

HOUSE BILL No. 5719

May 3, 1990, Introduced by Reps. Strand, Bandstra, Martin, Miller, Dunaskiss, Johnson, Dolan, Jaye, London, Oxender, Crandall, Runco, Krause, Bankes, Bender, Fitzgerald, Kulchitsky, DeLange, Power and Bryant and referred to the Committee on State Affairs.

A bill to amend Act No. 122 of the Public Acts of 1941,
entitled as amended

"An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act,"

as amended, being sections 205.1 to 205.31 of the Michigan
Compiled Laws, by adding section 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 122 of the Public Acts of 1941, as
2 amended, being sections 205.1 to 205.31 of the Michigan Compiled
3 Laws, is amended by adding section 4 to read as follows:

1 SEC. 4. (1) THE DEPARTMENT SHALL DEVELOP GUIDELINES TO
2 GOVERN DEPARTMENTAL EMPLOYEE RESPONSES TO INQUIRIES FROM THE
3 PUBLIC AND STANDARDS FOR TAX AUDIT ACTIVITIES. THE GUIDELINES
4 SHALL EXPLICITLY EXCLUDE THE USE OF A COLLECTION GOAL OR QUOTA
5 FOR EVALUATING AN EMPLOYEE. THE DEPARTMENT SHALL ASSEMBLE THE
6 GUIDELINES REQUIRED BY THIS SUBSECTION INTO AN EMPLOYEE
7 HANDBOOK. THE DEPARTMENT SHALL DISTRIBUTE THE HANDBOOK TO ALL
8 DEPARTMENTAL EMPLOYEES INVOLVED IN THE COLLECTION OR AUDITING OF
9 TAXES AND SHALL MAKE THE HANDBOOK AVAILABLE TO THE PUBLIC.

10 (2) THE DEPARTMENT SHALL PREPARE A BROCHURE THAT LISTS AND
11 EXPLAINS, IN SIMPLE AND NONTECHNICAL TERMS, A PERSON'S PROTEC-
12 TIONS AND RECOURSES IN REGARD TO A DEPARTMENTAL ACTION ADMINIS-
13 TERING OR ENFORCING A TAX STATUTE, INCLUDING AT LEAST ALL OF THE
14 FOLLOWING:

15 (A) A PERSON'S PROTECTIONS AND THE DEPARTMENT'S OBLIGATIONS
16 DURING AN AUDIT.

17 (B) BOTH THE ADMINISTRATIVE AND JUDICIAL PROCEDURES FOR
18 APPEALING A DEPARTMENTAL DECISION.

19 (C) THE PROCEDURES FOR CLAIMING REFUNDS AND FILING
20 COMPLAINTS.

21 (D) THE MEANS BY WHICH THE DEPARTMENT MAY ENFORCE A TAX
22 STATUTE, INCLUDING ASSESSMENT, JEOPARDY ASSESSMENT, AND ENFORCE-
23 MENT OF A LIEN.

24 (3) THE DEPARTMENT SHALL MAKE THE BROCHURE PREPARED UNDER
25 SUBSECTION (2) AVAILABLE TO THE PUBLIC AND SHALL INCLUDE THE BRO-
26 CHURE WITH EACH LETTER OR NOTICE SENT TO A TAXPAYER UNDER THIS
27 ACT.