

# HOUSE BILL NO. 6232

December 04, 2024, Introduced by Reps. Young, Brenda Carter, Scott, Neeley, Paiz, Farhat and MacDonell and referred to the Committee on Tax Policy.

A bill to amend 1941 PA 122, entitled

"An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; 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 prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,"

by amending section 28 (MCL 205.28), as amended by 2023 PA 102.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 28. (1) The following conditions apply to all taxes  
2 administered under this act unless otherwise provided for in the  
3 specific tax statute:

4       (a) Notice, if required, must be given either by personal  
5 service or by certified mail addressed to the last known address of  
6 the taxpayer. Service upon the department may be made in the same  
7 manner.

8       (b) An injunction must not issue to stay proceedings for the  
9 assessment and collection of a tax.

10       (c) In addition to the mode of collection provided in this  
11 act, the department may institute an action at law in any county in  
12 which the taxpayer resides or transacts business.

13       (d) The state treasurer may request in writing information or  
14 records in the possession of any other department, institution, or  
15 agency of state government for the performance of duties under this  
16 act. Departments, institutions, or agencies of state government  
17 shall furnish the information and records ~~upon~~**on** receipt of the  
18 state treasurer's request. ~~Upon~~**On** request of the state treasurer,  
19 any department, institution, or agency of state government shall  
20 hold a hearing under the administrative procedures act of 1969,  
21 1969 PA 306, MCL 24.201 to 24.328, to consider withholding a  
22 license or permit of a person for nonpayment of taxes or accounts  
23 collected under this act.

1 (e) Except as otherwise provided in sections 21(2)(e), 23a,  
2 and 30c, the state treasurer or an employee of the department shall  
3 not compromise or reduce in any manner the taxes due to or claimed  
4 by this state or unpaid accounts or amounts due to any department,  
5 institution, or agency of state government. This subdivision does  
6 not prevent a compromise of interest or penalties, or both.

7 (f) Except as otherwise provided in this subdivision, in  
8 subsection (6) or (7), or in section 23a, an employee, authorized  
9 representative, former employee or authorized representative of the  
10 department, or anyone connected with the department shall not  
11 divulge any facts or information obtained in connection with the  
12 administration of a tax or information or parameters that would  
13 enable a person to ascertain the audit selection or processing  
14 criteria of the department for a tax administered by the  
15 department. An employee or authorized representative shall not  
16 willfully inspect any return or information contained in a return  
17 unless it is appropriate for the proper administration of a tax law  
18 administered under this act. A person may disclose information  
19 described in this subdivision if the disclosure is required for the  
20 proper administration of a tax law administered under this act or  
21 the general property tax act, 1893 PA 206, MCL 211.1 to 211.155,  
22 pursuant to a judicial order sought by an agency charged with the  
23 duty of enforcing or investigating support obligations pursuant to  
24 an order of a court in a domestic relations matter as that term is  
25 defined in section 2 of the friend of the court act, 1982 PA 294,  
26 MCL 552.502, pursuant to a judicial order sought by an agency of  
27 the federal, state, or local government charged with the  
28 responsibility for the administration or enforcement of criminal  
29 law for purposes of investigating or prosecuting criminal matters

1 or for federal or state grand jury proceedings, or pursuant to a  
2 judicial order if the taxpayer's liability for a tax administered  
3 under this act is to be adjudicated by the court that issued the  
4 judicial order. A person required to disclose information under  
5 section 10(1)(j) of the Michigan economic growth authority act,  
6 1995 PA 24, MCL 207.810, may disclose the information only to the  
7 individuals described in that section. A person may disclose the  
8 information required for the report described in section 9 of the  
9 Michigan strategic fund act, 1984 PA 270, MCL 125.2009, for  
10 programs with new written agreements entered into after August 25,  
11 2017 for programs operated under the Michigan strategic fund act,  
12 1984 PA 270, MCL 125.2001 to 125.2094. A person may disclose the  
13 adjusted gross receipts and the wagering tax paid by a casino  
14 licensee licensed under the Michigan Gaming Control and Revenue  
15 Act, 1996 IL 1, MCL 432.201 to 432.226, pursuant to section 18,  
16 sections 341, 342, and 386 of the management and budget act, 1984  
17 PA 431, MCL 18.1341, 18.1342, and 18.1386, or as authorized by the  
18 executive director of the gaming control board. However, the state  
19 treasurer or a person designated by the state treasurer may divulge  
20 information set forth or disclosed in a return or report or by an  
21 investigation or audit to any department, institution, or agency of  
22 state government ~~upon~~**on** receipt of a written request from a head  
23 of the department, institution, or agency of state government if it  
24 is required for the effective administration or enforcement of the  
25 laws of this state, to a proper officer of the United States  
26 Department of Treasury, and to a proper officer of another state  
27 reciprocating in this privilege. The state treasurer may enter into  
28 reciprocal agreements with other departments of state government,  
29 the United States Department of Treasury, local governmental units

1 within this state, or taxing officials of other states for the  
2 enforcement, collection, and exchange of data after ascertaining  
3 that any information provided will be subject to confidentiality  
4 restrictions substantially the same as the provisions of this act.  
5 The state treasurer or a person designated by the state treasurer  
6 may disclose the address of each housing unit that is part of a  
7 housing project exempt from ad valorem taxes under section 15a of  
8 the state housing development authority act of 1966, 1966 PA 346,  
9 MCL 125.1415a, or under section 11a of 1933 (Ex Sess) PA 18, MCL  
10 125.661a, and whether the unit is subject to a service charge in  
11 lieu of ad valorem taxes. The state treasurer or a person  
12 designated by the state treasurer may also disclose the millage  
13 rates of property taxes as defined in section 512a of the income  
14 tax act of 1967, 1967 PA 281, MCL 206.512a. A person required to  
15 disclose information under section 10120 of the public health code,  
16 1978 PA 368, MCL 333.10120, from a donor registry schedule received  
17 under section 474 of the income tax act of 1967, 1967 PA 281, MCL  
18 206.474, may disclose the information only to those organizations  
19 described in that section for the administration of the donor  
20 registry program. **A person authorized to disclose insurance-**  
21 **relevant information on a state income tax return may disclose that**  
22 **information only to the department of health and human services,**  
23 **the department of insurance and financial services, and the**  
24 **exchange organized under section 203 of the Michigan health**  
25 **insurance exchange act for the purposes described in section 471a**  
26 **of the income tax act of 1967, 1967 PA 281, MCL 206.471a.**

27 (2) A person who violates subsection (1)(e), (1)(f), or (4) is  
28 guilty of a felony punishable by a fine of not more than \$5,000.00  
29 or imprisonment for not more than 5 years, or both, together with

1 the costs of prosecution. In addition, if the offense is committed  
 2 by an employee of this state, the person shall be dismissed from  
 3 office or discharged from employment ~~upon~~**on** conviction.

4 (3) A person liable for any tax administered under this act  
 5 shall keep accurate and complete records necessary for the proper  
 6 determination of tax liability as required by law or rule of the  
 7 department.

8 (4) A person who receives information under subsection (1)(f)  
 9 for the proper administration of the general property tax act, 1893  
 10 PA 206, MCL 211.1 to 211.155, shall not willfully disclose that  
 11 information for any purpose other than the administration of the  
 12 general property tax act, 1893 PA 206, MCL 211.1 to 211.155. A  
 13 person who violates this subsection is subject to the penalties  
 14 provided in subsection (2).

15 (5) A person identified in section 10(1) of the Michigan  
 16 economic growth authority act, 1995 PA 24, MCL 207.810, who  
 17 receives information under section 10(1)(j) of the Michigan  
 18 economic growth authority act, 1995 PA 24, MCL 207.810, as  
 19 permitted in subsection (1)(f), shall not willfully disclose that  
 20 information for any purpose other than the proper administration of  
 21 ~~his or her~~**that person's** legislative duties ~~nor~~**and shall not**  
 22 disclose that information to anyone other than an employee of the  
 23 legislature, who is also bound by the same restrictions. A person  
 24 who violates this subsection is responsible for and subject to a  
 25 civil fine of not more than \$5,000.00 per violation.

26 (6) The department shall annually prepare a report containing  
 27 statistics described in this subsection concerning the Michigan  
 28 business tax act, 2007 PA 36, MCL 208.1101 to ~~208.1601,~~**208.1519,**  
 29 for the most recent tax year for which reliable return data have

1 been processed and cleared in the ordinary course of return  
2 processing by the department. A copy of the report must be provided  
3 to the chairpersons of the senate and house of representatives  
4 standing committees that have jurisdiction over matters relating to  
5 taxation and finance, the director of the senate fiscal agency, and  
6 the director of the house fiscal agency. The department shall  
7 report the following information broken down by business sector  
8 and, ~~provided that if~~ no grouping consists of fewer than 10  
9 taxpayers, by firm size in compliance with subsection (1)(f) and in  
10 a manner that does not result in the disclosure of information  
11 regarding any specific taxpayer:

12 (a) Apportioned business income tax base.

13 (b) Apportioned modified gross receipts tax base.

14 (c) Business income tax liability.

15 (d) Use of credits.

16 (e) Modified gross receipts tax liability.

17 (f) Total final liability.

18 (g) Total liability before credits.

19 (7) A person may disclose the following information described  
20 in this subsection:

21 (a) Information required to be reported under section 455 of  
22 the Michigan business tax act, 2007 PA 36, MCL 208.1455.

23 (b) An application to enter into an agreement, a communication  
24 denying an application to enter into an agreement, an agreement, a  
25 postproduction certificate, a communication denying a  
26 postproduction certificate, or the total amount of credits claimed  
27 in a tax year under section 455 of the Michigan business tax act,  
28 2007 PA 36, MCL 208.1455, notwithstanding section 455(6) of the  
29 Michigan business tax act, 2007 PA 36, MCL 208.1455.

1 (c) An application to enter into an agreement, a communication  
2 denying an application to enter into an agreement, an agreement, an  
3 investment expenditure certificate, a communication denying an  
4 investment expenditure certificate, or the total amount of credits  
5 claimed in a tax year under section 457 of the Michigan business  
6 tax act, 2007 PA 36, MCL 208.1457, notwithstanding section 457(6)  
7 of the Michigan business tax act, 2007 PA 36, MCL 208.1457.

8 (d) An application to enter into an agreement, a communication  
9 denying an application to enter into an agreement, an agreement, a  
10 qualified job training expenditures certificate, a communication  
11 denying a qualified job training expenditures certificate, or the  
12 total amount of credits claimed in a tax year under section 459 of  
13 the Michigan business tax act, 2007 PA 36, MCL 208.1459,  
14 notwithstanding section 459(6) of the Michigan business tax act,  
15 2007 PA 36, MCL 208.1459.

16 (8) As used in subsection (1), "adjusted gross receipts" and  
17 "wagering tax" mean those terms as described in the Michigan Gaming  
18 Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226.

19 Enacting section 1. This amendatory act does not take effect  
20 unless both of the following bills of the 102nd Legislature are  
21 enacted into law:

22 (a) Senate Bill No. 633.

23 (b) Senate Bill No. \_\_\_\_ or House Bill No. 6233 (request no.  
24 04808'23 \*).