

HOUSE BILL No. 4029

January 12, 2017, Introduced by Rep. Byrd 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 13 (MCL 205.13), as amended by 2006 PA 615.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) The department of treasury shall administer and

1 enforce the following laws and shall succeed to and is vested with
2 all of the powers, duties, functions, responsibilities, and
3 jurisdiction now or hereafter conferred upon the following:

4 (a) State board of tax administration, by the general sales
5 tax act, 1933 PA 167, MCL 205.51 to 205.78, and by the use tax act,
6 1937 PA 94, MCL 205.91 to 205.111.

7 (b) Auditor general, by 1905 PA 282, MCL 207.1 to 207.21, and
8 by the Michigan estate tax act, 1899 PA 188, MCL 205.201 to
9 205.256.

10 (c) State tax commission, by 1929 PA 48, MCL 205.301 to
11 205.317.

12 (d) State tax commission, by section 61524 of the natural
13 resources and environmental protection act, 1994 PA 451, MCL
14 324.61524.

15 (e) The department shall succeed to and is vested with all
16 powers, duties, functions, responsibilities, and jurisdiction of
17 the attorney general over the collection of all past due money and
18 accounts that are owing to the state of Michigan or any department,
19 commission, or institution of this state, vested in the attorney
20 general by 1927 PA 375, MCL 14.131 to 14.134.

21 (f) For cities that enter into an agreement with the
22 department of treasury ~~pursuant to~~ **UNDER** section 9 of chapter 1 of
23 the city income tax act, 1964 PA 284, MCL 141.509, the department
24 of treasury is vested with all the powers, duties, functions,
25 responsibilities, and jurisdiction to administer, collect under,
26 and enforce the city income tax act, 1964 PA 284, MCL 141.501 to
27 141.787, as provided in the city income tax act, 1964 PA 284, MCL

1 141.501 to 141.787, and the agreement. The department of treasury
2 shall not charge to or collect from a taxpayer any amount not
3 otherwise authorized by law in conjunction with the collection of
4 the tax pursuant to ~~UNDER~~ an agreement entered into under section 9
5 of chapter 1 of the city income tax act, 1964 PA 284, MCL 141.509.
6 **NOTWITHSTANDING ANY OTHER SECTION OF THIS ACT, THE DEPARTMENT OF**
7 **TREASURY IS AUTHORIZED TO AND SHALL USE THE PROCEDURES OF**
8 **ADMINISTRATION, AUDIT, ASSESSMENT, INTEREST, PENALTY, VOLUNTARY**
9 **DISCLOSURE, AND APPEAL PROVIDED IN SECTIONS 21 TO 30C, AS WELL AS**
10 **ANY APPLICABLE BULLETINS, DIRECTIVES, NOTICES, POLICIES, OR**
11 **GUIDANCE ISSUED, AS WELL AS ANY RULES PROMULGATED UNDER THE**
12 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
13 **24.328, FOR CITY INCOME TAXES COLLECTED UNDER AN AGREEMENT ENTERED**
14 **INTO WITH A CITY UNDER SECTION 9 OF CHAPTER 1 OF THE CITY INCOME**
15 **TAX ACT, 1964 PA 284, MCL 141.509. IN APPLYING THE PROCEDURES AS**
16 **AUTHORIZED IN THIS SUBDIVISION, ALL REFERENCES TO THE DEPARTMENT OR**
17 **TAXES ADMINISTERED BY THE DEPARTMENT ARE CONSIDERED A REFERENCE TO**
18 **THE APPLICABLE CITY AND CITY INCOME TAX AS NECESSARY TO PERMIT THE**
19 **APPLICATION OF THOSE PROCEDURES TO THE CITY INCOME TAX ACT, 1964 PA**
20 **284, MCL 141.501 TO 141.787.**

21 (2) The department of **HEALTH AND** human services and its
22 designees are vested with all of the powers, duties, functions,
23 responsibilities, and jurisdiction of the department of treasury
24 under this act for the enforcement, investigation, and collection
25 of support owed to this state.

26 (3) Except as otherwise provided in this act, each state
27 officer, department, board, commission, or agency from time to time

1 shall forward to the department of treasury statements of all
2 delinquent and past due money, specific taxes, and accounts owing
3 or belonging to this state, or any officer, department, board,
4 commission, or agency of this state together with any information
5 necessary to enable the department to carry out the purposes of
6 this act. The department shall do all of the following:

7 (a) Keep an accurate record and account of all of the
8 statements.

9 (b) Enforce payment and collection of the money, specific
10 taxes, or accounts.

11 (c) Keep an accurate account of all money, specific taxes, or
12 accounts collected.

13 (d) Report monthly all collections made to the officer,
14 department, board, commission, or agency to which the indebtedness
15 was incurred.

16 (e) Pay monthly to the state treasurer all money collected
17 unless otherwise provided by law.

18 (4) The department of **HEALTH AND** human services or its
19 designee authorized under subsection (2) to collect support owed to
20 this state may settle and compromise claims and accounts and
21 receive and issue receipts for collections and payments, subject to
22 the authority granted to it by the social security act, 42 USC 301
23 to ~~1397jj~~, **1397MM**, the office of child support act, 1971 PA 174,
24 MCL 400.231 to 400.240, and the support and parenting time
25 enforcement act, 1982 PA 295, MCL 552.601 to 552.650.