

SENATE BILL No. 1353

May 28, 2008, Introduced by Senators PAPPAGEORGE, THOMAS, KAHN, JELINEK, GEORGE, JANSEN, BIRKHOLZ and GARCIA and referred to the Committee on Finance.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 435 (MCL 206.435), as added by 2007 PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 435. (1) Except as otherwise provided under this section,
2 for the 2008 tax year and each tax year after the 2008 tax year, an
3 individual may designate in a manner and form as prescribed by the
4 department pursuant to subsection (2) on his or her annual return
5 that contributions of \$5.00, \$10.00, or more of his or her refund
6 be credited to any of the following:

7 (a) For the 2010 tax year and each tax year after the 2010 tax
8 year, the Michigan higher education assistance authority created in
9 section 1 of 1960 PA 77, MCL 390.951, for the children of veterans

1 tuition grant program created in the children of veterans tuition
2 grant act, 2005 PA 248, MCL 390.1341 to 390.1346. No money from the
3 contributions designated to this subdivision shall be used for the
4 purpose of administering this section.

5 (b) For the 2010 tax year and each tax year after the 2010 tax
6 year, the children's trust fund created in 1982 PA 249, MCL 21.171
7 to 21.172.

8 (c) The prostate cancer research fund created in the prostate
9 cancer research fund act, 2007 PA 135, MCL 333.26241 TO 333.26246.

10 (d) Amanda's fund for breast cancer prevention and treatment
11 created in the Amanda's fund for breast cancer prevention and
12 treatment act, 2007 PA 134, MCL 333.26231 TO 333.26237.

13 (e) The animal welfare fund created in the animal welfare fund
14 act, 2007 PA 132, MCL 287.991 TO 287.997.

15 (f) The Michigan housing and community development fund
16 created in section 3 of the Michigan housing and community
17 development fund act, 2004 PA 479, MCL 125.2823.

18 **(G) THE HISTORY, ARTS, AND LIBRARIES FUND CREATED IN THE**
19 **DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES UNDER SECTION 216 OF**
20 **2007 PA 117, WHICH CONTRIBUTIONS SHALL BE USED SOLELY TO FUND**
21 **GRANTS ADMINISTERED BY THE MICHIGAN COUNCIL FOR ARTS AND CULTURAL**
22 **AFFAIRS.**

23 (2) The department shall establish and utilize a separate
24 contributions schedule that incorporates each contribution
25 designation authorized under this section that remains in effect
26 and available for each tax year and shall revise the state
27 individual income tax return form to include a separate line for

1 the total contribution designations made under the separate
2 contributions schedule. The contribution designations authorized
3 under sections 437 and 440 shall remain on the first page of the
4 state individual income tax return for the 2008 and 2009 tax years,
5 but shall be incorporated into the contributions schedule for the
6 2010 tax year and shall remain on the schedule until the
7 contribution designation expires by law or is otherwise no longer
8 available as determined by the department pursuant to subsection
9 (3). A contribution designation that is enacted after the effective
10 date of the amendatory act that added this section shall be
11 incorporated as soon as practical on the contributions schedule,
12 and each new contribution designation shall be listed on the
13 schedule in alphabetical order.

14 (3) The department may cease to include a contribution
15 designation on the contributions schedule if that contribution
16 designation fails to raise \$100,000.00 in any tax year for 2
17 consecutive tax years.

18 (4) If an individual's refund is not sufficient to make a
19 contribution under this section, the individual may designate a
20 contribution amount and that contribution amount shall be added to
21 the individual's tax liability for the tax year.

22 (5) Notwithstanding any other allocations or disbursements
23 required by this act, each year that a contribution designation
24 under this section is in effect, an amount equal to the cumulative
25 designation made under this section, less the amount appropriated
26 to the department to implement this section, shall be appropriated
27 from the general fund and distributed to the department responsible

1 for administering the appropriate fund to which the taxpayer
2 designated his or her contribution and shall be used solely for the
3 purposes of that fund.

4 (6) Money appropriated pursuant to an appropriations act as
5 required by law in accordance with this section to the department
6 responsible for administering each respective fund shall be in
7 addition to any other allocation or appropriation and is intended
8 to enhance appropriations from the general fund and not to replace
9 or supplant those appropriations.