

HOUSE BILL No. 5357

October 25, 2005, Introduced by Reps. Meyer, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Hummel, Kahn, Baxter and Robertson 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 the state; to prescribe certain powers and duties of the state treasurer; 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,"

(MCL 205.1 to 205.31) by adding section 21a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

**SEC. 21A. IN THE COURSE OF AN AUDIT CONDUCTED UNDER THE
AUTHORITY OF SECTION 21, A TAXPAYER HAS THE RIGHT TO CLAIM CREDIT**

1 AMOUNTS AS AN OFFSET AGAINST DEBIT AMOUNTS DETERMINED IN THE AUDIT,
2 PROVIDED, HOWEVER, THAT A TAXPAYER, OTHER THAN A PERSON ENGAGED IN
3 THE BUSINESS OF MAKING SALES AT RETAIL, MAY NOT CLAIM AN OFFSET FOR
4 A CREDIT FOR SALES TAX LEVIED UNDER THE GENERAL SALES TAX ACT, 1933
5 PA 167, MCL 205.51 TO 205.78, IN EXCESS OF \$5,000.00.