



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4312 (as reported by the Committee of the Whole)
Sponsor: Representative Eric Bush
House Committee: Tax Policy
Senate Committee: Finance

CONTENT

The bill would amend the revenue Act to require the Department of Treasury to indicate that a lien had been filed in error, or a warrant or warrant-notice of levy had been issued in error, when the Department recorded a lien or issued a warrant or warrant-notice of levy after a tax liability had been satisfied or the Department received information that would cancel the liability. The bill also would amend current requirements that the Department issue a certificate of nonattachment or a release when a lien is filed against property to which the State does not have a lien or a warrant or warrant-notice of levy is issued regarding property not subject to levy.

Specifically, if the Department received money to satisfy a tax liability or liabilities of a taxpayer or received information that would cancel the tax liability or liabilities of a taxpayer, and subsequently recorded a lien or issued a warrant or warrant-notice of levy to satisfy the tax liability or liabilities, the Department, upon request and upon a determination by it that the lien was filed or recorded in error or the warrant-notice of levy was issued and served in error, would have to issue a certificate of withdrawal or a release of levy stating that the recorded lien was filed in error or the warrant or warrant-notice of levy was issued and served in error. The certificate or release would have to be issued with all due haste, but not more than five business days after the Department determined that it had erroneously recorded a lien or erroneously issued a warrant or warrant-notice of levy.

MCL 205.29a

Legislative Analyst: G. Towne

FISCAL IMPACT

The Department of Treasury has indicated that the legislation would codify and clarify current operating procedures.

Date Completed: 5-2-95

Fiscal Analyst: L. Nacionales-Tafoya