

HOUSE BILL No. 5117

October 2, 2001, Introduced by Rep. Spade and referred to the Committee on Appropriations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 397.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 397. (1) THE STATE POLICE RETIREMENT REIMBURSEMENT
2 FUND IS CREATED WITHIN THE STATE TREASURY. THE DEPARTMENT SHALL
3 EXPEND MONEY FROM THE FUND, UPON APPROPRIATION, ONLY TO REIMBURSE
4 INDIVIDUALS WHO RECEIVED DISABILITY RETIREMENT ALLOWANCES FROM
5 THE DEPARTMENT OF STATE POLICE BETWEEN JANUARY 1, 1985 AND
6 DECEMBER 31, 1995 AND WHO HAD FEDERAL INCOME TAXES WITHHELD BY
7 THIS STATE FROM THE DISABILITY RETIREMENT ALLOWANCES.
8 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
9 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
10 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
11 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND

1 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR
2 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL
3 FUND.

4 (3) THE AMOUNT THAT AN INDIVIDUAL MAY RECEIVE UNDER THIS
5 SECTION IS LIMITED TO THE FEDERAL INCOME TAXES WITHHELD FROM THE
6 INDIVIDUAL'S RETIREMENT ALLOWANCE BETWEEN JANUARY 1, 1985 AND
7 DECEMBER 31, 1995 AND NOT PREVIOUSLY REFUNDED TO THE INDIVIDUAL
8 BY THIS STATE OR THE UNITED STATES.

9 (4) IN ORDER FOR AN INDIVIDUAL TO RECEIVE AMOUNTS UNDER THIS
10 SECTION, THE INDIVIDUAL SHALL DEMONSTRATE THE FOLLOWING TO THE
11 SATISFACTION OF THE DEPARTMENT:

12 (A) THAT THE INDIVIDUAL RECEIVED DISABILITY RETIREMENT
13 ALLOWANCES FROM THE DEPARTMENT OF STATE POLICE UNDER 1 OF THE
14 FOLLOWING CIRCUMSTANCES:

15 (i) A DUTY INCURRED DISABILITY UNDER SECTION 26 OF THE STATE
16 POLICE RETIREMENT ACT OF 1986, 1986 PA 182, MCL 38.1626.

17 (ii) A NONDUTY INCURRED DISABILITY UNDER SECTION 28 OF THE
18 STATE POLICE RETIREMENT ACT OF 1986, 1986 PA 182, MCL 38.1628.

19 (B) THAT THE INDIVIDUAL RECEIVED THE DISABILITY RETIREMENT
20 ALLOWANCES BETWEEN JANUARY 1, 1985 AND DECEMBER 31, 1995.

21 (C) THE AMOUNT OF FEDERAL INCOME TAX WITHHELD BY THIS STATE
22 FROM THE DISABILITY RETIREMENT ALLOWANCES.

23 (D) THAT THE INDIVIDUAL DID NOT RECEIVE A REFUND OF THE FED-
24 ERAL TAXES WITHHELD BY THIS STATE FROM THIS STATE OR THE UNITED
25 STATES.

1 (5) THE DEPARTMENT SHALL REIMBURSE EACH INDIVIDUAL WHO
2 COMPLIES WITH SUBSECTION (4) WITHIN 30 DAYS AFTER THE INDIVIDUAL
3 HAS COMPLIED WITH SUBSECTION (4).

4 (6) PAYMENTS FROM THIS FUND SHALL NOT BE MADE FOR CLAIMS
5 RECEIVED BY THE DEPARTMENT OF TREASURY MORE THAN 2 YEARS AFTER
6 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.