

SENATE BILL No. 76

January 25, 2005, Introduced by Senators VAN WOERKOM, GILBERT, ALLEN, KUIPERS, GARCIA, GOSCHKA, BASHAM and THOMAS and referred to the Committee on Finance.

A bill to establish the state home heating credit fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the home heating credit fund.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "home
2 heating credit fund act".

3 Sec. 2. (1) The home heating credit fund is created as a
4 separate fund in the department of treasury. The fund shall be
5 expended only as provided in this act.

6 (2) The state treasurer shall credit to the home heating
7 credit fund all amounts designated for the home heating credit fund
8 pursuant to section 437 of the income tax act of 1967, 1967 PA 281,
9 MCL 206.437.

1 (3) The state treasurer shall direct the investment of the
2 home heating credit fund money in the same manner as other funds
3 are invested. The state treasurer shall credit to the home heating
4 credit fund the interest and earnings from the home heating credit
5 fund.

6 (4) Money collected as an energy replacement tax and deposited
7 in the home heating credit fund under the home heating energy
8 assistance act shall be available for disbursement upon
9 appropriation.

10 (5) Funds granted or funds received as gifts or donations to
11 the home heating credit fund shall be available for disbursement
12 upon appropriation.

13 (6) Money in the home heating credit fund at the close of the
14 state fiscal year shall remain in the home heating credit fund and
15 shall not lapse to the general fund.

16 Sec. 3. (1) Each year that the contribution designation
17 program under section 437 of the income tax act of 1967, 1967 PA
18 281, MCL 206.437, is in effect, an amount equal to the cumulative
19 designations made under that section less the annual amount
20 appropriated to the department of treasury for the purpose of
21 administering the home heating credit fund and implementing section
22 437 of the income tax act of 1967, 1967 PA 281, MCL 206.437, shall
23 be appropriated from the general fund to the home heating credit
24 fund in the department of treasury for use solely in support of the
25 purposes provided in this act.

26 (2) The money in the home heating credit fund shall be used by
27 the department to pay home heating credits claimed pursuant to

1 section 527a of the income tax act of 1967, 1967 PA 281, MCL
2 206.527a, to the extent that credits under that section are not
3 fully funded pursuant to section 527a(19) of the income tax act of
4 1967, 1967 PA 281, MCL 206.527a. The money in the home heating
5 credit fund shall not be used to replace funds otherwise designated
6 to fund the credits under section 527a of the income tax act of
7 1967, 1967 PA 281, MCL 206.527a.