



# HOUSE BILL No. 5027

September 15, 1993, Introduced by Reps. Gustafson and Bullard and referred to the Committee on Taxation.

A bill to amend section 10 of Act No. 94 of the Public Acts of 1937, entitled as amended

"Use tax act,"

as amended by Act No. 376 of the Public Acts of 1988, being section 205.100 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 94 of the Public Acts of  
2 1937, as amended by Act No. 376 of the Public Acts of 1988, being  
3 section 205.100 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 10. (1) The tax imposed by this act shall be adminis-  
6 tered by the revenue commissioner under Act No. 122 of the Public  
7 Acts of 1941, as amended, being sections 205.1 to 205.31 of the  
8 Michigan Compiled Laws, and this act. In case of conflict

1 between Act No. 122 of the Public Acts of 1941, as amended, and  
2 this act, the provisions of this act ~~shall~~ apply.

3 (2) Rules shall be promulgated under this act pursuant to  
4 the administrative procedures act of 1969, Act No. 306 of the  
5 Public Acts of 1969, as amended, being sections 24.201 to 24.328  
6 of the Michigan Compiled Laws.

7 (3) Claims for refund pursuant to the 1988 amendatory act  
8 amending section 2 shall be filed not later than March 31, 1989..  
9 The approved refunds shall be paid without interest. The depart-  
10 ment shall not pay refunds totaling more than \$1,000,000.00 in  
11 any 1 fiscal year, unless the single business tax act, Act  
12 No. 228 of the Public Acts of 1975, being sections 208.1 to  
13 208.145 of the Michigan Compiled Laws, is amended to impose a  
14 1-year surcharge on the business activity of contract construc-  
15 tion to recover the cost of the refunds.

16 (4) A CLAIM FOR A REFUND PURSUANT TO THE FINAL DECISION OF  
17 THE MICHIGAN COURT OF APPEALS IN THE CASE OF GTE SPRINT  
18 COMMUNICATIONS CORP. V MICHIGAN DEPARTMENT OF TREASURY, 179 MICH  
19 APP 276, 1989, LV DEN 436 MICH 874, 1990, SHALL BE FILED NOT  
20 LATER THAN JANUARY 1, 1994 BY A PERSON THAT PAID THE TAX UNDER  
21 THIS ACT FOR INTERSTATE ACCESS TELEPHONE SERVICES FOR THE PERIOD  
22 BEGINNING AUGUST 1, 1988 THROUGH JANUARY 1, 1991. THE APPROVED  
23 REFUND SHALL BE PAID WITHOUT INTEREST. THE DEPARTMENT SHALL PAY  
24 THE REFUND IN 12 EQUAL INSTALLMENTS COMMENCING IN THE MONTH THAT  
25 THE PERSON BEGINS APPLYING THE REFUNDS TO THE BILLINGS OF ITS  
26 CURRENT MICHIGAN INTERSTATE SUBSCRIBERS IN A MANNER CONSISTENT  
27 WITH THE REQUIREMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION.