

HOUSE BILL No. 5775

April 28, 1992, Introduced by Reps. Wallace, Munsell, Bartnik, Fitzgerald, Dolan, Bobier, Oxender, McNutt, Strand, Dalman, Robertson, Shugars, Nye, Martin, Horton, Goss, Sikkema, Johnson, O'Connor, Ostling, Rocca, Scott, Wozniak, Baade, Van Singel, Dobb, O'Neill, Kosteva, Pitoniak, Jaye, Gernaat, Brackenridge, Bankes, Dresch, Hillegonds, London, Willis Bullard, Gilmer, Bender, Gire and Olshove 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 sections 4 and 5.

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 sections 4 and 5 to read as follows:

1 SEC. 4. (1) THE DEPARTMENT SHALL PREPARE A BROCHURE THAT
2 LISTS AND EXPLAINS, IN SIMPLE AND NONTECHNICAL TERMS, A PERSON'S
3 PROTECTIONS AND RECOURSES IN REGARD TO A DEPARTMENTAL ACTION
4 ADMINISTERING OR ENFORCING A TAX STATUTE, INCLUDING AT LEAST ALL
5 OF THE FOLLOWING:

6 (A) A PERSON'S PROTECTIONS AND THE DEPARTMENT'S OBLIGATIONS
7 DURING AN INVESTIGATION, AN AUDIT, THE ISSUANCE OF A LETTER OF
8 INQUIRY, THE ISSUANCE OF AN INTENT TO ACCESS, AN ASSESSMENT, AN
9 INFORMAL CONFERENCE, AND AN APPEAL.

10 (B) BOTH THE ADMINISTRATIVE AND JUDICIAL PROCEDURES FOR
11 APPEALING A DEPARTMENTAL DECISION.

12 (C) THE PROCEDURES FOR CLAIMING REFUNDS, FILING COMPLAINTS,
13 CONTACTING AN EMPLOYEE'S SUPERVISOR, AND CONTACTING THE
14 DEPARTMENT'S DISPUTE RESOLUTION OFFICE OR PERSON DESIGNATED BY
15 THE DEPARTMENT TO ASSIST IN DISPUTE RESOLUTION.

16 (D) THE MEANS BY WHICH THE DEPARTMENT MAY ENFORCE A TAX
17 STATUTE, INCLUDING ASSESSMENT, JEOPARDY ASSESSMENT, AND ENFORCE-
18 MENT OF A LIEN.

19 (2) THE DEPARTMENT SHALL MAKE THE BROCHURE PREPARED UNDER
20 SUBSECTION (1) AVAILABLE TO THE PUBLIC AND SHALL INCLUDE THE BRO-
21 CHURE WITH EACH LETTER OR NOTICE SENT TO A TAXPAYER UNDER THIS
22 ACT.

23 SEC. 5. THE COMMISSIONER SHALL NOT DO EITHER OF THE
24 FOLLOWING:

25 (A) EVALUATE OR PERMIT THE EVALUATION OF EMPLOYEE PER-
26 FORMANCE BASED ON THE AMOUNT OF MONEY THE EMPLOYEE GENERATED FOR
27 THE STATE BY THE DISCOVERY, THROUGH TAXPAYER AUDITS OR OTHER

1 MEANS OF ENFORCEMENT OF THE TAX LAWS OF THIS STATE, OF MONEY OWED
2 THE STATE.

3 (B) FOR THE PURPOSE OF EMPLOYEE JOB RETENTION OR PROMOTION,
4 REQUIRE OR PERMIT THE REQUIREMENT THAT AN EMPLOYEE GENERATE FOR
5 THE STATE A MINIMUM AMOUNT OF MONEY BY THE DISCOVERY, THROUGH
6 TAXPAYER AUDITS OR OTHER MEANS OF ENFORCEMENT OF THE TAX LAWS OF
7 THIS STATE, OF MONEY OWED THE STATE.