

**SUBSTITUTE FOR
HOUSE BILL NO. 4992**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER 1
2 Sec. 6. Except as otherwise provided in this section, the

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

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

22 (2) City income taxes, interest, penalties, and collection
 23 fees collected under an agreement entered into pursuant to
 24 subsection (1) shall be kept in the city income tax trust fund and
 25 shall be paid to the city, except that an amount of the taxes
 26 collected as determined in the agreement may be retained by the
 27 department of treasury to cover the cost of collection and
 28 administration and that amount shall be deposited into the state
 29 general fund. The department of treasury shall not charge to or

1 collect from a taxpayer any amount not otherwise authorized by law
 2 in conjunction with the collection of city income tax pursuant to
 3 an agreement entered into pursuant to this section.

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

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

9 (b) The processing of all payments.

10 (c) Enforcement procedures.

11 (d) Administrative and legal costs.

12 (e) Data exchange.

13 (f) Transfer and payment of funds.

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

15 (h) Any additional provisions as appropriate.

16 CHAPTER 2

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

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

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

28 (4) "Department" means the department of treasury. ~~for tax~~
 29 ~~years after the 1996 tax year for which a city has entered into an~~

1 ~~agreement with the department of treasury pursuant to section 9 of~~
2 ~~chapter 1.~~ Department includes a duly authorized agent or
3 representative of the department.

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

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

27 (a) The department ~~of treasury~~ shall send to the taxpayer or
28 employer a letter of inquiry stating, in a courteous and
29 unintimidating manner, the department's opinion that the taxpayer

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

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

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

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

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

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

23 (ii) The reason for the deficiency.

24 (iii) A statement advising the taxpayer or employer of his or
 25 her right to file a protest and to a hearing with the department ~~of~~
 26 ~~treasury.~~ **as provided under section 84.**

27 ~~(3) A taxpayer or employer has 30 days after receipt of a~~
 28 ~~notice of intent to assess within which to file a written protest~~
 29 ~~with the department of treasury. If a written protest is received,~~

1 ~~the department of treasury shall give the taxpayer or employer or~~
2 ~~duly authorized representative of the taxpayer or employer an~~
3 ~~opportunity to be heard and present evidence and arguments in his~~
4 ~~or her behalf.~~

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

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

24 ~~(2) A taxpayer or employer has 30 days after receipt of a~~
25 ~~proposed assessment **issued under this subsection** within which to~~
26 ~~file a written protest with the administrator, or 30 days after~~
27 ~~receipt of a notice of intent to assess from the department of~~
28 ~~treasury to file a written protest with the department of treasury,~~
29 ~~who shall then give the taxpayer or employer or his or her duly~~

1 authorized representative an opportunity to be heard and present
2 evidence and arguments in his or her behalf.

3 (2) For a city that has entered into an agreement with the
4 department pursuant to section 9 of chapter 1, a taxpayer or
5 employer has 60 days after receipt of a notice of intent to assess
6 from the department issued under section 73(2)(b) to file a written
7 request for an informal conference to dispute the assessment, in
8 whole or in part. Except as otherwise provided under this chapter,
9 upon request, the department shall conduct the informal conference
10 in accordance with section 21 of 1941 PA 122, MCL 205.21. A
11 taxpayer or employer must not file an appeal under section 92a
12 unless an informal conference has been requested and conducted as
13 required by this subsection.

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

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

1 (2) If a protest under section ~~73(3) or 84(2)~~ **84** is not filed
2 in respect to a proposed assessment or notice of intent to assess,
3 a taxpayer or employer is considered to have received a final
4 assessment 30 days after receipt of the proposed assessment **or 60**
5 **days after receipt of the notice of intent to assess.**

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

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

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

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

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

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

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

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

27 (4) A person in possession of, or obligated with respect to,
28 property or property rights subject to levy and upon which a levy
29 has been made who, upon demand of the city, surrenders the property

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

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

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

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

1 account.

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

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

27 (4) If a warrant or warrant-notice of levy is issued and
28 served upon a person to levy on property or rights of property to
29 satisfy a tax liability and the city determines that the property

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

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

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

27 (7) If the city receives money to satisfy a tax liability or
28 liabilities or receives information that would cancel that tax
29 liability or those liabilities and subsequently issues a warrant or

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

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

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

21 (3) A majority of the board members shall constitute a quorum
 22 for an action by or hearing before the board, or for any other
 23 purpose. A member of the board shall not act on a matter in which
 24 the member has a financial interest other than the common public
 25 interest. A record shall be kept of the board's transactions and
 26 proceedings. The record and any other writing prepared, owned,
 27 used, in the possession of, or retained by the board of review in
 28 the performance of an official function shall be made available to
 29 the public in compliance with ~~Act No. 442 of the Public Acts of~~

1 ~~1976.the freedom of information act, 1976 PA 442, MCL 15.231 to~~
 2 ~~15.246.~~

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

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

24 (2) The income tax board of review shall grant the appellant a
 25 hearing at which the appellant or his or her duly authorized
 26 representative and the administrator ~~or the department~~ have an
 27 opportunity to present evidence that relates to the matter under
 28 appeal. After conclusion of the hearing, the income tax board of
 29 review by a majority vote of its 3 members shall affirm, reverse,

1 or modify the final assessment, denial, decision, or order under
 2 appeal and furnish a copy of the decision to the appellant and to
 3 the administrator. ~~or the department.~~

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

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

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

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

27 Sec. 93. (1) A taxpayer, employer, or other person aggrieved
 28 by a rule adopted by the administrator may file a timely appeal to
 29 the ~~state commissioner of revenue department~~ in the form and manner

1 prescribed by the ~~commissioner~~.**department.**

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

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