

# HOUSE BILL No. 4388

February 26, 1991, Introduced by Reps. Hickner, DeMars, Middleton, DeBeaussaert, Middaugh, Hoekman, Randall, Walberg, Byrum, Strand, Munsell, Anthony and Dobb and referred to the Committee on Taxation.

A bill to amend section 19 of Act No. 122 of the Public Acts of 1941, entitled as amended

"An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; 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 provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act,"

as amended by Act No. 58 of the Public Acts of 1986, being section 205.19 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 19 of Act No. 122 of the Public Acts of  
2 1941, as amended by Act No. 58 of the Public Acts of 1986, being

1 section 205.19 of the Michigan Compiled Laws, is amended to read  
2 as follows:

3       Sec. 19. (1) All remittances of taxes administered by this  
4 act shall be made to the department payable to the state of  
5 Michigan by bank draft, check, cashier's check, certified check,  
6 money order, or cash. The money received shall be credited as  
7 provided by law. A remittance other than cash shall not be a  
8 final discharge of liability for the tax assessed and levied  
9 until the instrument remitted has been honored.

10       (2) For failure to remit a tax administered by this act with  
11 a negotiable remittance, a penalty of 25% of the tax due may be  
12 added in addition to any other penalties imposed by this act.

13       (3) The commissioner may require that all money collected by  
14 the taxpayer for taxes administered by this act ~~which~~ THAT have  
15 not been paid to the department of treasury shall be, and remain  
16 public money, the property of this state, and shall be held in  
17 trust in a separate account and fund for the sole use and benefit  
18 of this state until paid over to the department of treasury.

19       (4) NOTWITHSTANDING SECTION 23, THE COMMISSIONER SHALL SUB-  
20 TRACT THE AMOUNT OF AN OVERPAYMENT MADE BY A TAXPAYER FOR A TAX  
21 ADMINISTERED BY THIS ACT FROM ANY UNDERPAYMENT MADE BY THAT TAX-  
22 PAYER FOR ANOTHER TAX ADMINISTERED BY THIS ACT, BEFORE THE COM-  
23 MISSIONER CALCULATES THE INTEREST DUE UNDER SECTION 23 ON THE TAX  
24 LIABILITY THAT WAS UNDERPAID. IF THE COMMISSIONER OFFSETS TAX  
25 LIABILITY PAYMENTS UNDER THIS SUBSECTION, THE TAXPAYER SHALL NOT  
26 BE ELIGIBLE FOR THE INTEREST CALCULATED UNDER SECTION 30(1).