



# HOUSE BILL No. 5021

September 12, 1995, Introduced by Rep. Jamian and referred to the Committee on Tax Policy.

A bill to amend section 43 of chapter 2 of Act No. 284 of the Public Acts of 1964, entitled "City income tax act," as amended by Act No. 198 of the Public Acts of 1991, being section 141.643 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 43 of chapter 2 of Act No. 284 of the  
2 Public Acts of 1964, as amended by Act No. 198 of the Public Acts  
3 of 1991, being section 141.643 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 CHAPTER 2

6 Sec. 43. (1) A balance of the tax that is due the city at  
7 the time of filing an annual return shall be paid with the return  
8 unless the balance is less than \$1.00, in which case payment is  
9 not required.

1 (2) If the annual return reflects an overpayment of the tax,  
2 the declaration of the overpayment on the return constitutes a  
3 claim for refund. If the city agrees that a claim is valid, the  
4 city may apply the overpayment first to a delinquent tax liabil-  
5 ity under this ordinance of the taxpayer to the city. The city  
6 shall apply any remaining overpayment against a subsequent  
7 liability under this ordinance or, at the election of the tax-  
8 payer and if indicated on the return, shall refund the  
9 overpayment. However, the city shall not pay a refund of less  
10 than \$1.00.

11 (3) If a valid claim for a refund of taxes, except a refund  
12 under section 61, due for the taxable year 1992 or a taxable year  
13 after 1992 is filed, interest at the rate established in  
14 section 30(3) of Act No. 122 of the Public Acts of 1941, being  
15 section 205.30 of the Michigan Compiled Laws, shall be added to  
16 the refund ~~beginning~~ ACCORDING TO THE FOLLOWING SCHEDULE:

17 (A) IF THE CITY'S POPULATION IS MORE THAN 1,000,000,  
18 BEGINNING 45 days after the claim is filed or 45 days after the  
19 date established under this ordinance for the filing of the  
20 return, whichever is later.

21 (B) IF THE CITY'S POPULATION IS 250,000 TO 1,000,000, BEGIN-  
22 NING 40 DAYS AFTER THE CLAIM IS FILED OR 40 DAYS AFTER THE DATE  
23 ESTABLISHED UNDER THIS ORDINANCE FOR THE FILING OF THE RETURN,  
24 WHICHEVER IS LATER.

25 (C) IF THE CITY'S POPULATION IS 150,000 TO 250,000, BEGIN-  
26 NING 35 DAYS AFTER THE CLAIM IS FILED OR 35 DAYS AFTER THE DATE

1 ESTABLISHED UNDER THIS ORDINANCE FOR THE FILING OF THE RETURN,  
2 WHICHEVER IS LATER.

3 (D) IF THE CITY'S POPULATION IS LESS THAN 150,000, BEGINNING  
4 30 DAYS AFTER THE CLAIM IS FILED OR 30 DAYS AFTER THE DATE ESTAB-  
5 LISHED UNDER THIS ORDINANCE FOR THE FILING OF THE RETURN, WHICH-  
6 EVER IS LATER.