

HOUSE BILL No. 5316

September 2, 2009, Introduced by Rep. Opsommer 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 30 (MCL 205.30), as amended by 1993 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30. (1) The department shall credit or refund an
2 overpayment of taxes; taxes, penalties, and interest erroneously
3 assessed and collected; and taxes, penalties, and interest that are
4 found unjustly assessed, excessive in amount, or wrongfully
5 collected with interest at the rate calculated under section 23 for
6 deficiencies in tax payments.

7 (2) A taxpayer who paid a tax that the taxpayer claims is not
8 due may petition the department for refund of the amount paid
9 within the time period specified as the statute of limitations in
10 section 27a. If a tax return reflects an overpayment or credits in
11 excess of the tax, the declaration of that fact on the return
12 constitutes a claim for refund. If the department agrees the claim
13 is valid, the amount of overpayment, penalties, and interest shall
14 be first applied to any known liability as provided in section 30a,
15 and the excess, if any, shall be refunded to the taxpayer or
16 credited, at the taxpayer's request, against any current or
17 subsequent tax liability.

18 (3) The department shall certify a refund to the state
19 disbursing authority who shall pay the amount out of the proceeds
20 of the tax in accordance with the accounting laws of the state.
21 Interest at the rate calculated under section 23 for deficiencies
22 in tax payments shall be added to the refund commencing 45 days
23 after the claim is filed or 45 days after the date established by
24 law for the filing of the return, whichever is later. **IF A REFUND**
25 **IS NOT PAID WITHIN 60 DAYS AFTER THE CLAIM IS FILED OR 60 DAYS**
26 **AFTER THE DATE ESTABLISHED BY LAW FOR FILING THE RETURN, WHICHEVER**
27 **IS LATER, IN ADDITION TO THE INTEREST RATE DESCRIBED IN SECTION 23,**

1 THE STATE DISBURSING AUTHORITY SHALL PAY AN ADDITIONAL MONTHLY
2 INTEREST RATE OF 3% CALCULATED BY THE DEPARTMENT IN THE SAME MANNER
3 DESCRIBED IN SECTION 23. Interest on refunds intercepted and
4 applied as provided in section 30a shall cease as of the date of
5 interception. Refunds for amounts of less than \$1.00 shall not be
6 paid.