



Senate Fiscal Agency  
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Senate Bill 1015 (as introduced 1-16-08)  
Sponsor: Senator Nancy Cassis  
Committee: Finance

Date Completed: 10-1-08

### **CONTENT**

**The bill would amend the revenue Act to require the State Treasurer to divulge information set forth or disclosed in a return or report or by an investigation or audit to the chairpersons of the legislative standing committees with jurisdiction over taxation and finance matters, and to the directors of the Senate and House Fiscal Agencies, upon receiving a written request.**

Under the Act, except as otherwise provided, an employee, authorized representative, or former employee or authorized representative of the Department of Treasury or anyone connected with the Department may not divulge any facts or information obtained in connection with the administration of a tax or information or parameters that would enable a person to ascertain the Department's audit selection or processing criteria for a tax administered by the Department. The Treasurer or a person designated by the Treasurer may divulge information set forth or disclosed in a return or report or by an investigation or audit to any department, institution, or agency of State government upon receiving a written request from a head of the department, institution, or agency if it is required for the effective administration or enforcement of the laws of this State, to a proper officer of the U.S. Department of Treasury, and to a proper officer of another state reciprocating in this privilege.

Under the bill, the Treasurer would be required to divulge information set forth or disclosed in a return or report or by an investigation or audit to the chairpersons of the Senate and House of Representatives standing committees having jurisdiction over matters related to taxation and finance, the director of the Senate Fiscal Agency, and the director of the House Fiscal Agency, upon receiving a written request from the chairperson or director. These individuals could not release or divulge information related to them under the bill to any person who was not a member of that committee, a legislative staff person assigned to that committee, the director of the Senate Fiscal Agency, or the director of the House Fiscal Agency. A person who received the information could not release it in violation of these provisions.

A person who releases information in violation of the Act or commits certain other violations is guilty of a felony, punishable by a maximum fine of \$5,000, imprisonment for up to five years, or both, together with the costs of prosecution. If the offense is committed by a State employee, he or she also must be dismissed from office or discharged from employment upon conviction. Under the bill, if a chairperson, a committee member, a legislative staff person assigned to a committee, the director of the Senate Fiscal Agency, or

the director of the House Fiscal Agency released any information in violation of the bill, he or she would be subject to these penalties.

MCL 205.28

Legislative Analyst: Craig Laurie

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of releasing or divulging tax-related information. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. Additional penal fine revenue would benefit public libraries.

The bill would have no fiscal impact on the Department of Treasury.

Fiscal Analyst: Joe Carrasco  
Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.