

# HOUSE BILL No. 5774

April 28, 1992, Introduced by Reps. Martin, Bartnik, Dalman, Goss, Fitzgerald, Munsell, DeLange, McBryde, Rocca, Johnson, Strand, Jaye, Gilmer, London, Dobb, Profit, Horton, Yokich, Bobier, Sparks, O'Connor, DeMars, Kosteva, Bankes, Willis Bullard, Dresch, Dalman, Jamian, Porreca, McNutt, Walberg, Hoffman, Gernaat, Pitoniak, Bodem, Dolan, O'Neill, Oxender, Strand, Robertson, Shugars, Nye, Sikkema, Ostling, Rocca, Scott, Wozniak, Baade, Wallace, Van Singel, Pitoniak, Gernaat, Brackenridge, Middleton, Bender, Gire, Olshove and Hillegonds and referred to the Committee on Taxation.

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 29a.

## 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 29a to read as follows:

1        SEC. 29A. (1) IF THE DEPARTMENT RECORDS OR FILES A LIEN  
2 IMPOSED BY THIS ACT AGAINST PROPERTY OR RIGHTS OF PROPERTY UNDER  
3 THE STATE TAX LIEN REGISTRATION ACT, ACT NO. 203 OF THE PUBLIC  
4 ACTS OF 1968, BEING SECTIONS 211.681 TO 211.687 OF THE MICHIGAN  
5 COMPILED LAWS, TO SATISFY A TAX LIABILITY AND THE DEPARTMENT  
6 DETERMINES THAT THE TAX LIABILITY OUT OF WHICH THE LIEN AROSE IS  
7 SATISFIED, THE DEPARTMENT SHALL PROMPTLY RECORD OR FILE A CERTIF-  
8 ICATE OF DISCHARGE, RELEASE, OR NONATTACHMENT REGARDING THE PROP-  
9 ERTY OR RIGHTS OF PROPERTY, AS APPLICABLE, UNDER ACT NO. 203 OF  
10 THE PUBLIC ACTS OF 1968.

11        (2) IF THE DEPARTMENT RECORDS OR FILES A LIEN IMPOSED BY  
12 THIS ACT AGAINST PROPERTY OR RIGHTS OF PROPERTY UNDER ACT NO. 203  
13 OF THE PUBLIC ACTS OF 1968 TO SATISFY A TAX LIABILITY AND THE  
14 DEPARTMENT DETERMINES THAT THE LIEN IS RECORDED OR FILED AGAINST  
15 PROPERTY OR RIGHTS OF PROPERTY TO WHICH THE STATE DOES NOT HAVE A  
16 LIEN UNDER SECTION 29, THE DEPARTMENT SHALL PROMPTLY RECORD OR  
17 FILE A CERTIFICATE OF DISCHARGE, RELEASE, OR NONATTACHMENT  
18 REGARDING THE PROPERTY OR RIGHTS OF PROPERTY, AS APPLICABLE,  
19 UNDER ACT NO. 203 OF THE PUBLIC ACTS OF 1968.

20        (3) IF A WARRANT OR WARRANT-NOTICE OF LEVY IS ISSUED AND  
21 SERVED UPON A PERSON TO LEVY ON PROPERTY OR RIGHTS OF PROPERTY TO  
22 SATISFY A TAX LIABILITY AND THE DEPARTMENT DETERMINES THAT THE  
23 TAX LIABILITY OUT OF WHICH THE WARRANT OR WARRANT-NOTICE OF LEVY  
24 AROSE IS SATISFIED, THE DEPARTMENT SHALL PROMPTLY SERVE A RELEASE  
25 OF LEVY REGARDING THE PROPERTY OR RIGHTS OF PROPERTY ON THE  
26 PERSON WHO WAS SERVED THE WARRANT OR WARRANT-NOTICE OF LEVY.

1       (4) IF A WARRANT OR WARRANT-NOTICE OF LEVY IS ISSUED AND  
2 SERVED UPON A PERSON TO LEVY ON PROPERTY OR RIGHTS OF PROPERTY TO  
3 SATISFY A TAX LIABILITY AND THE DEPARTMENT DETERMINES THAT THE  
4 PROPERTY OR RIGHTS OF PROPERTY ARE NOT SUBJECT TO LEVY UNDER SEC-  
5 TION 25(1) OR (5), THE DEPARTMENT SHALL PROMPTLY SERVE A RELEASE  
6 OF LEVY REGARDING THE PROPERTY OR RIGHTS OF PROPERTY ON THE  
7 PERSON WHO WAS SERVED THE WARRANT OR WARRANT-NOTICE OF LEVY.

8       (5) IF A PERSON IS REQUIRED TO PAY A FEE TO THE DEPARTMENT,  
9 A BANK, OR ANY OTHER ENTITY AS THE RESULT OF AN ERRONEOUS RECORD-  
10 ING OR FILING OF A LIEN AS DESCRIBED IN SUBSECTION (2), OR AN  
11 ERRONEOUS ISSUANCE AND SERVICE OF A WARRANT OR WARRANT-NOTICE OF  
12 LEVY AS DESCRIBED IN SUBSECTION (4), THE DEPARTMENT SHALL REIM-  
13 BURSE THE FEE TO THAT PERSON.