any time within 45 days before the expiration of his or her certificate or placard may make application for a new or renewal placard as provided for in this section. However, if the person will be out of state during the 45 days immediately preceding expiration of the certificate or placard or for other good cause shown cannot apply for a placard within the 45-day period, application for a new or renewal placard may be made not more than 6 months before expiration of the certificate or placard. A placard issued or renewed under this subdivision shall expire as provided for in this subsection.

(f) Upon application in the manner prescribed by the secretary of state for replacement of a lost, stolen, or destroyed certificate or placard described in this section, a disabled person or organization that provides specialized services to disabled persons may be issued a placard that in substance duplicates the original certificate or placard for a fee of $10.00.

(g) A certificate or placard described in this section may be used by a person other than the disabled person for the sole purpose of transporting the disabled person. An organization that provides specialized services to disabled persons may apply for and receive a permanent windshield placard to be used in any motor vehicle actually transporting a disabled person. If the organization ceases to transport disabled persons, the placard shall be returned to the secretary of state for cancellation and destruction.

(6) A disabled person with a certificate of identification, windshield placard, special registration plates issued under section 803d, a special registration plate issued under section 803f that has a tab for persons with disabilities attached, a certificate of identification or windshield placard from another state, or special registration plates from another state issued for persons with disabilities is entitled to courtesy in the parking of a vehicle. The courtesy shall relieve the disabled person or the person transporting the disabled person from liability for a violation with respect to parking, other than in violation of this act. A local authority may by ordinance prohibit parking on a street or highway to create a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extending to veterans and physically disabled persons under this subsection do not supersede that ordinance.

(7) Except as otherwise provided in subsection (24), an application for an initial free parking sticker shall contain a certification by a physician or physician assistant licensed to practice in this state attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for an initial free parking sticker. If it appears obvious that the individual is unable to do 1 or more of the acts listed in subdivisions (a) to (d), the individual shall not be required to present a certification by a physician or a physician assistant attesting to the nature and estimated duration of the

applicant's disabling condition or verifying that the applicant qualifies for a free parking sticker. The applicant qualifies for a free parking sticker if the applicant is a licensed driver and the physician or physician assistant certifies or, if an individual is not required to have a certification by a physician or a physician assistant, it is obvious that the applicant is unable to do 1 or more of the following:

(a) Manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots or parking structures, due to the lack of fine motor control of both hands.

(b) Reach above his or her head to a height of 42 inches from the ground, due to a lack of finger, hand, or upper extremity strength or mobility.

(c) Approach a parking meter due to his or her use of a wheelchair or other device.

(d) Walk more than 20 feet due to an orthopedic, neurological, cardiovascular, or lung condition in which the degree of debilitation is so severe that it almost completely impedes the ability to walk.

(8) To be entitled to free parking in a metered space or in a publicly owned parking structure or area, a vehicle must properly display 1 of the following:

(a) A windshield placard bearing a free parking sticker issued pursuant to this act.

(b) A valid certificate of identification issued before October 1, 1994.

(c) A valid windshield placard issued by another state.

(d) A certificate of identification issued by another state.

(e) A license plate for persons with disabilities issued by another state.

(f) A special registration plate with a tab for persons with disabilities attached issued by another state.

(9) A vehicle that does not properly display 1 of the items listed in subsection (8) is not entitled to free parking in a metered parking space or in a publicly owned parking area or structure, and the disabled person or vehicle operator shall pay all parking fees and may be responsible for a civil infraction.

(10) Blindness that is not accompanied by an incapacity described in subsection (7) does not entitle a person to a free parking sticker.

(11) The secretary of state shall attach a free parking sticker, in contrasting colors, to the windshield placard of a person certified as having an incapacity described in subsection (7).

(12) A windshield placard issued under this section shall be displayed on the interior rearview mirror of the vehicle or, if there is no interior rearview mirror, on the lower left corner of the dashboard while the vehicle is parked or being parked by or under the direction of a disabled person pursuant to this section.

(13) A certificate of identification issued before February 11, 1992 shall be displayed on the lower left corner of the dashboard of the parked vehicle.

(14) Upon conviction of an offense involving a violation of the special privileges conferred upon a holder of a certificate of identification, windshield placard, or free parking sticker, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the serially numbered certificate of identification, windshield placard, or free parking sticker and return the confiscated item or items to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a certificate of identification, windshield placard, or free parking sticker from a judge or magistrate, the secretary of state shall cancel and destroy the certificate, placard, or sticker, and the disabled person to whom it was issued shall not receive another certificate, placard, or sticker until

he or she submits a completed application and presents a current medical statement attesting to his or her condition. A law enforcement officer who observes a misuse of a certificate of identification, windshield placard, or free parking sticker may immediately confiscate the certificate, placard, or sticker and forward it with a copy of his or her report to the secretary of state.

(15) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a medical statement attesting to a disability, submitted in support of an application for a certificate of identification, windshield placard, free parking sticker, special registration plate, or tab for persons with disabilities under this section, section 803d, or section 803f, is guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both.

(16) A person who commits or attempts to commit a deception or fraud by 1 or more of the following methods is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both:

(a) Using a certificate of identification, windshield placard, or free parking sticker issued under this section or by another state to provide transportation to a disabled person, when the person is not providing transportation to a disabled person.

(b) Altering, modifying, or selling a certificate of identification, windshield placard, or free parking sticker issued under this section or by another state.

(c) Copying or forging a certificate of identification, windshield placard, or free parking sticker described in this section or selling a copied or forged certificate, placard, or sticker described in this section. In the case of a violation of this subdivision, the fine described in this subsection shall be not less than $250.00.

(d) Using a copied or forged certificate of identification, windshield placard, or free parking sticker described in this section.

(e) Making a false statement of material fact to obtain or assist an individual in obtaining a certificate, placard, or sticker described in this section, a special registration plate under section 803d, or a tab for persons with disabilities under section 803f.

(f) Knowingly using or displaying a certificate, placard, or sticker described in this section that has been canceled by the secretary of state.

(17) Except as otherwise provided in this section, a person who violates this section is responsible for a civil infraction.

(18) A certificate of identification issued before October 1, 1994 and containing an expiration date is valid for free parking in a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure when the time for parking indicated on the meter has expired, or in a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, until the expiration date printed on the certificate. The certificate expires and shall be canceled on its expiration date.

(19) A certificate of identification issued before October 1, 1994 that does not contain an expiration date expires and shall be canceled on October 1, 1994.

(20) A certificate of identification shall not be issued or renewed by the secretary of state after October 1, 1994.

(21) The secretary of state may cancel, revoke, or suspend a windshield placard, free parking sticker, or certificate of identification under any of the following circumstances:

(a) The secretary of state determines that a windshield placard, free parking sticker, or certificate of identification was fraudulently or erroneously issued.

(b) The secretary of state determines that a person has made or is making an unlawful use of his or her windshield placard, free parking sticker, or certificate of identification.

(c) The secretary of state determines that a check or draft used to pay the required fee is not paid on its first presentation and is not paid upon reasonable notice or demand or that the required fee is paid by an invalid credit card.

(d) The secretary of state determines that the person is no longer eligible to receive or use a windshield placard, free parking sticker, or certificate of identification.

(e) The secretary of state determines that the owner has committed an offense under this act involving a windshield placard, free parking sticker, or certificate of identification.

(f) A person has violated this act and the secretary of state is authorized under this act to cancel, revoke, or suspend a windshield placard, free parking sticker, or certificate of identification for that violation.

(g) The secretary of state receives notice from another state or foreign country that a windshield placard, free parking sticker, or certificate of identification issued by the secretary of state has been surrendered by the owner or seized in conformity with the laws of that other state or foreign country, or has been improperly used or displayed in violation of the laws of that other state or foreign country.

(22) Before a cancellation, revocation, or suspension under subsection (21), the person affected thereby shall be given notice and an opportunity to be heard.

(23) A windshield placard issued to a disabled person shall bear the disabled person's driver's or chauffeur's license number or the number on his or her official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(24) For purposes of this section only, the secretary of state may accept an application for a windshield placard, special registration plate, or free parking sticker from a disabled person that is signed by a physician or physician assistant licensed to practice in another state if the application is accompanied by a copy of that physician's or physician assistant's current medical license issued by that state.

This act is ordered to take immediate effect.
Approved December 21, 2002.
Filed with Secretary of State December 23, 2002.

[No. 619]

(SB 1436)

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of

health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding sections 22219 and 22224a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

333.22203 Definitions; A to F.

Sec. 22203. (1) "Addition" means adding patient rooms, beds, and ancillary service areas, including, but not limited to, procedure rooms or fixed equipment, surgical operating rooms, therapy rooms or fixed equipment, or other accommodations to a health facility.

(2) "Capital expenditure" means an expenditure for a single project, including cost of construction, engineering, and equipment that under generally accepted accounting principles is not properly chargeable as an expense of operation. Capital expenditure includes a lease or comparable arrangement by or on behalf of a health facility to obtain a health facility, licensed part of a health facility, or equipment for a health facility, if the actual purchase of a health facility, licensed part of a health facility, or equipment for a health facility would have been considered a capital expenditure under this part. Capital expenditure includes the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, addition, conversion, modernization, new construction, or replacement of physical plant and equipment.

(3) "Certificate of need" means a certificate issued under this part authorizing a new health facility, a change in bed capacity, the initiation, replacement, or expansion of a covered clinical service, or a covered capital expenditure that is issued in accordance with this part.

(4) "Certificate of need review standard" or "review standard" means a standard approved by the commission.

(5) "Change in bed capacity" means 1 or more of the following:

(a) An increase in licensed hospital beds.

(b) An increase in licensed nursing home beds or hospital beds certified for long-term care.

(c) An increase in licensed psychiatric beds.

(d) A change from 1 licensed use to a different licensed use.

(e) The physical relocation of beds from a licensed site to another geographic location.

(6) "Clinical" means directly pertaining to the diagnosis, treatment, or rehabilitation of an individual.

(7) "Clinical service area" means an area of a health facility, including related corridors, equipment rooms, ancillary service and support areas that house medical equipment, patient rooms, patient beds, diagnostic, operating, therapy, or treatment rooms or other accommodations related to the diagnosis, treatment, or rehabilitation of individuals receiving services from the health facility.

(8) "Commission" means the certificate of need commission created under section 22211.

(9) "Covered capital expenditure" means a capital expenditure of $2,500,000.00 or more, as adjusted annually by the department under section 22221(g), by a person for a health facility for a single project, excluding the cost of nonfixed medical equipment, that includes or involves the acquisition, improvement, expansion, addition, conversion, modernization, new construction, or replacement of a clinical service area.

(10) "Covered clinical service", except as modified by the commission under section 22215, means 1 or more of the following:

(a) Initiation or expansion of 1 or more of the following services:

(*i*) Neonatal intensive care services or special newborn nursing services.

(*ii*) Open heart surgery.

(*iii*) Extrarenal organ transplantation.

(b) Initiation, replacement, or expansion of 1 or more of the following services:

(*i*) Extracorporeal shock wave lithotripsy.

(*ii*) Megavoltage radiation therapy.

(*iii*) Positron emission tomography.

(*iv*) Surgical services provided in a freestanding surgical outpatient facility, an ambulatory surgery center certified under title XVIII, or a surgical department of a hospital licensed under part 215 and offering inpatient or outpatient surgical services.

(*v*) Cardiac catheterization.

(*vi*) Fixed and mobile magnetic resonance imager services.

(*vii*) Fixed and mobile computerized tomography scanner services.

(*viii*) Air ambulance services.

(c) Initiation or expansion of a specialized psychiatric program for children and adolescent patients utilizing licensed psychiatric beds.

(d) Initiation, replacement, or expansion of a service not listed in this subsection, but designated as a covered clinical service by the commission under section 22215(1)(a).

(11) "Fixed equipment" means equipment that is affixed to and constitutes a structural component of a health facility, including, but not limited to, mechanical or electrical systems, elevators, generators, pumps, boilers, and refrigeration equipment.

333.22205 Definitions; H to M.

Sec. 22205. (1) "Health facility", except as otherwise provided in subsection (2), means:

(a) A hospital licensed under part 215.

(b) A psychiatric hospital or psychiatric unit licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(c) A nursing home licensed under part 217 or a hospital long-term care unit as defined in section 20106(6).

(d) A freestanding surgical outpatient facility licensed under part 208.

(e) A health maintenance organization issued a license or certificate of authority in this state.

(2) "Health facility" does not include the following:

(a) An institution conducted by and for the adherents of a church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing.

(b) A health facility or agency located in a correctional institution.

(c) A veterans facility operated by the state or federal government.

(d) A facility owned and operated by the department of community health.

(3) "Initiate" means the offering of a covered clinical service that has not been offered in compliance with this part or former part 221 on a regular basis at that location within the 12-month period immediately preceding the date the covered clinical service will be offered.

(4) "Medical equipment" means a single equipment component or a related system of components that is used for clinical purposes.

333.22207 Definitions; M to S.

Sec. 22207. (1) "Medicaid" means the program for medical assistance administered by the department of community health under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(2) "Modernization" means an upgrading, alteration, or change in function of a part or all of the physical plant of a health facility. Modernization includes, but is not limited to, the alteration, repair, remodeling, and renovation of an existing building and initial fixed equipment and the replacement of obsolete fixed equipment in an existing building. Modernization of the physical plant does not include normal maintenance and operational expenses.

(3) "New construction" means construction of a health facility where a health facility does not exist or construction replacing or expanding an existing health facility or a part of an existing health facility.

(4) "Person" means a person as defined in section 1106 or a governmental entity.

(5) "Planning area" means the area defined in a certificate of need review standard for determining the need for, and the resource allocation of, a specific health facility, service, or equipment. Planning area includes, but is not limited to, the state, a health facility service area, or a health service area or subarea within the state.

(6) "Proposed project" means a proposal to acquire an existing health facility or begin operation of a new health facility, make a change in bed capacity, initiate, replace, or expand a covered clinical service, or make a covered capital expenditure.

(7) "Rural county" means a county not located in a metropolitan statistical area or micropolitan statistical areas as those terms are defined under the "standards for defining metropolitan and micropolitan statistical areas" by the statistical policy office of the office of information and regulatory affairs of the United States office of management and budget, 65 F.R. p. 82238 (December 27, 2000).

(8) "Stipulation" means a requirement that is germane to the proposed project and has been agreed to by an applicant as a condition of certificate of need approval.

333.22209 Activities requiring certificate of need; exceptions; requirements; acquisition of existing health facility; relocation; "sharing agreement" defined.

Sec. 22209. (1) Except as otherwise provided in this part, a person shall not do any of the following without first obtaining a certificate of need:

(a) Acquire an existing health facility or begin operation of a health facility at a site that is not currently licensed for that type of health facility.

(b) Make a change in the bed capacity of a health facility.

(c) Initiate, replace, or expand a covered clinical service.

(d) Make a covered capital expenditure.

(2) A certificate of need is not required for a reduction in licensed bed capacity or services at a licensed site.

(3) Subject to subsection (9) and if the relocation does not result in an increase of licensed beds within that health service area, a certificate of need is not required for any of the following:

(a) The physical relocation of licensed beds from a hospital site licensed under part 215 to another hospital site licensed under the same license as the hospital seeking to transfer the beds if both hospitals are located within a 2-mile radius of each other.

(b) Subject to subsections (7) and (8), the physical relocation of licensed beds from a hospital licensed under part 215 to a freestanding surgical outpatient facility licensed under part 208 if that freestanding surgical outpatient facility satisfies each of the following criteria on December 2, 2002:

(*i*) Is owned by, is under common control of, or has as a common parent the hospital seeking to relocate its licensed beds.

(*ii*) Was licensed prior to January 1, 2002.

(*iii*) Provides 24-hour emergency care services at that site.

(*iv*) Provides at least 4 different covered clinical services at that site.

(c) Subject to subsections (7) and (8), the physical relocation of licensed beds from a hospital licensed under part 215 to another hospital licensed under part 215 within the same health service area if the hospital receiving the licensed beds is owned by, is under common control of, or has as a common parent the hospital seeking to relocate its licensed beds.

(4) Subject to subsection (5), a hospital licensed under part 215 is not required to obtain a certificate of need to provide 1 or more of the covered clinical services listed in section 22203(10) in a federal veterans health care facility or to use long-term care unit beds or acute care beds that are owned and located in a federal veterans health care facility if the hospital satisfies each of the following criteria:

(a) The hospital has an active affiliation or sharing agreement with the federal veterans health care facility.

(b) The hospital has physicians who have faculty appointments at the federal veterans health care facility or has an affiliation with a medical school that is affiliated with a federal veterans health care facility and has physicians who have faculty appointments at the federal veterans health care facility.

(c) The hospital has an active grant or agreement with the state or federal government to provide 1 or more of the following functions relating to bioterrorism:

(*i*) Education.

(*ii*) Patient care.

(*iii*) Research.

(*iv*) Training.

(5) A hospital that provides 1 or more covered clinical services in a federal veterans health care facility or uses long-term care unit beds or acute care beds located in a federal veterans health care facility under subsection (4) may not utilize procedures performed at

the federal veterans health care facility to demonstrate need or to satisfy a certificate of need review standard unless the covered clinical service provided at the federal veterans health care facility was provided under a certificate of need.

(6) If a hospital licensed under part 215 had fewer than 70 licensed beds on December 1, 2002, that hospital is not required to satisfy the minimum volume requirements under the certificate of need review standards for its existing operating rooms as long as those operating rooms continue to exist at that licensed hospital site.

(7) Before relocating beds under subsection (3)(b), the hospital seeking to relocate its beds shall provide the information requested by the department of consumer and industry services that will allow the department of consumer and industry services to verify the number of licensed beds that were staffed and available for patient care at that hospital as of December 2, 2002. A hospital shall transfer no more than 35% of its licensed beds to another hospital or freestanding surgical outpatient facility under subsection (3)(b) or (c) not more than 1 time after the effective date of the amendatory act that added this subsection if the hospital seeking to relocate its licensed beds or another hospital owned by, under common control of, or having as a common parent the hospital seeking to relocate its licensed beds is located in a city that has a population of 750,000 or more.

(8) The licensed beds relocated under subsection (3)(b) or (c) shall not be included as new beds in a hospital or as a new hospital under the certificate of need review standards for hospital beds. One of every 2 beds transferred under subsection (3)(b) up to a maximum of 100 shall be beds that were staffed and available for patient care as of December 2, 2002. A hospital relocating beds under subsection (3)(b) shall not reactivate licensed beds within that hospital that were unstaffed or unavailable for patient care on December 2, 2002 for a period of 5 years after the date of the relocation of the licensed beds under subsection (3)(b).

(9) No licensed beds shall be physically relocated under subsection (3) if 7 or more members of the commission, after the appointment and confirmation of the 6 additional commission members under section 22211 but before June 15, 2003, determine that relocation of licensed beds under subsection (3) may cause great harm and detriment to the access and delivery of health care to the public and the relocation of beds should not occur without a certificate of need.

(10) An applicant seeking a certificate of need for the acquisition of an existing health facility may file a single, consolidated application for the certificate of need if the project results in the acquisition of an existing health facility but does not result in an increase or relocation of licensed beds or the initiation, expansion, or replacement of a covered clinical service. Except as otherwise provided in this subsection, a person acquiring an existing health facility is subject to the applicable certificate of need review standards in effect on the date of the transfer for the covered clinical services provided by the acquired health facility. The department may except 1 or more of the covered clinical services listed in section 22203(10)(b), except the covered clinical service listed in section 22203(10)(b)(*iv*), from the minimum volume requirements in the applicable certificate of need review standards in effect on the date of the transfer, if the equipment used in the covered clinical service is unable to meet the minimum volume requirements due to the technological incapacity of the equipment. A covered clinical service excepted by the department under this subsection is subject to all the other provisions in the applicable certificate of need review standards in effect on the date of the transfer, except minimum volume requirements.

(11) An applicant seeking a certificate of need for the relocation or replacement of an existing health facility may file a single, consolidated application for the certificate of need if the project does not result in an increase of licensed beds or the initiation, expansion, or

replacement of a covered clinical service. A person relocating or replacing an existing health facility is subject to the applicable certificate of need review standards in effect on the date of the relocation or replacement of the health facility.

(12) As used in this section, "sharing agreement" means a written agreement between a federal veterans health care facility and a hospital licensed under part 215 for the use of the federal veterans health care facility's beds or equipment, or both, to provide covered clinical services.

333.22211 Certificate of need commission; creation; appointment, qualifications, and terms of members; vacancy; laws to which commission members subject.

Sec. 22211. (1) The certificate of need commission is created in the department. The commission shall consist of 11 members appointed by the governor with the advice and consent of the senate. The governor shall not appoint more than 6 members from the same major political party and shall appoint 5 members from another major political party. The members constituting the commission on the day before the effective date of the amendatory act that added subdivision (a) shall serve on the commission for the remainder of their terms. On the expiration of the term of each member constituting the commission on the day before the effective date of the amendatory act that added subdivision (a), the governor shall appoint a successor as required under this section in accordance with subdivisions (f), (g), (h), (i), and (j) and in that order. Of the additional members, the governor, within 30 days after the effective date of the amendatory act that added subdivision (a), shall appoint 6 additional members to the commission as required under subdivisions (a), (b), (c), (d), and (e). The commission shall consist of the following 11 members:

(a) Two individuals representing hospitals.

(b) One individual representing physicians licensed under part 170 to engage in the practice of medicine.

(c) One individual representing physicians licensed under part 175 to engage in the practice of osteopathic medicine and surgery.

(d) One individual who is a physician licensed under part 170 or 175 representing a school of medicine or osteopathic medicine.

(e) One individual representing nursing homes.

(f) One individual representing nurses.

(g) One individual representing a company that is self-insured for health coverage.

(h) One individual representing a company that is not self-insured for health coverage.

(i) One individual representing a nonprofit health care corporation operating pursuant to the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1703.

(j) One individual representing organized labor unions in this state.

(2) In making appointments, the governor shall, to the extent feasible, assure that the membership of the commission is broadly representative of the interests of all of the people of this state and of the various geographic regions.

(3) A member of the commission shall serve for a term of 3 years or until a successor is appointed. Of the 6 members appointed within 30 days after the effective date of the amendatory act that added subsection (1)(a), 2 of the members shall be appointed for a term of 1 year, 2 of the members shall be appointed for a term of 2 years, and 2 of the members shall be appointed for a term of 3 years. A vacancy on the commission shall be

filled for the remainder of the unexpired term in the same manner as the original appointment.

(4) Commission members are subject to the following:

(a) 1968 PA 317, MCL 15.321 to 15.330.

(b) 1973 PA 196, MCL 15.341 to 15.348.

(c) 1978 PA 472, MCL 4.411 to 4.431.

333.22213 Commission; bylaws; removal of member; election of chairperson and vice-chairperson; meetings; quorum; final action; compensation and expenses; duties of department; professional employees.

Sec. 22213. (1) The commission shall, within 2 months after appointment and confirmation of all members, adopt bylaws for the operation of the commission. The bylaws shall include, at a minimum, voting procedures that protect against conflict of interest and minimum requirements for attendance at meetings.

(2) The governor may remove a commission member from office for failure to attend 3 consecutive meetings in a 1-year period.

(3) The commission annually shall elect a chairperson and vice-chairperson.

(4) The commission shall hold regular quarterly meetings at places and on dates fixed by the commission. Special meetings may be called by the chairperson, by not less than 3 commission members, or by the department.

(5) A majority of the commission members appointed and serving constitutes a quorum. Final action by the commission shall be only by affirmative vote of a majority of the commission members appointed and serving. A commission member shall not vote by proxy.

(6) The legislature annually shall fix the per diem compensation of members of the commission. Expenses of members incurred in the performance of official duties shall be reimbursed as provided in section 1216.

(7) The department shall furnish administrative services to the commission, shall have charge of the commission's offices, records, and accounts, and shall provide at least 2 full-time administrative employees, secretarial staff, and other staff necessary to allow the proper exercise of the powers and duties of the commission. The department shall make available the times and places of commission meetings and keep minutes of the meetings and a record of the actions of the commission. The department shall make available a brief summary of the actions taken by the commission.

(8) The department shall assign at least 2 full-time professional employees to staff the commission to assist the commission in the performance of its substantive responsibilities under this part.

333.22215 Duties of commission; purpose; public hearing before final action; submission of proposed final action to joint committee; approval or disapproval; review standards; revision of fees.

Sec. 22215. (1) The commission shall do all of the following:

(a) If determined necessary by the commission, revise, add to, or delete 1 or more of the covered clinical services listed in section 22203. If the commission proposes to add to the covered clinical services listed in section 22203, the commission shall develop proposed review standards and make the review standards available to the public not less than 30 days before conducting a hearing under subsection (3).

(b) Develop, approve, disapprove, or revise certificate of need review standards that establish for purposes of section 22225 the need, if any, for the initiation, replacement, or expansion of covered clinical services, the acquisition or beginning the operation of a health facility, making changes in bed capacity, or making covered capital expenditures, including conditions, standards, assurances, or information that must be met, demonstrated, or provided by a person who applies for a certificate of need. A certificate of need review standard may also establish ongoing quality assurance requirements including any or all of the requirements specified in section 22225(2)(c). Except for nursing home and hospital long-term care unit bed review standards, by January 1, 2004, the commission shall revise all certificate of need review standards to include a requirement that each applicant participate in title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6 and 1396r-8 to 1396v.

(c) Direct the department to prepare and submit recommendations regarding commission duties and functions that are of interest to the commission including, but not limited to, specific modifications of proposed actions considered under this section.

(d) Approve, disapprove, or revise proposed criteria for determining health facility viability under section 22225.

(e) Annually assess the operations and effectiveness of the certificate of need program based on periodic reports from the department and other information available to the commission.

(f) By January 1, 2005, and every 2 years thereafter, make recommendations to the joint committee regarding statutory changes to improve or eliminate the certificate of need program.

(g) Upon submission by the department approve, disapprove, or revise standards to be used by the department in designating a regional certificate of need review agency, pursuant to section 22226.

(h) Develop, approve, disapprove, or revise certificate of need review standards governing the acquisition of new technology.

(i) In accordance with section 22255, approve, disapprove, or revise proposed procedural rules for the certificate of need program.

(j) Consider the recommendations of the department and the department of attorney general as to the administrative feasibility and legality of proposed actions under subdivisions (a), (b), and (c).

(k) Consider the impact of a proposed restriction on the acquisition of or availability of covered clinical services on the quality, availability, and cost of health services in this state.

(*l*) If the commission determines it necessary, appoint standard advisory committees to assist in the development of proposed certificate of need review standards. A standard advisory committee shall complete its duties under this subdivision and submit its recommendations to the commission within 6 months unless a shorter period of time is specified by the commission when the standard advisory committee is appointed. An individual shall serve on no more than 2 standard advisory committees in any 2-year period. The composition of a standard advisory committee shall not include a lobbyist registered under 1978 PA 472, MCL 4.411 to 4.431, but shall include all of the following:

(*i*) Experts with professional competence in the subject matter of the proposed standard, who shall constitute a 2/3 majority of the standard advisory committee.

(*ii*) Representatives of health care provider organizations concerned with licensed health facilities or licensed health professions.

(*iii*) Representatives of organizations concerned with health care consumers and the purchasers and payers of health care services.

(m) In addition to subdivision (b), review and, if necessary, revise each set of certificate of need review standards at least every 3 years.

(n) If a standard advisory committee is not appointed by the commission and the commission determines it necessary, submit a request to the department to engage the services of private consultants or request the department to contract with any private organization for professional and technical assistance and advice or other services to assist the commission in carrying out its duties and functions under this part.

(o) Within 6 months after the appointment and confirmation of the 6 additional commission members under section 22211, develop, approve, or revise certificate of need review standards governing the increase of licensed beds in a hospital licensed under part 215, the physical relocation of hospital beds from 1 licensed site to another geographic location, and the replacement of beds in a hospital licensed under part 215.

(2) The commission shall exercise its duties under this part to promote and assure all of the following:

(a) The availability and accessibility of quality health services at a reasonable cost and within a reasonable geographic proximity for all people in this state.

(b) Appropriate differential consideration of the health care needs of residents in rural counties in ways that do not compromise the quality and affordability of health care services for those residents.

(3) Not less than 30 days before final action is taken by the commission under subsection (1)(a), (b), (d), (h), or (o), the commission shall conduct a public hearing on its proposed action. In addition, not less than 30 days before final action is taken by the commission under subsection (1)(a), (b), (d), (h), or (o), the commission chairperson shall submit the proposed action and a concise summary of the expected impact of the proposed action for comment to each member of the joint committee. The commission shall inform the joint committee of the date, time, and location of the next meeting regarding the proposed action. The joint committee shall promptly review the proposed action and submit its recommendations and concerns to the commission.

(4) The commission chairperson shall submit the proposed final action including a concise summary of the expected impact of the proposed final action to the governor and each member of the joint committee. The governor or the legislature may disapprove the proposed final action within 45 days after the date of submission. If the proposed final action is not submitted on a legislative session day, the 45 days commence on the first legislative session day after the proposed final action is submitted. The 45 days shall include not less than 9 legislative session days. Legislative disapproval shall be expressed by concurrent resolution which shall be adopted by each house of the legislature. The concurrent resolution shall state specific objections to the proposed final action. A proposed final action by the commission under subsection (1)(a), (b), (d), (h), or (o) is not effective if it has been disapproved under this subsection. If the proposed final action is not disapproved under this subsection, it is effective and binding on all persons affected by this part upon the expiration of the 45-day period or on a later date specified in the proposed final action. As used in this subsection, "legislative session day" means each day in which a quorum of either the house of representatives or the senate, following a call to order, officially convenes in Lansing to conduct legislative business.

(5) The commission shall not develop, approve, or revise a certificate of need review standard that requires the payment of money or goods or the provision of services

unrelated to the proposed project as a condition that must be satisfied by a person seeking a certificate of need for the initiation, replacement, or expansion of covered clinical services, the acquisition or beginning the operation of a health facility, making changes in bed capacity, or making covered capital expenditures. This subsection does not preclude a requirement that each applicant participate in title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6 and 1396r-8 to 1396v, or a requirement that each applicant provide covered clinical services to all patients regardless of his or her ability to pay.

(6) If the reports received under section 22221(f) indicate that the certificate of need application fees collected under section 20161 have not been within 10% of 3/4 the cost to the department of implementing this part, the commission shall make recommendations regarding the revision of those fees so that the certificate of need application fees collected equal approximately 3/4 of the cost to the department of implementing this part.

(7) As used in this section, "joint committee" means the joint committee created under section 22219.

333.22219 Joint legislative committee.

Sec. 22219. (1) A joint legislative committee to focus on proposed actions of the commission regarding the certificate of need program and certificate of need standards and to review other certificate of need issues is created. The joint committee shall consist of 6 members as follows:

(a) The chairperson of the senate committee on health policy.

(b) The vice-chairperson of the senate committee on health policy.

(c) The minority vice-chairperson of the senate committee on health policy.

(d) The chairperson of the house of representatives committee on health policy.

(e) The vice-chairperson of the house of representatives committee on health policy.

(f) The minority vice-chairperson of the house of representatives committee on health policy.

(2) The joint committee shall be co-chaired by the chairperson of the senate committee on health policy and the chairperson of the house committee on health policy.

(3) The joint committee may administer oaths, subpoena witnesses, and examine the application, documentation, or other reports and papers of an applicant or any other person involved in a matter properly before the committee.

(4) The joint committee shall review the recommendations made by the commission under section 22215(6) regarding the revision of the certificate of need application fees and submit a written report to the legislature outlining the costs to the department to implement the program, the amount of fees collected, and its recommendation regarding the revision of those fees.

(5) The joint committee may develop a plan for the revision of the certificate of need program. If a plan is developed by the joint committee, the joint committee shall recommend to the legislature the appropriate statutory changes to implement the plan.

333.22221 Duties of department generally.

Sec. 22221. The department shall do all of the following:

(a) Subject to approval by the commission, promulgate rules to implement its powers and duties under this part.

(b) Report to the commission at least annually on the performance of the department's duties under this part.

(c) Develop proposed certificate of need review standards for submission to the commission.

(d) Administer and apply certificate of need review standards. In the review of certificate of need applications, the department shall consider relevant written communications from any person.

(e) Designate adequate staff or other resources to directly assist hospitals and nursing homes with less than 100 beds in the preparation of applications for certificates of need.

(f) By October 1, 2003, and annually thereafter, report to the commission regarding the costs to the department of implementing this part and the certificate of need application fees collected under section 20161 in the immediately preceding state fiscal year.

(g) Beginning January 1, 2003, annually adjust the $2,500,000.00 threshold set forth in section 22203(9) by an amount determined by the state treasurer to reflect the annual percentage change in the consumer price index, using data from the immediately preceding period of July 1 to June 30. As used in this subdivision, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

(h) Annually review the application process, including all forms, reports, and other materials that are required to be submitted with the application. If needed to promote administrative efficiency, revise the forms, reports, and any other materials required with the application.

(i) Within 6 months after the effective date of the amendatory act that added this subdivision, create a consolidated application for a certificate of need for the relocation or replacement of an existing health facility.

(j) In consultation with the commission, define single project as it applies to capital expenditures.

333.22224a Magnetic resonance image units.

Sec. 22224a. (1) A person seeking to initiate, expand, replace, relocate, or acquire a fixed or mobile magnetic resonance imager service within a county that has a population of more than 160,000 but does not have at least 2 magnetic resonance imager units may file a letter of intent with the department prior to the initiation, expansion, replacement, relocation, or acquisition of a fixed or mobile magnetic resonance imager unit within that county instead of obtaining a certificate of need.

(2) Within 30 days after receiving the letter of intent, if the department verifies that the county has a population of more than 160,000 and that the county does not already have 2 magnetic resonance imager units, the department shall send a written acknowledgment to the person approving the initiation, expansion, replacement, relocation, or acquisition of a fixed or mobile magnetic resonance imager unit.

(3) A person shall not initiate, expand, replace, relocate, or acquire a fixed or mobile magnetic resonance imager unit under this section without a certificate of need unless that person receives a written acknowledgment of approval from the department under subsection (2).

(4) A person seeking to initiate, expand, replace, relocate, or acquire a fixed or mobile magnetic resonance imager service under this section shall be a nonprofit organization and shall demonstrate that the service shall be accessible to all patients regardless of his or her ability to pay and shall participate in title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r-8 to 1396v.

333.22226 Regional certificate of need review agency; standards; designation of person for specific review area; requirements; duration and termination of agency; local certificate of need review agency; application or other information; review; recommendations; decision; convening consumers, providers, purchasers, or payers of health care; public hearing; meetings; "review area" defined.

Sec. 22226. (1) The commission shall develop standards for the designation by the department of a regional certificate of need review agency for each review area to develop advisory recommendations for proposed projects. The standards shall be based on the requirements for a regional certificate of review agency set forth in subsection (3).

(2) The department, with the concurrence of the commission, shall designate a person to be a regional certificate of need review agency for a specific review area, according to procedures approved by the commission, if the person meets the standards approved under subsection (1), and if a regional certificate of need review agency has not already been designated for that specific review area.

(3) A regional certificate of need review agency shall meet all of the following requirements:

(a) Be an independent nonprofit organization that is not a subsidiary of, or otherwise controlled by, any other person.

(b) Be governed by a board that is broadly representative of consumers, providers, payers, and purchasers of health care in the review area, with a majority of the board being consumers, payers, and purchasers of health care.

(c) Demonstrate a willingness and ability to conduct reviews of all proposed projects requiring a certificate of need that would be located within the review area served by the regional certificate of need review agency.

(d) Avoid conflict of interest in its review of all applications for a certificate of need.

(e) Provide data to the department to enable the department to evaluate the regional certificate of need review agency's performance. The data provided under this subdivision shall be reviewed at periodic meetings between the department and the regional certificate of need review agency.

(f) Not receive more than a designated proportion of its financial support from health facilities and health professionals, as determined by the commission.

(g) Meet other requirements established by the commission that are relevant to the functions of a regional certificate of need review agency, under this part.

(4) The designation of a regional certificate of need review agency shall be operative for a period of time approved by the commission, but not for more than 24 months. The designation of a regional certificate of need review agency may be terminated by the department with the concurrence of the commission at any time for noncompliance with the standards approved under subsection (1). In addition, the designation may be terminated by the regional certificate of need review agency upon the expiration of 60 days after the department receives written notice of the termination.

(5) A local certificate of need review agency that was designated pursuant to a designation agreement authorized under former section 22124 and effective on October 1, 1988 is designated as the regional certificate of need review agency for its review area until the expiration of 1 year after the date of final approval of the standards developed under subsection (1), unless the designation is terminated by either the department under subsection (4) or the regional certificate of need review agency before that time.

(6) A person applying for a certificate of need under this part shall simultaneously provide a copy of any letter of intent, application, or additional information required by the department to the regional certificate of need review agency designated by the department for the review area in which the proposed project would be located, unless the regional certificate of need review agency determines that it will not review the application or other information, and notifies both the applicant and the department in writing of its determination. The regional certificate of need review agency may review the application and submit its recommendations to the department. If the regional certificate of need review agency determines that it will not review the application, then the regional certificate of need review agency shall notify both the applicant and the department in writing of its determination. In developing its recommendations, the regional certificate of need review agency shall utilize the review procedures and time frames specified for regional certificate of need review agencies in the rules continued or promulgated under this part, and shall also utilize certificate of need review standards, statutory criteria, and forms identical to those used by the department.

(7) Before developing a proposed decision on an application, the department shall review the recommendations of the regional certificate of need review agency for the review area in which the proposed project would be located, if the recommendations are submitted to the department within the time frames required under subsection (6). If the director makes a final decision that is inconsistent with the recommendations of the regional certificate of need review agency, the department shall promptly provide the regional certificate of need review agency with a detailed statement of the reasons for the director's decision. The statement shall address each instance in which the director's decision is inconsistent with the recommendation of the regional certificate of need review agency regarding a specific certificate of need review standard or criterion.

(8) A regional certificate of need review agency may convene consumers, providers, purchasers, or payers of health care, or representatives of all of those groups, related to activities in its review area for the purpose of achieving the objectives of this part.

(9) Before developing a recommendation on a certificate of need application, a regional certificate of need review agency shall hold a public hearing on the proposed project. If the department determines that local interest merits a public hearing and a regional certificate of need review agency has not been designated for the review area in which the proposed project will be located, then the department shall hold a public hearing on the proposed project.

(10) A regional certificate of need review agency shall conduct all meetings regarding its activities for the purpose of achieving the objectives of this part in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(11) As used in this section, "review area" means a geographic area established for a health systems agency pursuant to former section 1511 of the public health service act, or a geographic area otherwise established by the commission for a regional certificate of need review agency.

333.22230 Participation in medicaid program as distinct criterion.

Sec. 22230. In evaluating applications for a health facility as defined under section 22205(1)(c) in a comparative review, the department shall include participation in title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r-6 and 1396r-8 to 1396v, as a distinct criterion, weighted as very important, and determine the degree to which an application meets this criterion based on the extent of participation in the medicaid program.

333.22231 Decision to grant or deny application for certificate of need; conditions; single decision for all applications; proposed decision; final decision; notice of reversal; hearing; judicial review; effect of exceeding time frames.

Sec. 22231. (1) The decision to grant or deny an application for a certificate of need shall be made by the director. A decision shall be proposed to the director by a bureau within the department designated by the director as responsible for the certificate of need program. A decision shall be in writing and shall indicate 1 of the following:

(a) Approval of the application.

(b) Disapproval of the application.

(c) Subject to subsection (2), approval of the application with conditions.

(d) If agreed to by the department and the applicant, approval of the application with stipulations.

(2) If an application is approved with conditions under subsection (1)(c), the conditions shall be explicit, shall be related to the proposed project or to the applicable provisions of this part, and shall specify a time, not to exceed 1 year after the date the decision is rendered, within which the conditions shall be met.

(3) If the department is conducting a comparative review, the director shall issue only 1 decision for all of the applications included in the comparative review.

(4) Before a final decision on an application is made, the bureau of the department designated by the director as responsible for the certificate of need program shall issue a proposed decision with specific findings of fact in support of the proposed decision with regard to each of the criteria listed in section 22225. The proposed decision also shall state with specificity the reasons and authority of the department for the proposed decision. The department shall transmit a copy of the proposed decision to the applicant.

(5) The proposed decision shall be submitted to the director on the same day the proposed decision is issued.

(6) If the proposed decision is other than an approval without conditions or stipulations, the director shall issue a final decision not later than 60 days after the date a proposed decision is submitted to the director unless the applicant has filed a request for a hearing on the proposed decision. If the proposed decision is an approval, the director shall issue a final decision not later than 5 days after the proposed decision is submitted to the director.

(7) The director shall review the proposed decision before a final decision is rendered.

(8) If a proposed decision is an approval, and if, upon review, the director reverses the proposed decision, the director immediately shall notify the applicant of the reversal. Within 15 days after receipt of the notice of reversal, the applicant may request a hearing under section 22232. After the hearing, the applicant may request the director to reconsider the reversal of the proposed decision, based on the results of the hearing.

(9) Within 30 days after the final decision of the director, the final decision of the director may be appealed only by the applicant and only on the record directly to the circuit court for the county where the applicant has its principal place of business in this state or the circuit court for Ingham county. Judicial review is governed by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(10) If the department exceeds the time set forth in this section for other than good cause, as determined by the commission, upon the written request of an applicant, the department shall return to the applicant all of the certificate of need application fee paid by the applicant under section 20161.

333.22235 Waiver of law and procedural requirements and criteria for review; affidavit; emergency certificate of need.

Sec. 22235. (1) The department may waive otherwise applicable provisions of this part and procedural requirements and criteria for review upon a showing by the applicant, by affidavit, of all of the following:

(a) The necessity for immediate or temporary relief due to natural disaster, fire, unforeseen safety consideration, or other emergency circumstances.

(b) The serious adverse effect of delay on the applicant and the community that would be occasioned by compliance with the otherwise applicable requirements of this part and rules promulgated under this part.

(c) The lack of substantial change in facilities or services that existed before the emergency circumstances established under subdivision (a).

(d) The temporary nature of the construction of facilities or the services that will not preclude different disposition of longer term determinations in a subsequent application for a certificate of need not made under this section.

(2) The department may issue an emergency certificate of need after necessary and appropriate review. A record of the review shall be made, including copies of affidavits and other documentation. Findings and conclusions shall be made as to an application for an emergency certificate of need, whether the emergency certificate of need is issued or denied.

(3) An emergency certificate of need issued under this section is a final decision and the applicant is not required to submit a formal application for a second review. A certificate of need issued under this section may be subject to special limitations and restrictions, in regard to duration and right of extension or renewal and other factors, imposed by the department.

333.22239 Stipulation.

Sec. 22239. (1) If the certificate of need approval was based on a stipulation that the project would participate in title XIX and the project has not participated in title XIX for at least 12 consecutive months within the first 2 years of operation or continued to participate annually thereafter, the department shall revoke the certificate of need. A stipulation described in this section is germane to all health facility projects.

(2) The department shall monitor the participation in title XIX of each certificate of need applicant approved under this part. Except as otherwise provided in subsection (3), the department shall require each applicant to provide verification of participation in title XIX with its application and annually thereafter.

(3) The department shall not revoke or deny a certificate of need for a nursing home licensed under part 217 if that nursing home does not participate in title XIX on the effective date of the amendatory act that added this subsection but agrees to participate in title XIX if beds become available. This section does not prohibit a person from applying for and obtaining a certificate of need to acquire or begin operation of a nursing home that does not participate in title XIX.

333.22241 "New technology" defined; new technology review period; conditions to acquisition of new technology before end of review period; appointment, composition, and purpose of standing new medical technology advisory committee.

Sec. 22241. (1) For purposes of this section and section 22243, "new technology" means medical equipment that requires, but has not yet been granted, the approval of the federal food and drug administration for commercial use.

(2) The period ending 12 months after the date of federal food and drug administration approval of new technology for commercial use shall be considered the new technology review period. A person shall not acquire new technology before the end of a new technology review period, unless 1 of the following occurs:

(a) The department, with the concurrence of the commission, issues a public notice that the new technology will not be added to the list of covered medical equipment during the new technology review period. The notice may apply to specific new technology or classes of new technology.

(b) The person complies with the requirements of section 22243.

(c) The commission approves the addition of the new technology to the list of covered medical equipment, and the person obtains a certificate of need for that covered medical equipment.

(3) To assist in the identification of new medical technology or new medical services that may be appropriate for inclusion as a covered clinical service in the earliest possible stage of its development, the commission shall appoint a standing new medical technology advisory committee. A majority of the new medical technology advisory committee shall be representatives of health care provider organizations concerned with licensed health facilities or licensed health professions and other persons knowledgeable in medical technology. The commission also shall appoint representatives of health care consumer, purchaser, and third party payer organizations to the committee. The commission shall also appoint faculty members from schools of medicine, osteopathy, and nursing in this state.

333.22247 Monitoring compliance with certificates of need; investigating allegations of noncompliance; violation; sanctions; refund of charges.

Sec. 22247. (1) The department shall monitor compliance with all certificates of need issued under this part and shall investigate allegations of noncompliance with a certificate of need or this part.

(2) If the department determines that the recipient of a certificate of need under this part is not in compliance with the terms of the certificate of need or that a person is in violation of this part or the rules promulgated under this part, the department shall do 1 or more of the following:

(a) Revoke or suspend the certificate of need.

(b) Impose a civil fine of not more than the amount of the billings for the services provided in violation of this part.

(c) Take any action authorized under this article for a violation of this article or a rule promulgated under this article, including, but not limited to, issuance of a compliance order under section 20162(5), whether or not the person is licensed under this article.

(d) Request enforcement action under section 22253.

(e) Take any other enforcement action authorized by this code.

(f) Publicize or report the violation or enforcement action, or both, to any person.

(g) Take any other action as determined appropriate by the department.

(3) A person shall not charge to, or collect from, another person or otherwise recover costs for services provided or for equipment or facilities that are acquired in violation of this part. If a person has violated this subsection, in addition to the sanctions provided under subsection (2), the person shall, upon request of the person from whom the charges were collected, refund those charges, either directly or through a credit on a subsequent bill.

333.22255 Procedural rules.

Sec. 22255. The department, with the approval of the commission, may promulgate procedural rules to implement this part.

333.22260 Reports of reviews; preparation and publication; statements; recommendations; public examination of applications and written materials on file; providing copies.

Sec. 22260. (1) The department shall prepare and publish monthly reports of reviews conducted under this part. The reports shall include a statement on the status of each pending review and a statement as to each review completed, including statements of the findings and decisions made in the course of the reviews since the last report, and the recommendations of regional certificate of need review agencies.

(2) The department shall make available to the public for examination during all business hours the applications received by them and pertinent written materials on file.

(3) The department, upon request, shall provide copies of an application or part of an application. The department may charge a reasonable fee for the copies.

Repeal of § 333.22217.

Enacting section 1. Section 22217 of the public health code, 1978 PA 368, MCL 333.22217, is repealed.

Approved December 21, 2002.
Filed with Secretary of State December 23, 2002.

[No. 620]

(SB 914)

AN ACT to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture 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 with property delinquent for taxes; 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 acts and parts of acts," by amending sections 2, 7u, 8, 14, 24, 24c, 34c, 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.2, 211.7u, 211.8, 211.14, 211.24, 211.24c, 211.34c, 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and

211.144), sections 2, 8, 14, and 34c as amended by 2000 PA 415, section 7u as amended by 1994 PA 390, section 24 as amended by 1994 PA 415, and section 24c as amended by 1996 PA 476.

The People of the State of Michigan enact:

211.2 Real property; definition; determination of taxable status; acquisition for public purposes by purchase or condemnation; responsibilities of parties in real estate transaction; "levy date" defined.

Sec. 2. (1) For the purpose of taxation, real property includes all of the following:

(a) All land within this state, all buildings and fixtures on the land, and all appurtenances to the land, except as expressly exempted by law.

(b) All real property owned by this state or purchased or condemned for public highway purposes by any board, officer, commission, or department of this state and sold on land contract, notwithstanding the fact that the deed has not been executed transferring title.

(c) For taxes levied after December 31, 2002, buildings and improvements located upon leased real property, except buildings and improvements exempt under section 9f or improvements assessable under section 8(h), if the value of the buildings or improvements is not otherwise included in the assessment of the real property. However, buildings and improvements located on leased real property shall not be treated as real property unless they would be treated as real property if they were located on real property owned by the taxpayer.

(2) The taxable status of persons and real and personal property for a tax year shall be determined as of each December 31 of the immediately preceding year, which is considered the tax day, any provisions in the charter of any city or village to the contrary notwithstanding. An assessing officer is not restricted to any particular period in the preparation of the assessment roll but may survey, examine, or review property at any time before or after the tax day.

(3) Notwithstanding a provision to the contrary in any law, if real property is acquired for public purposes by purchase or condemnation, all general property taxes, but not penalties, levied during the 12 months immediately preceding, but not including, the day title passes to the public agency shall be prorated in accordance with this subsection. The seller or condemnee is responsible for the portion of taxes from the levy date or dates to, but not including, the day title passes and the public agency is responsible for the remainder of the taxes. If the date that title will pass cannot be ascertained definitely and an agreement in advance to prorate taxes is desirable, an estimated date for the passage of title may be agreed to. In the absence of an agreement, the public agency shall compute the proration of taxes as of the date title passes. The question of proration of taxes shall not be considered in any condemnation proceeding. As used in this subsection, "levy date" means the day on which general property taxes become due and payable. In addition to the portion of taxes for which the public agency is responsible under the provisions of this subsection, the public agency is also responsible for all general property taxes levied on or after the date title passes and before the property is removed from the tax rolls.

(4) In a real estate transaction between private parties in the absence of an agreement to the contrary, the seller is responsible for that portion of the annual taxes levied during the 12 months immediately preceding, but not including, the day title passes, from the levy date or dates to, but not including, the day title passes and the buyer is responsible for the remainder of the annual taxes. As used in this subsection, "levy date" means the day on which a general property tax becomes due and payable.

211.7u Homestead of persons in poverty; exemption from taxation; applicability of section to property of corporation; eligibility for exemption; application; policy and guidelines to be used by local assessing unit; duties of board of review; appeal of property assessment; "homestead" defined.

Sec. 7u. (1) The homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a homestead the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns, filed in the immediately preceding year or in the current year. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of section 673 of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(3) The application for an exemption under this section shall be filed after January 1 but before the day prior to the last day of the board of review.

(4) The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines the local assessing unit uses for the granting of exemptions under this section. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and total household income and assets.

(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

(6) A person who files a claim under this section is not prohibited from also appealing the assessment on the property for which that claim is made before the board of review in the same year.

(7) As used in this section, "homestead" means homestead or qualified agricultural property as those terms are defined in section 7dd.

211.8 Personal property; scope.

Sec. 8. For the purposes of taxation, personal property includes all of the following:

(a) All goods, chattels, and effects within this state.

(b) All goods, chattels, and effects belonging to inhabitants of this state, located without this state, except that property actually and permanently invested in business in another state shall not be included.

(c) All interests owned by individuals in real property, the fee title to which is in this state or the United States, except as otherwise provided in this act.

(d) For taxes levied before January 1, 2003, buildings and improvements located upon leased real property, except if the value of the real property is also assessed to the lessee or owner of those buildings and improvements. For taxes levied after December 31, 2002, buildings and improvements located upon leased real property, except buildings and improvements exempt under section 9f or improvements assessable under section 8(h), shall be assessed as real property under section 2 to the owner of the buildings or improvements in the local tax collecting unit in which the buildings or improvements are located if the value of the buildings or improvements is not otherwise included in the assessment of the real property. For taxes levied after December 31, 2001, buildings and improvements exempt under section 9f or improvements assessable under section 8(h) and located on leased real property shall be assessed as personal property.

(e) Tombs or vaults built within any burial grounds and kept for hire or rent, in whole or in part, and the stock of a corporation or association owning the tombs, vaults, or burial grounds.

(f) All other personal property not enumerated in this section and not especially exempted by law.

(g) The personal property of gas and coke companies, natural gas companies, electric light companies, waterworks companies, hydraulic companies, and pipe line companies transporting oil or gas as public or common carriers, to be assessed in the local tax collecting unit in which the personal property is located. The mains, pipes, supports, and wires of these companies, including the supports and wire or other line used for communication purposes in the operation of those facilities, and the rights of way and the easements or other interests in real property by virtue of which the mains, pipes, supports, and wires are erected and maintained, shall be assessed as personal property in the local tax collecting unit where laid, placed, or located. Interests in underground rock strata used for gas storage purposes, whether by lease or ownership separate from the surface of real property, shall be separately valued and assessed as personal property in the local tax collecting unit in which it is located to the person who holds the interest. Interests in underground rock strata shall be reported as personal property to the appropriate assessing officer for all property descriptions included in the storage field in the local tax collecting unit and a separate valuation shall be assessed for each school district. The personal property of street railroad, plank road, cable or electric railroad or transportation companies, bridge companies, and all other companies not required to pay a specific tax to this state in lieu of all other taxes, shall, except as otherwise provided in this section, be assessed in the local tax collecting unit in which the property is located, used, or laid, and the track, road, or bridge of a company is considered personal property. None of the property assessable as personal property under this subdivision shall be affected by any assessment or tax levied on the real property through or over which the personal property is laid, placed, or located, nor shall any right of way, easement, or other interest in real property, assessable as personal property under this subdivision, be extinguished or otherwise affected in case the real property subject to assessment is sold in the exercise of the taxing power.

(h) During the tenancy of a lessee, leasehold improvements and structures installed and constructed on real property by the lessee, provided and to the extent the improvements

or structures add to the true cash taxable value of the real property notwithstanding that the real property is encumbered by a lease agreement, and the value added by the improvements or structures is not otherwise included in the assessment of the real property or not otherwise assessable under subdivision (j). The cost of leasehold improvements and structures on real property shall not be the sole indicator of value. Leasehold improvements and structures assessed under this subdivision shall be assessed to the lessee.

(i) A leasehold estate received by a sublessor from which the sublessor receives net rentals in excess of net rentals required to be paid by the sublessor except to the extent that the excess rentals are attributable to the installation and construction of improvements and structures assessed under subdivision (h) or (j) or included in the assessment of the real property. For purposes of this act, a leasehold estate is considered to be owned by the lessee receiving additional net rentals. A lessee in possession is required to provide the assessor with the name and address of its lessor. Taxes collected under this act on leasehold estates shall become a lien against the rentals paid by the sublessee to the sublessor.

(j) To the extent not assessed as real property, a leasehold estate of a lessee created by the difference between the income that would be received by the lessor from the lessee on the basis of the present economic income of the property as defined and allowed by section 27(4), minus the actual value to the lessor under the lease. This subdivision does not apply to property if subject to a lease entered into before January 1, 1984 for which the terms of the lease governing the rental rate or the tax liability have not been renegotiated after December 31, 1983. This subdivision does not apply to a nonprofit housing cooperative. As used in this subdivision, "nonprofit cooperative housing corporation" means a nonprofit cooperative housing corporation that is engaged in providing housing services to its stockholders and members and that does not pay dividends or interest upon stock or membership investment but that does distribute all earnings to its stockholders or members.

(k) For taxes levied after December 31, 2002, a trade fixture.

211.14 Personal property; taxable situs.

Sec. 14. (1) All goods and chattels located in a local tax collecting unit other than that in which the owner of the goods or chattels resides shall be assessed in the local tax collecting unit in which the goods or chattels are located.

(2) All animals kept throughout the year in a local tax collecting unit other than that in which the owner of the animals resides shall be assessed to the owner or the person in possession of the animals in the local tax collecting unit in which the animals are kept.

(3) The tangible personal property of minors under guardianship shall be assessed to the guardian in the local tax collecting unit in which the guardian resides, and the personal property of any other person under guardianship shall be assessed to the guardian in the local tax collecting unit in which the ward resides.

(4) Tangible personal property belonging to the estate of a deceased person, in the hands of the executors, administrators, or trustees appointed under the last will and testament of the deceased person, or by order of any court of competent jurisdiction, shall be assessed to the executors, administrators, or trustees in the local tax collecting unit and in the school district in which the deceased person resided, until the executors, administrators, or trustees give notice to the appropriate assessing officer that the estate has been distributed. If the deceased person was a nonresident of this state, the property

shall be assessed in the local tax collecting unit in which it is located, to the executors, administrators, or trustees or to the person in possession of the property.

(5) Tangible personal property under the control of a trustee or agent, whether a corporation or a natural person, may be assessed to the trustee or agent in the local tax collecting unit in which the trustee or agent resides, except as otherwise provided. Personal property mortgaged or pledged is considered the property of the person in possession of that personal property and may be assessed to that person. Personal property not otherwise taxed under this act that is in the possession of any person, firm, or corporation using that property in connection with a business conducted for profit is considered the property of that person, firm, or corporation for taxation and shall be assessed to that person, firm, or corporation.

(6) For taxes levied before January 1, 2003, a building situated upon real property of the United States or of this state, or upon the real property of any person, firm, association, or corporation if the owner of the building is not the owner of the fee title to that real property, and if the value of the real property is not assessed to the owner of the building, shall be assessed as personal property to the owner or occupant of the building in the local tax collecting unit in which the real property is located. The building is subject to sale for taxes in the same manner as provided for the sale of personal property. It is not necessary to remove a building for the purpose of sale. For taxes levied after December 31, 2002, buildings and improvements, except buildings and improvements exempt under section 9f or improvements assessable under section 8(h), located upon real property of the United States or of this state, or upon the real property of any person, firm, association, or corporation if the owner of the building is not the owner of the fee title to that real property is considered real property for the purposes of taxation and assessment, and shall be assessed as real property under section 2 to the owner or occupant of the building in the local tax collecting unit in which the buildings are located if the value of the building is not otherwise included in the assessment of the real property. For taxes levied after December 31, 2001, buildings and improvements exempt under section 9f that are located upon the real property of the United States or of this state, or upon the real property of any person, firm, association, or corporation if the owner of the building is not the owner of the fee title to that real property shall be assessed as personal property to the owner or occupant of the building in the local tax collecting unit in which the real property is located.

(7) Tangible personal property of nonresidents of this state and all forest products, owned by residents or nonresidents, or estates of deceased persons, shall be assessed in the local tax collecting unit in which the tangible personal property or forest products are located, to the person or corporation in control of the premises, store, mill, dockyard, piling ground, place of storage, or warehouse where the tangible personal property or forest products are located, on December 31. If tangible personal property or forest products are in transit to a local tax collecting unit within this state, the tangible personal property or forest products shall be assessed in that local tax collecting unit. If tangible personal property or forest products are in transit to some place without this state, the tangible personal property or forest products shall be assessed at the local tax collecting unit in this state nearest to the last boom or sorting gap of the stream in or bordering on this state in which the tangible personal property or forest products will naturally be last floated during transit, and if the transit of the tangible personal property or forest products is to be other than through any watercourse in or bordering on this state, then the assessment shall be made in the local tax collecting unit at the point at which the tangible personal property or forest products will naturally leave this state in the ordinary course of transit. The tangible personal property or forest products in transit to

any place without this state shall be assessed to the owner or the person or corporation in possession or control of the tangible personal property or forest products. If the transit of the tangible personal property or forest products will pass through the booms or sorting gaps or into the places of storage of any person or corporation operating upon any stream, then the tangible personal property or forest products may be assessed to that person or corporation. A person or corporation assessed for any tangible personal property or forest products belonging to a nonresident of this state is entitled to recover from the owner of the tangible personal property or forest products by a suit in attachment, garnishment, or for money had and received, any amount that the person or corporation assessed is compelled to pay because of the assessment, shall have a lien upon the tangible personal property or forest products as a security against loss or damage because of being assessed for the tangible personal property or forest products of another, and may retain possession of the tangible personal property or forest products until that lien is satisfied. A person or corporation assessed is not compelled to pay taxes on account of that assessment unless the appropriate assessing officer, at the time of assessment, serves notice in writing on the person or corporation in control of the premises, store, mill, dockyard, piling ground, place of storage, or warehouse that the assessment will be made. An owner or person interested in the tangible personal property or forest products may secure the release of the tangible personal property or forest products from that lien by giving to the person or corporation assessed a bond in an amount double the probable tax to be assessed on the tangible personal property or forest products, but not less than $200.00, with 2 sufficient sureties, conditioned for the payment of the tax by the owner or person interested and the saving of the person or corporation assessed from payment of the assessment and from costs, damages, and expenses on account of nonpayment, which bond as to amount and sufficiency of sureties shall be approved by the county clerk of the county in which the assessment is made.

211.24 Property tax assessment roll; time; determining value of metallic mining properties and mineral rights; report of state geologist; certification by state tax commission; appeal.

Sec. 24. (1) On or before the first Monday in March in each year, the assessor shall make and complete an assessment roll, upon which he or she shall set down all of the following:

(a) The name and address of every person liable to be taxed in the local tax collecting unit with a full description of all the real property liable to be taxed. If the name of the owner or occupant of any tract or parcel of real property is known, the assessor shall enter the name and address of the owner or occupant opposite to the description of the property. If unknown, the real property described upon the roll shall be assessed as "owner unknown". All contiguous subdivisions of any section that are owned by 1 person, firm, corporation, or other legal entity and all unimproved lots in any block that are contiguous and owned by 1 person, firm, corporation, or other legal entity shall be assessed as 1 parcel, unless demand in writing is made by the owner or occupant to have each subdivision of the section or each lot assessed separately. However, failure to assess contiguous parcels as entireties does not invalidate the assessment as made. Each description shall show as near as possible the number of acres contained in it, as determined by the assessor. It is not necessary for the assessment roll to specify the quantity of land comprised in any town, city, or village lot.

(b) The assessor shall estimate, according to his or her best information and judgment, the true cash value and assessed value of every parcel of real property and set the assessed value down opposite the parcel.

(c) The assessor shall calculate the tentative taxable value of every parcel of real property and set that value down opposite the parcel.

(d) The assessor shall determine the percentage of value of every parcel of real property that is exempt from the tax levied by a local school district for school operating purposes to the extent provided under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211, and set that percentage of value down opposite the parcel.

(e) The assessor shall determine the date of the last transfer of ownership of every parcel of real property occurring after December 31, 1994 and set that date down opposite the parcel.

(f) The assessor shall estimate the true cash value of all the personal property of each person, and set the assessed value and tentative taxable value down opposite the name of the person. In determining the property to be assessed and in estimating the value of that property, the assessor is not bound to follow the statements of any person, but shall exercise his or her best judgment. For taxes levied after December 31, 2003, the assessor shall separately state the assessed value and tentative taxable value of any leasehold improvements.

(g) Property assessed to a person other than the owner shall be assessed separately from the owner's property and shall show in what capacity it is assessed to that person, whether as agent, guardian, or otherwise. Two or more persons not being copartners, owning personal property in common, may each be assessed severally for each person's portion. Undivided interests in lands owned by tenants in common, or joint tenants not being copartners, may be assessed to the owners.

(2) The state geologist, or his or her duly authorized deputy, shall determine, according to his or her best information and judgment, the true cash value of the metallic mining properties and mineral rights consisting of metallic resources that are either producing, developed, or have a known commercial mineral value, including surface rights and personal property that may be used in the operation or development of the property assessed, or any stockpile of ore or mineral stored on the surface. For the purpose of encouraging the exploration and development of metallic mineral resources, metallic mineral ore newly discovered or proven in the ground and not part of the property of an operating mine shall be exempt from the taxes collected under this act for a maximum period of 10 years or until the time it becomes part of the property of an operating mine or it in itself becomes an operating mine. Metallic mineral ore newly discovered or proven in the ground and part of the property of an operating mine shall be exempt from taxes collected under this act until it, in combination with previously discovered metallic mineral ore of the operating mine, comes into a 10-year recovery period of the mine as determined by the average normal annual rate of extraction of the mine.

(3) An operating mine shall be defined to be an operating mine as of the date of starting of a shaft, stripping of overburden, or rehabilitation, or an abandoned or idle mine closed for not less than 2 years. Ore shall not enjoy more than 10 years' exemption from taxation. This section does not exempt from the taxes collected under this act ore reserves proven as of April 1, 1947. It is the intent of this act that mineral properties shall be valued and assessed in the future for ad valorem taxes according to the formula used in the valuation of mineral properties before the effective date of this act. It is the intent of this act that no metallic mineral ore shall be exempt more than 10 years because of the application of this act and if at any time it becomes evident that such is the case, the state tax commission shall determine the value of this untaxed ore and place this valuation on the proper tax roll. The state geologist shall report his or her determination of the true cash value of the mineral properties to the state tax commission on or before February 10 of

each year. The state tax commission shall assess the mineral properties containing 20% or more of natural iron per ton of ore in conformity and uniformity with all other property within the assessing district. The state tax commission shall assess all other metallic mineral properties at the value certified by the state geologist. The state tax commission, as early as is practicable before February 20, shall certify the assessment of the property to the assessor of the township or city in which the property is situated, who shall for the mineral properties and mineral rights that are owned separate from the surface rights on the property assess each to the owner at the valuation certified to him or her. However, an adjustment to the value certified by the state tax commission may be made by the assessor of the township or city to reflect any general adjustment of assessed valuation from the immediately preceding year not included in the state tax commission computation. The assessor shall determine the true cash value of the surface rights and assess the value of the surface rights to the owner. The assessment upon the metallic mining properties and mineral rights may be altered from year to year regardless of whether any previous assessment has been reviewed by the state tax commission. The assessor or the owner of any interest in the property assessed may appeal the assessment and valuation of the property as determined by the board of review to the state tax commission which shall review the assessment and valuation as provided in section 152.

211.24c Notice of increase in tentative state equalized valuation or tentative taxable value; contents; required information and forms; addressing and mailing assessment notice; effect of failure to send or receive assessment notice; calculation of tentative equalized valuation; model assessment notice form; statement; separate statement.

Sec. 24c. (1) The assessor shall give to each owner or person or persons listed on the assessment roll of the property a notice by first-class mail of an increase in the tentative state equalized valuation or the tentative taxable value for the year. The notice shall specify each parcel of property, the tentative taxable value for the current year and, beginning in 1996, the taxable value for the immediately preceding year. The notice shall also specify the time and place of the meeting of the board of review. Beginning in 1996, the notice shall also specify the difference between the property's tentative taxable value in the current year and the property's taxable value in the immediately preceding year.

(2) The notice shall include, in addition to the information required by subsection (1), all of the following:

(a) The state equalized valuation for the immediately preceding year.

(b) The tentative state equalized valuation for the current year.

(c) The net change between the tentative state equalized valuation for the current year and the state equalized valuation for the immediately preceding year.

(d) The classification of the property as defined by section 34c.

(e) The inflation rate for the immediately preceding year as defined in section 34d.

(f) A statement provided by the state tax commission explaining the relationship between state equalized valuation and taxable value. Beginning in 1996, if the assessor believes that a transfer of ownership has occurred in the immediately preceding year, the statement shall state that the ownership was transferred and that the taxable value of that property is the same as the state equalized valuation of that property.

(3) When required by the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, the assessment notice shall include or be accompanied by information or forms prescribed by the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532.

(4) The assessment notice shall be addressed to the owner according to the records of the assessor and mailed not less than 10 days before the meeting of the board of review. The failure to send or receive an assessment notice does not invalidate an assessment roll or an assessment on that property.

(5) The tentative state equalized valuation shall be calculated by multiplying the assessment by the tentative equalized valuation multiplier. If the assessor has made assessment adjustments that would have changed the tentative multiplier, the assessor may recalculate the multiplier for use in the notice.

(6) The state tax commission shall prepare a model assessment notice form that shall be made available to local units of government.

(7) Beginning in 1995, the assessment notice under subsection (1) shall include the following statement:

"If you purchased your homestead after May 1 last year, to claim the homestead exemption, if you have not already done so, you are required to file an affidavit before May 1.".

(8) For taxes levied after December 31, 2003, the assessment notice under subsection (1) shall separately state the state equalized valuation and taxable value for any leasehold improvements.

211.34c Classification of assessable property; tabulation of assessed valuations; transmittal of tabulation and other statistical information; classifications of assessable real and personal property; buildings on leased land as improvements; total usage of parcel which includes more than 1 classification; notice to assessor and protest of assigned classification; decision; petition; arbitration; determination final and binding; appeal by department; construction of section.

Sec. 34c. (1) Not later than the first Monday in March in each year, the assessor shall classify every item of assessable property according to the definitions contained in this section. Following the March board of review, the assessor shall tabulate the total number of items and the valuations as approved by the board of review for each classification and for the totals of real and personal property in the local tax collecting unit. The assessor shall transmit to the county equalization department and to the state tax commission the tabulation of assessed valuations and other statistical information the state tax commission considers necessary to meet the requirements of this act and 1911 PA 44, MCL 209.1 to 209.8.

(2) The classifications of assessable real property are described as follows:

(a) Agricultural real property includes parcels used partially or wholly for agricultural operations, with or without buildings, and parcels assessed to the department of natural resources and valued by the state tax commission. For taxes levied after December 31, 2002, agricultural real property includes buildings on leased land used for agricultural operations. As used in this subdivision, "agricultural operations" means the following:

(*i*) Farming in all its branches, including cultivating soil.

(*ii*) Growing and harvesting any agricultural, horticultural, or floricultural commodity.

(*iii*) Dairying.

(*iv*) Raising livestock, bees, fish, fur-bearing animals, or poultry.

(*v*) Turf and tree farming.

(*vi*) Performing any practices on a farm incident to, or in conjunction with, farming operations. A commercial storage, processing, distribution, marketing, or shipping operation is not part of agricultural operations.

(b) Commercial real property includes the following:

(*i*) Platted or unplatted parcels used for commercial purposes, whether wholesale, retail, or service, with or without buildings.

(*ii*) Parcels used by fraternal societies.

(*iii*) Parcels used as golf courses, boat clubs, ski areas, or apartment buildings with more than 4 units.

(*iv*) For taxes levied after December 31, 2002, buildings on leased land used for commercial purposes.

(c) Developmental real property includes parcels containing more than 5 acres without buildings, or more than 15 acres with a market value in excess of its value in use. Developmental real property may include farm land or open space land adjacent to a population center, or farm land subject to several competing valuation influences.

(d) Industrial real property includes the following:

(*i*) Platted or unplatted parcels used for manufacturing and processing purposes, with or without buildings.

(*ii*) Parcels used for utilities sites for generating plants, pumping stations, switches, substations, compressing stations, warehouses, rights-of-way, flowage land, and storage areas.

(*iii*) Parcels used for removal or processing of gravel, stone, or mineral ores, whether valued by the local assessor or by the state geologist.

(*iv*) For taxes levied after December 31, 2002, buildings on leased land used for industrial purposes.

(*v*) For taxes levied after December 31, 2002, buildings on leased land for utility purposes.

(e) Residential real property includes the following:

(*i*) Platted or unplatted parcels, with or without buildings, and condominium apartments located within or outside a village or city, which are used for, or probably will be used for, residential purposes.

(*ii*) Parcels that are used for, or probably will be used for, recreational purposes, such as lake lots and hunting lands, located in an area used predominantly for recreational purposes.

(*iii*) For taxes levied after December 31, 2002, a home, cottage, or cabin on leased land, and a mobile home that would be assessable as real property under section 2a except that the land on which it is located is not assessable because the land is exempt.

(f) Timber-cutover real property includes parcels that are stocked with forest products of merchantable type and size, cutover forest land with little or no merchantable products, and marsh lands or other barren land. However, when a typical purchase of this type of land is for residential or recreational uses, the classification shall be changed to residential.

(3) The classifications of assessable personal property are described as follows:

(a) Agricultural personal property includes any agricultural equipment and produce not exempt by law.

(b) Commercial personal property includes the following:

(*i*) All equipment, furniture, and fixtures on commercial parcels, and inventories not exempt by law.

(*ii*) All outdoor advertising signs and billboards.

(*iii*) Well drilling rigs and other equipment attached to a transporting vehicle but not designed for operation while the vehicle is moving on the highway.

(*iv*) Unlicensed commercial vehicles or commercial vehicles licensed as special mobile equipment or by temporary permits.

(c) Industrial personal property includes the following:

(*i*) All machinery and equipment, furniture and fixtures, and dies on industrial parcels, and inventories not exempt by law.

(*ii*) Personal property of mining companies valued by the state geologist.

(d) For taxes levied before January 1, 2003, residential personal property includes a home, cottage, or cabin on leased land, and a mobile home that would be assessable as real property under section 2a except that the land on which it is located is not assessable because the land is exempt.

(e) Utility personal property includes the following:

(*i*) Electric transmission and distribution systems, substation equipment, spare parts, gas distribution systems, and water transmission and distribution systems.

(*ii*) Oil wells and allied equipment such as tanks, gathering lines, field pump units, and buildings.

(*iii*) Inventories not exempt by law.

(*iv*) Gas wells with allied equipment and gathering lines.

(*v*) Oil or gas field equipment stored in the open or in warehouses such as drilling rigs, motors, pipes, and parts.

(*vi*) Gas storage equipment.

(*vii*) Transmission lines of gas or oil transporting companies.

(4) For taxes levied before January 1, 2003, buildings on leased land of any classification are improvements where the owner of the improvement is not the owner of the land or fee, the value of the land is not assessed to the owner of the building, and the improvement has been assessed as personal property pursuant to section 14(6).

(5) If the total usage of a parcel includes more than 1 classification, the assessor shall determine the classification that most significantly influences the total valuation of the parcel.

(6) An owner of any assessable property who disputes the classification of that parcel shall notify the assessor and may protest the assigned classification to the March board of review. An owner or assessor may appeal the decision of the March board of review by filing a petition with the state tax commission not later than June 30 in that tax year. The state tax commission shall arbitrate the petition based on the written petition and the written recommendations of the assessor and the state tax commission staff. An appeal may not be taken from the decision of the state tax commission regarding classification complaint petitions and the state tax commission's determination is final and binding for the year of the petition.

(7) The department of treasury may appeal the classification of any assessable property to the residential and small claims division of the Michigan tax tribunal not later than December 31 in the tax year for which the classification is appealed.

(8) This section shall not be construed to encourage the assessment of property at other than the uniform percentage of true cash value prescribed by this act.

211.35 State tax statement; duties of state treasurer; apportionment.

Sec. 35. On or before the first day of September in each year, the state treasurer shall make and record in his or her office a statement showing the taxes to be raised for state

purposes that year, referring to the law on which each tax is based, and the total amount of the taxes. The state tax he or she shall apportion among the several counties in proportion to the valuation of the taxable property in each county as determined by the last preceding state board of equalization, and shall before the October session of the board of supervisors in each year make out and transmit to the clerk of each county a statement of the amount of the taxes apportioned to that county. The state treasurer shall also, in a separate item of the statement, set forth the amount of indebtedness of the county to the state remaining unpaid at the time the statement is made, as shown by the statement of the account between the county and this state made by the state treasurer on the first day of July after the apportionment, which amount shall be apportioned by the board of supervisors of the proper county at the same time as state taxes contained in the apportionment of the state treasurer, and shall be levied in the same manner as and become a portion of the county taxes for the same year, unless the indebtedness is paid to the state before October first. The portion of the taxes, if any, that should be assessed to a particular township, shall be apportioned to and assessed upon the township, ward, or city.

211.41 Assessor; local clerk; duties; county clerk; statement to state treasurer; contents.

Sec. 41. Before the supervisor or assessing officer delivers the roll to the township treasurer or city collector, he or she shall carefully foot the several columns of valuation and taxes, and make a detailed statement, which he or she shall give the clerk of his or her township or city, and the clerk shall immediately charge the amount of taxes to the township treasurer or city collector. The clerk of each city and incorporated village shall report to the clerk of their respective counties all taxes levied in their respective cities or villages, and not included in the general tax levy, on or before the first day of October in each year. The county clerk shall, within 30 days after the close of the annual session of the board of supervisors in October in each year, forward to the state treasurer, to be filed in his or her office, a statement showing the aggregate valuation of all property as assessed in each assessing precinct within the county during the current year. The state treasurer shall include in the statement a detail of all taxes to be raised in the county for that year and the amount of taxes not included in the general tax levy, reported to him or her by the several city and village clerks as provided in this section.

211.57a State treasurer to prescribe practice for county treasurers; failure of county treasurer to comply; state treasurer to complete work; expense borne by county; state treasurer to furnish to county treasurers changes in tax laws.

Sec. 57a. (1) It is the duty of the state treasurer to prescribe uniform practices, forms, and methods that shall be used by the several county treasurers of this state in carrying out this act. All proceedings under the authority of this act shall be conducted in conformity with the uniform practices prescribed by the state treasurer. On the neglect or failure on the part of any county treasurer to abide by the uniform practices and use the uniform forms prescribed, the state treasurer may give notice in writing to the county clerk and to the county board of commissioners, or in lieu of the board of commissioners, the board of county auditors in counties having a county board of auditors, which notice shall state the facts constituting the alleged neglect or failure. If the alleged neglect or failure is not corrected within 10 days after giving the notice, the state treasurer shall have complete power and authority, by himself or herself or his or her deputy or authorized agents, to enter the office of the county treasurer and complete the work in the office in conformity with the uniform practices, the expenses of that work to be charged back to the county, which expense shall be paid from the general fund of the county.

(2) The state treasurer shall, within 30 days after the final adjournment of the legislature in every year, furnish the county treasurers with instructions relative to changes made in the tax laws of this state with respect to the duties of the township treasurers and county treasurers in connection with the collection of taxes. The several county treasurers shall, within 7 days after the receipt of those instructions, forward a copy of the instructions to each township treasurer in his or her respective county. The instructions shall contain all changes made since the filing of the previous instructions. In case of the furnishing of the first instructions to county treasurers under the provisions of this section, all changes of tax collection procedure as well as instructions with respect to tax collection procedures shall be furnished.

211.58 Payments to county treasurer; receipt; numbering; certificate.

Sec. 58. After the return of lands for unpaid taxes, the county treasurer is authorized to receive, under like provisions as in section 53, the amounts of the several taxes or any of them due, and the board of commissioners in each county may authorize notice to be given to all delinquent taxpayers so far as known. Neither taxes nor special assessments that are delinquent may be paid under protest to the county treasurer. The county treasurer shall issue duplicate receipts for all the taxes received by him or her, which shall be accounted for by the county clerk, or by the board of auditors in counties having a board of auditors, 1 of the duplicate receipts shall be delivered to the person paying the taxes, and 1 filed in the office of the county treasurer, which receipt shall be available to the county clerk or board of county auditors in counties having a board of auditors for abstracting and accounting purposes. All receipts issued under the provisions of this section shall be consecutively numbered by the printer and by the printer delivered to the county clerk who shall account for the receipts. At the time the printer delivers the receipts to the county clerk, the printer shall notify the state treasurer of the delivery, specifying the quantity and numbers of the receipts. Except when the final installment of the tax is paid, the county treasurer shall not issue a receipt for a payment of less than $1.00 and any tax or installment then sought to be paid in an amount less than $1.00 shall not be discharged or considered paid unless the sum of $1.00 is paid, and the difference between the amount of the tax paid and $1.00 shall be considered to be a part payment of the cost of issuing the receipts and shall be credited to the general fund of the county. In the case of payments by the same taxpayer as many descriptions shall be included in 1 receipt as will be sufficient to make a payment of $1.00. When payment of the taxes on any parcel or description of land or on any undivided share of land is made to any county treasurer, the treasurer shall place or cause to be placed upon the face of the receipt or redemption certificate, the following certificate: "I hereby certify that application was made to pay all taxes and special assessments due and payable at this office on the description shown in this receipt except for the years and items as follows:

(Signed). . . . . .Treas."

Every receipt shall be deemed to include the foregoing certificate, and unless otherwise noted on the certificate, shall be construed as an application to pay all taxes and special assessments assessed against the property described on the certificate and then due and payable at the office of the treasurer issuing the receipt. Future installments of special assessments shall not be considered as being then due and payable.

211.62 County clerk and circuit court; duties; court order; form.

Sec. 62. If a petition is filed, the county clerk shall present the petition to the circuit court of the county in which the delinquent tax property is situated, and the circuit court shall enter an order as prescribed in this section. The county clerk shall countersign the

order, record the order in the proper books of his or her office, and transmit a true copy of the order to the state treasurer. The order shall be substantially in the following form:

STATE OF MICHIGAN,)
) ss.
County of .....)

The circuit court for the county of ..... .

In the matter of the petition of ....., state treasurer of the state of Michigan, for and in behalf of this state, for the sale of certain property for taxes assessed on that property: On reading and filing the petition of the state treasurer of the state of Michigan requesting a judgment in favor of the state of Michigan against each parcel of land described in the petition, for the amounts specified in the petition that are, claimed to be due for taxes, interest, and charges on each parcel of property, and that the property be sold for the amounts claimed by the state of Michigan. It is ordered that the petition will be brought on for hearing and decree at the ..... term of this court, to be held at ....., in the county of ....., state of Michigan, on the ..... day of ..... 20...., at the opening of the court on that day, and that all persons interested in that property or any part of that property desiring to contest the lien claimed on that property by the state of Michigan for the taxes, interest, and charges claimed, or any part of the taxes, interest, and charges claimed, shall appear in this court, and file with the clerk of this court their objections to the lien, on or before the first day of the term of this court, and that in default the lien will be granted and judgment entered as requested in petition. And it is further ordered that in pursuance of the judgment the property described in the petition for which a judgment of sale is made, will be sold for the taxes, interest, and charges on the property as determined by the judgment, on the first Tuesday in May after the judgment is entered, beginning at 10 o'clock a.m. The sale shall be held at the office of the county treasurer, or at another convenient place selected by the county treasurer at the county seat of the county of ....., state of Michigan. The sale shall be a public sale, and each parcel described in the judgment shall be separately sold for the total taxes, interest, and charges. The sale shall be made to the person paying the full amount charged against a parcel, and accepting a conveyance of the smallest undivided fee simple interest. If no person will pay the taxes and charges and take a conveyance of less than the entire fee simple interest, then the whole parcel shall be offered and sold. If any parcel cannot be sold for taxes, interest, and charges, the parcel shall be passed over and reoffered for sale. If the parcel cannot be sold for the taxes, interest, and charges, the county treasurer shall bid off the parcel in the name of the state.

Witness the Hon. ....., circuit judge, and the seal of the (circuit) court of .....county, this ..... day of ..... 20..... .

.....
Circuit Judge.

Countersigned,

.....
Register.

211.63 Designated newspapers; publication of order and petition; notice of tax sale advertising.

Sec. 63. (1) The state treasurer shall designate a newspaper in which an order and petition are to be published on or before September 1 in each year. If the publisher of the

designated newspaper fails to accept the designation within 15 days after the designation is made or refuses or neglects to publish and print the order and petition, or, for any other cause, the publication becomes impracticable, the state treasurer shall designate some other newspaper before the time limited for commencing publication.

(2) In counties in which 1 or more regularly established newspapers have been printed, published, and circulated more than 1 year before the designation, 1 of those newspapers shall be designated for the publication required under subsection (1).

(3) The state treasurer shall also cause to be carried in not more than 10 newspapers in each county a notice advising the public of the tax sale advertising. The newspapers shall be designated by the state treasurer, and the notice shall be carried once in each of the newspapers designated on a date selected by the state treasurer. The notice shall contain the name of the newspaper in the county designated to print the order and petition and description of property advertised.

211.64 Publication by distribution; county treasurer; duties.

Sec. 64. (1) If a newspaper is not published in a county in which delinquent tax property is located, or if a newspaper cannot be secured to publish an order and petition in that county, the state treasurer shall cause the order and petition containing the list of property delinquent for taxes to be printed in proper form for general distribution, and shall provide the county treasurer with enough copies to provide each voter at the last general election in the county with 1 copy.

(2) The county treasurer shall distribute the order and petition in such a manner that copies shall become public in every local tax collecting unit in the county, and shall post or cause to be posted 3 copies in 3 public places in each local tax collecting unit.

(3) The county treasurer shall file an affidavit of the posting and distribution of the order and petition in the usual form in the office of the county treasurer and of the state treasurer.

211.66 Publication of petition and order for hearing; jurisdiction; objections; hearing; evidence; order setting aside taxes; judgment.

Sec. 66. (1) The state treasurer shall cause a copy of the order and a copy of the petition to be published once each week for 3 consecutive weeks before the time fixed for the hearing on the petition, in a newspaper published in the county in which the petition is filed selected by the state treasurer.

(2) The order and petition shall be published in the same newspaper, the order immediately preceding the petition. The petition shall state the years for which delinquent taxes are due and the total amount of taxes, interest, and charges due for each parcel.

(3) The cost of publishing the order and petition shall be paid by this state.

(4) The proprietor of the newspaper in which the order and petition are published shall furnish the proper county treasurer with not more than 400 copies of each publication, 10 copies to each local tax collecting unit, and 2 copies to the state treasurer.

(5) The state treasurer and county treasurer shall carefully examine the notices published and determine if they are correct.

(6) The term 3 consecutive weeks means 3 publications in 3 successive weeks and the dates of the publications shall be specified by the state treasurer.

(7) A person familiar with the facts may make an affidavit as to the publication required.

(8) The state treasurer shall not pay for the publication unless satisfied that the publication has been made according to law.

(9) The publication of the order and petition is equivalent to a personal service of notice of the filing of the petition on all persons who are interested in the property specified in the petition, of all proceedings on the petition, and on the sale of the property under the judgment, and gives the court jurisdiction to hear the petition, determine all questions arising on the petition, and to enter a judgment ordering the sale of the property for the payment of all taxes, interest, and charges on the property.

(10) The circuit court has jurisdiction to hear, try, and determine the matters alleged in the petition, even though the amount involved in the petition is less than $100.00.

(11) The prosecuting attorney shall prosecute all proceedings under this section on the part of this state. If the prosecuting attorney does not prosecute a proceeding under this section, the court shall appoint another competent person to take charge of and prosecute the proceeding, who shall be paid by the county. The county board of commissioners may employ a competent person to prosecute or to assist in the prosecution of proceedings under this section.

(12) An affidavit attesting to the publication of the order and petition required under this section shall be filed in both the office of the county clerk and state treasurer before any final order is entered. Proof of the filing of an affidavit of publication in the office of the state treasurer may be made by affidavit of the state treasurer or his or her deputy.

(13) A person with an interest in the property or any portion of the property included or referred to in the petition who desires to contest the validity of any tax shall file written objections with the clerk of the county in which the property is advertised for sale and serve a copy of the objections on the prosecuting attorney of the county, the state treasurer, and the county, local tax collecting unit, and school district in which the property is located, and shall file proof of service on or before the day fixed in the notice for the hearing of the petition. A person shall not make any objections not specified in written objections filed under this section. A hearing upon objections filed under this subsection shall not be held until service is made and proof of service is filed.

(14) If on the day fixed in the notice for the hearing on the petition or on the day following that day, the court determines that any person has been prevented from filing objections to any tax without any fault on his or her part, the court may grant additional time for that purpose, not to exceed 5 days. The court shall give precedence to the hearing of a petition over all other business, shall examine, consider, and determine the matters stated in the petition and any objections made in a summary manner without other pleadings, and to enter a final judgment on the petition.

(15) The taxes specified in the petition are presumed to be legal and a judgment for those taxes shall be made unless the taxes are shown to be improper. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make any order necessary to facilitate the proceedings. The court shall decide all questions as to the admissibility of evidence, and that decision is final and not subject to review or appeal.

(16) If the property of 2 or more persons has been assessed together, the court may, if practicable, separate the assessments and apportion to each parcel the just proportion of the taxes, interest, and charges. If any tax is found illegal, that part shall be set aside and the remaining tax is valid. The total amount of taxes, interest, and charges fixed by the court shall be entered by the register of the court opposite each parcel of property in the column of the record under the heading "amount of judgment against property." If the court makes any order setting aside the taxes on any parcel of property, or any part of the taxes, or any special order relating to any parcel of property, or taxes on any parcel of property, a brief entry of that order shall be entered opposite that property or tax. The

special order shall be signed by the judge of the court, either by his or her full name or initials, and that entry has the same effect as if made and entered as a part of a final judgment.

(17) At least 10 days before the time fixed for the sale of the property, the court shall enter a final judgment in favor of this state for the payment of all valid taxes, interest, and charges, shall determine the total amount chargeable against each parcel of property, and shall order that unless payment is made, the property, or as much of the property as is necessary to satisfy the amount fixed by the judgment, shall severally be sold as the law directs. A judgment is considered in favor of this state against each parcel of property for each tax included in the judgment. The court may decree costs against a person contesting any tax that is equitable, if the tax, or any part of the tax that remains unpaid, is determined to be valid.

(18) In the absence from the file of a proper affidavit of publication as required by this section, secondary evidence of the publication and the filing of the affidavit is admissible if, according to the calendar entry of the clerk of the court, an affidavit of publication was filed. The affidavit of publication filed in the office of the state treasurer is admissible as secondary evidence.

211.67 Judgment; form; vesting of title in state; disposition of disputed taxes; appeal; condition; rejection and reassessment.

Sec. 67. (1) A final judgment shall be entered in the record for recording judgments of the circuit court of the county in which the property is located. The judgment shall have the usual caption for judgments and shall be substantially in the following form:

"State of Michigan,)
The circuit court for the)
county of .....)

At a session of this court held at the court house in the ..... of ..... on the ..... day of ..... 20....

Present: Hon. ....., Circuit Judge

In the matter of the petition of ....., state treasurer of the state of Michigan, for and in behalf of this state, for the sale of certain property for taxes assessed on that property:

The petition and the matters stated in the petition, and the objections filed to the taxes claimed in the petition (if any objections are filed) came on to be heard, and proof of the publication of the order of hearing, and of the petition having been made and filed, and after hearing all interested parties: It is ordered that the amount of taxes, interest, collection fee, and charges set down in the tax record, which is incorporated as part of the petition, are valid, and judgment is entered in favor of the state of Michigan against each parcel of property for payment of the amount set down in the tax record opposite that parcel. It is further ordered that unless that amount is paid prior to sale, that property, or that interest in the property necessary to satisfy the judgment against the property, shall be severally sold as the law directs, on the ..... day of May, A.D. 20...., beginning at 10 o'clock a.m. It is further ordered that title to each parcel of property ordered in this judgment to be offered for sale, that is bid off to the state, shall become absolute in the state of Michigan on the expiration of the period of redemption from that sale, and all taxes, special assessments that are charged against or are liens upon that property, and other liens and encumbrances against that property of whatever kind or nature, shall be canceled as of that date, unless any parcel of property is redeemed as provided in section 74 of the general property tax act, 1893 PA 206, MCL 211.74, or unless

an appeal is taken as provided in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157. It is further ordered that the special orders made by this court, and entered on the tax records, are made a part of this judgment, with the same effect as if entered in this judgment.

(Countersigned)

.....

Circuit Judge

.....

Clerk of Courts."

(2) Unless sooner redeemed, upon the expiration of the period of redemption provided in section 74, absolute title to the property bid off to this state vests in this state as provided in the judgment.

(3) If costs are adjudged against any person contesting a tax, the judgment shall state the costs and execution awarded. The judgment shall be signed by the judge and countersigned by the clerk.

(4) Immediately after the entry of the judgment, the county clerk shall make a certified copy of the judgment, and annex the judgment to the tax record. The county clerk shall then deliver the tax record to the county treasurer, in whose office the tax record shall remain.

(5) If the hearing on the petition is not held on the day fixed in the notice, the hearing shall be continued from day to day during the term without the entry of any order of continuance, until disposed of.

(6) If it is determined to be impracticable to hear and determine the objections to all of the taxes specified in the petition within the time fixed for that purpose, then the court shall, within the time stated in this section, enter a final judgment as to all taxes to which no objections have been filed, and also those to which objections have been filed, which the court has then heard and determined to be valid. The judgment shall be signed and recorded as provided in this section. The court shall proceed with the consideration of the remaining taxes set forth in the petition, and objections to those taxes, and as soon as practicable dispose of the remaining taxes by 1 or more judgments in a form as the court determines, which shall be entered in the record of the court. The judgment shall describe the property and specify the total amount of taxes, interest, and charges on each parcel of property. After the judgment is entered, the county clerk shall immediately deliver to the county treasurer a certified copy of the judgment, to be kept and used as provided in this section. A copy of the judgment shall be annexed to the tax record and is part of the tax record.

(7) If a decree is not entered on a petition as to the taxes named in the petition, or any part of the taxes named in the petition, the state treasurer shall, as soon as practicable, file a new petition for sale, and proceedings on that new petition shall be conducted and judgment entered and sale made as provided in this section.

(8) If judgment is entered in favor of the validity of any disputed tax, and the person contesting the validity of that tax desires to appeal to the court of appeals, that person may do so on paying the amount of the judgment to the county treasurer within 10 days after the date the judgment is entered. The county treasurer shall retain the amount of the judgment until the decision of the court of appeals, and shall pay the amount of the judgment to the party appealing the judgment if the tax appealed is held invalid. If the tax appealed is held valid, then the amount of the judgment shall be credited to the proper

fund. Payment of the amount of the judgment discharges the tax lien on the property. If the court rules against the validity of any tax, either the county treasurer or the state treasurer may appeal to the court of appeals on behalf of this state, but there shall be no sale for the tax held invalid until the decision appealed is reversed or modified by the supreme court.

(9) Proceedings in which the validity of any tax is in dispute shall, if no other provision is made in this section, follow the ordinary practice of the court, and the court may allow amendments as in ordinary cases.

(10) Notice shall be given of all appeals to the court of appeals, and an appeal shall be claimed, entered, and bond for costs given, within 20 days after the judgment is entered. Any party appealing from a judgment, except the state treasurer and any political subdivision of this state, shall file a bond for costs in the usual form, the amount of the bond and sureties on the bond to be approved by the court that entered the judgment. The judge shall, at the request of either party and on due notice, settle in proper form a case containing as much of the record and proceedings as necessary to the understanding of the judgment by the court of appeals, and if an appeal is taken, the case shall be transmitted to the court of appeals. An appeal of the tax on any parcel does not delay or affect the proceedings for the sale of any property on which there is no appeal.

(11) If the court in its judgment determines an assessment to be void because of an erroneous or indefinite description of the parcel of property, the court shall, in that judgment, direct the state treasurer to reject that tax and cause that tax to be reassessed on a correct description of the parcel of property. The judgment shall also set forth the correct description of that property.

211.70 Sale; payment of bid; cancellation and forfeiture for failure to make payment; reoffer; state bid; report and confirmation of sale; setting aside; report to state treasurer.

Sec. 70. (1) On the first Tuesday of May, beginning at 10:00 a.m., the county treasurer shall commence the sale of the property mentioned in the judgment upon which the amounts charged have not been paid. The county treasurer shall continue the sale from day to day, Sundays and other legal holidays excepted, until as much of each parcel is sold as is sufficient to pay the amounts charged.

(2) The county treasurer may deputize 1 or more persons in his or her office to conduct the sale for him or her and in his or her behalf. An appointment shall be filed by the county treasurer with the county clerk in the court proceedings relating to the tax sale.

(3) Each parcel described in the judgment shall be sold separately for the total taxes, interest, and charges. The property shall be sold to the person paying the full amount charged against that parcel, and accepting a conveyance of the smallest undivided fee simple interest in that parcel. No greater interest in any parcel shall be sold than is sufficient to pay the amount of the tax, interest, and charges for which the property is sold.

(4) If no person will pay the tax, interest, and charges and take a conveyance of less than the entire fee simple interest in a parcel, then the whole parcel shall be offered and sold.

(5) The sale shall be held at the county seat, at the office of or at a convenient place selected by the county treasurer. Property sold is subject to the taxes assessed after taxes included in the judgment and for the year for which the sale is made.

(6) The county treasurer may, in his or her discretion, require immediate payment of any person to whom any parcel of property is sold. In all cases where payment is not made in 24 hours after the sale, the county treasurer shall declare the bid canceled and sell the

land again. Any person who fails to pay to the county treasurer the amount of his or her bid, shall forfeit to the state 5 times the amount of that bid, and costs of collection, which may be recovered in the name of the people of the state of Michigan in an action in any court of competent jurisdiction. The county treasurer and prosecuting attorney of the county shall prosecute for all delinquencies and penalties without unnecessary delay. Any subsequent bid of a person who fails to pay a previous bid at that sale may be disregarded by the treasurer.

(7) If a parcel of property cannot be sold for taxes, interest, and charges, that parcel shall be passed over and shall be reoffered before the close of the sale. If the property cannot be sold for the taxes, interest, and charges, the county treasurer or his or her deputy or deputies shall bid off the property in the name of the state for the state, county, and township, in proportion to the taxes, interest, and charges due each. Taxes, interest, and charges on property bid off to the state shall remain a lien on that property, and any person may purchase that property as provided in this act.

(8) The county treasurer shall enter or cause to be entered in the proper columns of the tax record the interest in property sold, the name and post office address of each purchaser opposite each parcel sold, and the word "state" opposite each parcel bid off in the name of the state. Certificates shall be given to each purchaser of the property and the interest bid off by him or her, showing the year's tax for which he or she has purchased, the amount of that tax, and of all charges paid by him or her at the time of purchase. The certificate shall state that he or she will be entitled to a deed after the period of redemption provided for in section 74 has expired, and that if the sale is not confirmed the money will be returned.

(9) As soon as possible after the conclusion of any sale, and within 25 days after the day named in the notice for the commencement of the sale, the county treasurer shall make and file with the clerk of the court a report of the sale, referring to the tax record for the particulars. Upon petition by the county treasurer, the court may extend the time within which the report is required to be filed, not to exceed 50 days from the date of the commencement of the sale.

(10) All sales shall stand confirmed, subject to the right of redemption provided for in section 74, unless objections to the sale are filed within 8 days after the time limited for filing the report described in subsection (9), without the entry of an order or further notice. Procedures for setting aside a sale are the same, so far as applicable, as in a sale in equity on the foreclosure of mortgages. No sale shall be set aside for inadequacy of price, except upon payment of the amount bid, with interest and costs. No sale shall be set aside after confirmation, unless the taxes were paid or the property was exempt from taxation and, in that case, the owner of the property may move the court at any time within 1 year after he or she has notice of the sale to set the sale aside.

(11) As soon as practicable after sales are confirmed and within 30 days from the date of confirmation, the county treasurer shall make full report of the sale to the state treasurer, in a form prescribed by the state treasurer, giving a description of the property sold, the amounts for which the property was sold, and the names and addresses of the purchasers. The state treasurer shall, after the period of redemption provided in section 74 has expired, execute deeds to the purchasers in a form prescribed by him or her.

(12) All property bid off in the name of the state shall continue liable to be taxed in the same manner as if it was not the property of the state.

(13) If property included in the judgment is not sold as advertised, the state treasurer shall cause a sale to be made at some other time as he or she may fix for that purpose. Notice of that sale shall be published at least 4 weeks prior to the sale. The notice shall

contain a description of the property and the amount of taxes, interest, and charges, as provided in the judgment. The sale and all other proceedings shall be the same as if made on the first day of the initial sale. The county treasurer shall receive only that amount receivable at the state treasury. All money received at any tax sales that belong to the state shall be paid into the state treasury. The expenses of advertising and sale exclusive of the county's share shall be paid from the state treasury on the warrant of the state treasurer, and the remainder shall be credited to the general fund.

211.73 Tax deed; setting aside or cancellation; 5 year limitation; improvements; refund; taxes.

Sec. 73. (1) No sale of property or deed issued by the state treasurer under this act shall be set aside or annulled by any court of this state after the purchaser or his or her heirs or assigns have been in actual and undisputed possession of the property sold for a period of 5 years from the date of the purchase or deed.

(2) If a sale made under this act is set aside by any court less than 5 years from the date of the sale or deed, the court shall determine the value of improvements made by the purchaser, if he or she has been in possession of the property, and enter a judgment in that amount in favor of the purchaser, and issue execution to collect that amount from the claimant before putting him or her in possession.

(3) If a sale made under this act is set aside by any court or is canceled by the state treasurer as provided in this act, the state treasurer shall refund to the purchaser the amount paid at the time of the sale, with interest at the rate of 6% per annum from the time of the purchase to the time when the sale was set aside or canceled.

(4) No refund of purchase money and interest shall be made more than 5 years from the date of expiration of the redemption period in the case of a tax certificate, or more than 5 years from the date the purchaser or his or her heirs or assigns, was entitled to a tax deed, if a tax deed was issued. The state treasurer shall charge back to the county all taxes, interest, and charges for all years for which the taxes are invalid or the description erroneous. For all years for which no invalidity has been found the state treasurer shall proceed to enforce the collection of the taxes for all years refunded as provided in this act, as in the case of taxes for which sale has not been made.

211.73a Adverse possession or failure to give notice for reconveyance as bar to certain rights; failure to present certificate of purchase or due proof of loss as bar to securing tax deed; certificate of cancellation; effect of bona fide attempt to give notice of reconveyance; effect of failure to redeem; barred or voided tax deed or certificate of purchase not revived.

Sec. 73a. (1) The right to recover possession of property to a refund of the amount paid, or to secure a tax deed, by a person claiming through or under a deed executed by the state treasurer or by an officer authorized to issue tax deeds under a former tax law of the territory of the state of Michigan or by virtue of a certificate of purchase issued under this act or by a former tax law, is forever barred by the actual, open, and continuous possession of a person claiming that property adversely to the tax deed or certificate of purchase, for the period of 5 years after the purchaser of the tax title or his or her heirs or assigns are entitled to a deed or by a failure of the tax title purchaser or his or her heirs or assigns to make a bona fide attempt to give notice required under this act, or by a former tax law, for a reconveyance of the property within 5 years.

(2) In case of a failure to give the required notice for reconveyance within the period of 5 years from the date the purchaser or his or her heirs or assigns become entitled to a

tax deed to be issued by the state treasurer, the person claiming title under the tax deed or certificate of purchase is barred from asserting that title or claiming a lien on the land by reason of a tax purchase and the purchaser or his or her heirs or assigns are not entitled to a refund of the amount paid as a condition of the purchase of the tax title by reason of any defect, irregularity, invalidity, or any cause whatever affecting the taxes or the sale of the property for a tax lien.

(3) The failure of a tax title purchaser or his or her heirs or assigns to present a certificate of purchase or due proof of loss to the state treasurer or his or her deputy, as prescribed in section 72, or to the officer empowered by a former law to issue tax deeds, within 5 years from the purchase of the tax title, bars the tax title purchaser or his or her heirs or assigns from securing a tax deed.

(4) In the case of failure to present a certificate of purchase to the state treasurer or his or her deputy or to an officer empowered by a former tax law to issue tax deeds, a person owning an interest in the property sold for taxes, upon the payment of 50 cents to the state treasurer or his or her deputy, shall be entitled to a certificate of cancellation under the hand and seal of the state treasurer or his or her deputy, setting forth a description of the certificate of purchase and that, according to the records of the state treasurer, a tax deed has not been issued for a certificate of purchase, and that the time for presentation of the certificate of purchase or due proof of loss of the certificate has expired, and neither the certificate of purchase nor due proof of loss of the certificate was presented within the time required. The certificate of cancellation may be recorded in the office of the register of deeds of the county in which the property is situated. When recorded, the certificate prima facie evidence of the facts certified and has the same effect as evidence and notice of title as the recording of deeds and other conveyances. The register of deeds is entitled, for the recording of the certificate of cancellation, to the same fees as for recording of deeds.

(5) If within the period of 5 years the tax title purchaser or his or her heirs or assigns have made a bona fide attempt to give the required notice for the reconveyance of the premises, neither the legality or sufficiency of the sale or notice, nor the bona fides of the purchaser in this attempt to give the statutory notice, shall be questioned, raised, or adjudicated except in or by a suit in equity.

(6) A person who has been properly served with notice and who has failed to redeem from a sale in accordance with this act, within the period specified, is not entitled to question or deny in any manner the sufficiency of notice upon the ground that some other person entitled to notice was not also served.

(7) Nothing in this section shall be construed, by implication or otherwise, to revive or give effect to a tax deed or certificate of purchase barred or voided by operations of law or otherwise.

211.73b Effect of failure to present purchaser's certificate of tax sale of property or due proof of loss; action based on tax deed against person in possession; possession of unoccupied, unimproved, and unenclosed lands; barred or voided certificate or deed not revived.

Sec. 73b. (1) A purchaser's certificate of tax sale issued under this act or any prior act, including any law of the territory of Michigan prior to September 28, 1907, which, or due proof of loss of which, has not been presented to the state treasurer or his or her deputy, as prescribed in section 72, within 90 days after the effective date of this section, is barred and shall cease to be a cloud upon the title to the property affected.

(2) An action based upon a tax deed executed by an officer of the state of Michigan before September 28, 1942 shall not be maintained in any court to recover property in this state or to establish, maintain, or recover an interest in property against a person in possession who, or whose predecessors in interest, paid or caused to be paid the taxes regularly assessed against the property for at least 5 consecutive years preceding the date when the action is brought and who claim the property under a connected chain of title from the person who was the last grantee in the regular chain of title of the property at the time the tax deed was executed.

(3) In the case of unoccupied, unimproved, and unenclosed property a person shall be considered to be in possession of the property for the purposes of subsection (2) if that person or his or her predecessors in interest paid or caused to be paid all taxes regularly assessed against the property for a period of at least 5 consecutive years before the action is brought against him or her.

(4) Nothing in this section shall be construed, by implication or otherwise, to revive or give any effect to any certificate or deed barred or voided by operation of law or otherwise.

211.75 Annulment of certificate of redemption or tax deed; copy; record; notice to state treasurer.

Sec. 75. If a court annuls a certificate executed by the county treasurer or any deed issued by the state treasurer, the clerk of the court, on the payment by any party interested of $1.00, shall deliver to that person a certified copy of the judgment or order. The certified copy of the judgment or order may be recorded in the office of the register of deeds of the county in which the property is located. On recording the certificate, the register of deeds shall enter in the margin of the record of the tax deed affected a brief statement of the judgment or order, and shall also send notice of the judgment or order to the office of the state treasurer.

211.83 Loss of certificate of sale or deed; verification; issuance of deed; contents; fee.

Sec. 83. (1) If a certificate of sale for delinquent taxes is lost, the purchaser, his or her legal representative, or his or her assigns may file a verified affidavit of the loss and that the purchaser was, at the time of the loss, the bona fide and legal holder and owner of the certificate.

(2) If an affidavit is filed under subsection (1), the state treasurer or his or her designated representative shall execute a deed to the property described in the certificate, if the certificate has not been redeemed, in the same manner as though the certificate had been presented and surrendered.

(3) The state treasurer or his or her designated representative shall execute a second deed to property conveyed if the original deed and record of the original deed is lost or destroyed. A second deed shall declare upon its face that it is a second deed, and shall recite the loss or destruction of the former deed and its date, if possible. A second deed shall inure to the benefit of the grantee in the first deed or his or her heirs or assigns, as the case may be, and shall have the same force and effect as the first deed. Before execution of a second deed, the party applying for the second deed shall pay to the state treasurer the sum of $1.00, which shall be credited to the general fund of this state.

211.85 Enforcement of remaining unpaid taxes.

Sec. 85. The sale of any of the bids of the state for which the time of redemption has not expired shall not prejudice the right to enforce the collection of any tax prior or subse-

quent to the year or years for which the property was sold. For the taxes and charges remaining unpaid for prior or subsequent year or years, the state treasurer shall offer that property in regular succession at the next annual tax sale, giving notice as required by law, unless previously redeemed or otherwise discharged.

211.86 Ejectment action; authorized against state; evidence; tax refund.

Sec. 86. In the prosecution of an action of ejectment by any person holding an adverse claim to any property bid off to the state as provided in this act, the state treasurer may be defendant. In all cases in the prosecution or defense of an action of ejectment or trespass by any person holding or claiming property under any deed or other conveyance of property bid off or purchased for delinquent or unpaid taxes, the party reclaiming under the purchase for unpaid taxes may show his or her title to the property, whether title was derived under 1 or more purchases or sales for taxes or otherwise, and may give in evidence any and all deeds of conveyance or other legal evidence of purchase, which he or she may have received on sales for taxes, and may claim title under any or all of them. The state or county shall not be required to refund any taxes or money by reason of defect in the taxes or sales prior to the particular tax or deed decreed valid.

211.87 Adjustment of accounts; statement of account; interest on delinquent payments; charge back lists.

Sec. 87. (1) The accounts between this state and each county and local tax collecting unit in this state shall be adjusted on the basis of crediting and paying to each county and local tax collecting unit the taxes collected by and for each county and local tax collecting unit with interest on those taxes.

(2) The state treasurer shall, on January 1, April 1, July 1, and October 1 in each year, make a statement of account between this state and each county and deliver the statement of account to the county treasurer of each county together with a warrant payable to the county treasurer for all money in the state treasury collected for the county, a local tax collecting unit, school district, or highway in that county, or any other purposes for that county, local tax collecting unit, school district, or highway. The state treasurer shall send notice of the warrant to the county clerk.

(3) At the time designated in subsection (2), the county treasurer shall pay to this state all money collected and due from that county to this state, as shown by the statement of account prepared by the state treasurer. On January 15, and on the fifteenth day of each month thereafter, the county treasurer shall pay to this state all money coming into his or her hands from the collection of the state tax, and shall transmit a sworn statement of the amount of taxes received from the collector in each assessing district in that county. The collector in each assessing district in the county shall pay to the county treasurer of its respective county all money collected not later than January 10, and not later than the tenth day of each month thereafter until the regular quarterly settlement for the quarter ending March 31 is made each year. The county treasurer or collector of each assessing district in the county shall also pay to the state treasurer for the use of this state 1/2 of 1% for each month or fraction of a month as interest on all money in his or her possession belonging to this state and not remitted on the fifteenth of the month. The state treasurer shall include all sums due as interest in his or her quarterly statement to the county treasurer. The sum due as interest shall be paid by the county the same as the taxes are paid and collected by the county from the treasurer or the sureties on his or her bond.

(4) The county treasurer of each county shall, on or before the fifteenth day of each month, make out a detailed statement of account for the preceding calendar month

between the county and the local tax collecting units in that county. The statement shall show the different funds to which the several debits and credits belong. The county treasurer shall deliver the statement to the treasurer of the local tax collecting unit and pay the amount shown by the statement to the local tax collecting unit. The county treasurer shall notify the clerk of the local tax collecting unit of the total amount paid and provide a description of the property upon which the taxes were paid. The county clerk shall charge that amount to the county treasurer, and the clerks of the local tax collecting units shall charge that amount to the treasurers of the local tax collecting units on the books of their respective offices.

(5) Treasurers for the local tax collecting units are not required to make a settlement with the county treasurer for the items of state and county taxes included in the annual charge back list until the annual settlement with the county treasurer.

(6) The county board of commissioners by majority vote may authorize the county treasurer to pay directly to the school districts all money shown on the statement to be due to the school districts within the county. In that case the county superintendent is not required to compute and report delinquent school taxes handled by the county.

211.88 Tax report of state treasurer; contents; time; entries of county treasurer.

Sec. 88. The state treasurer shall, on the first Monday in each month, transmit to the treasurer of each county a list of the property in that county upon which the taxes have been paid to the state treasurer and also a list of all property bid off to the state that has been sold during the preceding month. Upon receiving the lists the county treasurer shall make the proper entries showing the payment or sale. Where a sale has been made by the state treasurer, the county treasurer shall note that fact upon the tax record.

211.90 Compensation and expenses; payment.

Sec. 90. All compensation of officers in the assessment and collection of taxes in townships and in the return of delinquent taxes to the county treasurer, except fees collected by township treasurers on their tax rolls, shall be paid by the township. All compensation of county officers and expenses incurred by them under the provisions of this act shall be paid by the county. The compensation of all state officers and expenses incurred by them shall be paid by this state. Expenses incurred by the state officers shall be audited by the state treasurer and paid out of the general fund.

211.95 State treasurer or county treasurer withholding sale because of error; taxes charged back; change in boundaries.

Sec. 95. (1) If the state treasurer or county treasurer discovers before the sale of any property for delinquent taxes that for any reason the property should not be sold, the state treasurer or county treasurer shall cause the property to be withheld from sale.

(2) If the error originated with the local tax collecting unit or county officers, the amount of the taxes shall be charged against the county from which the taxes were returned as delinquent.

(3) If the error was made by an officer of a local tax collecting unit, the amount of the taxes shall be charged by the county treasurer to the local tax collecting unit.

(4) If there has been a change in the boundaries of the county in which the property is situated after the return of the taxes, the taxes shall be charged to the county in which the property was located when the taxes were returned as delinquent.