



# HOUSE BILL No. 4994

June 16, 1995, Introduced by Reps. Hill, Ryan, Perricone, Bush, Hammerstrom, Byl, Jellema, Bodem, London, Rhead, Goschka, Llewellyn, Gustafson, Middleton, Oxender, McManus, Green, Whyman, Gnodtke, Alley, Dolan, Gernaat, Brackenridge, Bobier, McBryde, Johnson, Nye, Kaza, Voorhees, Kukuk, LeTarte, Gilmer, Lowe, Middaugh, DeLange, Cropsey, Dalman, Munsell and Sikkema and referred to the Committee on Tax Policy.

A bill to amend section 527a of Act No. 281 of the Public Acts of 1967, entitled "Income tax act of 1967," as amended by Act No. 181 of the Public Acts of 1991, being section 206.527a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 527a of Act No. 281 of the Public Acts  
2 of 1967, as amended by Act No. 181 of the Public Acts of 1991,  
3 being section 206.527a of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 527a. (1) For tax years 1985 through ~~1994~~ 1997, a  
6 claimant may claim a credit against the state income tax for  
7 heating fuel costs for the claimant's homestead in this state.  
8 An adult foster care home, nursing home, home for the aged, or  
9 substance abuse center shall not be considered a homestead for

1 purposes of this section. The credit shall be determined in the  
2 following manner:

3 (a) For the 1988 tax year through the ~~1994~~ 1997 tax year,  
4 the following table shall be used for the computation of a credit  
5 as computed under subdivision (c):

6 Exemptions	0 or 1	2	3	4	5	6 or more
7 Credit	\$272	\$326	\$379	\$450	\$525	\$601 + \$76
8						for each
9						exemption
10						over 6

11 (b) For tax years subsequent to the 1988 tax year, the  
12 amounts in the table in subdivision (a) shall be adjusted each  
13 year as necessary by the department so that a claimant with a  
14 household income less than 110% of the federal poverty income  
15 standards as defined and determined annually by the United States  
16 office of management and budget is not denied a credit.

17 (c) A claimant shall receive the greater of the credit  
18 amount as determined in subparagraph (i) or (ii):

19 (i) Subtract 3.5% of the claimant's household income from  
20 the amount specified in subdivision (a) that corresponds with the  
21 number of exemptions claimed in the return filed under this act,  
22 except that the number of exemptions for purposes of this subdi-  
23 vision shall not exceed the actual number of persons living in  
24 the household plus the additional personal exemptions allowed  
25 under section 30, and any dependency exemptions for a person or  
26 persons living in the household under a custodial arrangement,  
27 even if the exemptions may not be claimed for other income tax

1 purposes. For a claimant whose heating costs are included in his  
2 or her rent, multiply the result of the preceding calculation by  
3 50%.

4 (ii) Subject to subsection (2), for a claimant whose house-  
5 hold income does not exceed the maximum specified in the follow-  
6 ing table, as adjusted, that corresponds with the number of  
7 exemptions claimed in the return filed under this act, subtract  
8 11% of claimant's household income from the total cost incurred  
9 by a claimant for heating fuel from a heating fuel provider  
10 during the 12 consecutive monthly billing periods ending in  
11 October of the tax year, and multiply the resulting amount by  
12 70%:

13 Exemptions	0 or 1	2	3	4	5	For each
14						exemption
15						over 5,
16						add
17						\$2,441.00
18						to the
19						maximum
20						income
21	Maximum					
22	Income	\$7,060	\$9,501	\$11,943	\$14,382	\$16,824

23 (d) For the 1988 tax year for the purposes of subdivision  
24 (c), the total cost incurred by a claimant for heating fuel from  
25 a heating fuel provider shall not exceed \$1,190.00. For tax  
26 years subsequent to the 1988 tax year, the maximum cost incurred  
27 by a claimant for heating fuel during a tax year shall be

1 adjusted by multiplying the maximum cost for the IMMEDIATELY  
2 preceding tax year by the percentage by which the average all  
3 urban Detroit consumer price index for fuels and other utilities  
4 for the 12 months ending August 31 of the tax year for which the  
5 credit is claimed exceeds that index's average for the 12 months  
6 ending on August 31 of the previous tax year, but not more than  
7 10%. That product shall be added to the maximum cost of the  
8 IMMEDIATELY preceding tax year and then rounded to the nearest  
9 whole dollar. That dollar amount is the new maximum cost for the  
10 current tax year. If the claimant received any credits to his or  
11 her heating bill during the tax year, as provided for in subsec-  
12 tion (6), the credits shall be treated as costs incurred by the  
13 claimant.

14 (e) For tax years subsequent to the 1988 tax year, the maxi-  
15 mum income amounts specified in subdivision (c)(ii) shall be  
16 adjusted by multiplying the respective maximum income amounts for  
17 the ~~previous~~ IMMEDIATELY PRECEDING tax year by the percentage  
18 by which the average all urban Detroit consumer price index for  
19 all items for the 12 months ending August 31 of the tax year for  
20 which the credit is claimed exceeds that index's average for the  
21 12 months ending on August 31 of the ~~previous~~ IMMEDIATELY  
22 PRECEDING tax year, but not more than 10%. That product shall be  
23 added to the ~~previous~~ IMMEDIATELY PRECEDING tax year's respec-  
24 tive maximum income level and then rounded to the nearest whole  
25 dollar. That dollar amount is the new maximum income level for  
26 the then current tax year.

1 (2) An enrolled heating fuel provider shall notify each of  
2 its customers, not later than December 15 of each year, of the  
3 availability, upon request, of the information necessary for  
4 determining the credit under this section. For a claimant for  
5 whom, at the time of filing, the department of social services is  
6 making direct vendor payments to an enrolled heating fuel provid-  
7 er, the enrolled heating fuel provider that accepts the direct  
8 payments shall mail the information necessary for determining the  
9 credit before February 1 of each year. If an enrolled heating  
10 fuel provider refuses or fails to provide to a customer the  
11 information required for determining the credit, or if the claim-  
12 ant is not a customer of an enrolled heating fuel provider, a  
13 claimant may determine the credit provided in subsection  
14 (1)(c)(ii) based on his or her own records.

15 (3) A credit claimed on a return covering a period of less  
16 than 12 months shall be calculated based on subsection (1)(c)(i)  
17 and shall be reduced proportionately.

18 (4) If the allowable amount of the credit under this section  
19 exceeds the state income tax otherwise due for the tax year, the  
20 amount of credit not used as an offset against the state income  
21 tax shall be remitted to the claimant, other than a claimant  
22 whose heating costs are included in his or her rent, in the form  
23 of an energy draft that states the name of the claimant and is  
24 issued by the department. For a claimant for whom, at the time  
25 of filing, the department of social services is making direct  
26 vendor payments to an enrolled heating fuel provider, the  
27 department shall send the energy draft directly to the claimant's

1 enrolled heating fuel provider, as identified by the claimant.  
2 After July 31, a refundable credit for a prior tax year may be  
3 paid in the form of a negotiable warrant. The energy draft shall  
4 be negotiable only through the claimant's enrolled heating fuel  
5 provider upon remittance by the claimant.

6 (5) If, when a claimant remits an energy draft to the  
7 claimant's enrolled heating fuel provider, the amount of the  
8 energy draft is greater than the total of outstanding bills  
9 incurred by the claimant with the enrolled heating fuel provider,  
10 the claimant, by checking the appropriate box to be included on  
11 the energy draft, may request from the enrolled heating fuel pro-  
12 vider a payment in an amount equal to the amount of the energy  
13 draft less the amount of the outstanding bills. The enrolled  
14 heating fuel provider shall issue the payment within 14 days  
15 after the claimant's request.

16 (6) If a claimant whose energy draft exceeds his or her out-  
17 standing bills does not request a payment from an enrolled heat-  
18 ing fuel provider under subsection (5), an energy draft remitted  
19 to an enrolled heating fuel provider shall be applied upon  
20 receipt to the claimant's designated account. The energy draft  
21 may be used to cover outstanding bills that the claimant has  
22 incurred with the enrolled heating fuel provider and to cover  
23 subsequent heating costs until the full amount of the energy  
24 draft is used or until 1 year after the date on which the energy  
25 draft is first applied to the claimant's designated account. If  
26 a credit amount remains from this energy draft after the 1-year  
27 period, or if prior to the end of the 1-year period a claimant is

1 no longer a customer of the heating fuel provider, the heating  
2 fuel provider shall remit the remaining unused portion to the  
3 claimant in the form of a fully negotiable check within 14 days  
4 after the end of the 1-year period or within 14 days after termi-  
5 nation of service, whichever is sooner.

6 (7) A claimant who is no longer a resident of the state of  
7 Michigan, who is not a customer of an enrolled heating fuel pro-  
8 vider, or whose heating fuel provider refuses to accept an energy  
9 draft shall return the energy draft to the department and request  
10 the issuance of a negotiable warrant. A claimant may return an  
11 energy draft to the department and request issuance of a negotia-  
12 ble warrant if the energy draft is impractical because the claim-  
13 ant has already purchased his or her energy supply for the year  
14 and does not have an outstanding obligation to an enrolled heat-  
15 ing fuel provider. The department may honor that request if it  
16 agrees that the use of the energy draft is impractical. The  
17 department shall issue the warrant within 14 days after receiving  
18 the energy draft from the claimant.

19 (8) The enrolled heating fuel provider shall bill the  
20 department for credit amounts that have been applied to claimant  
21 accounts pursuant to subsection (6), and the department shall pay  
22 the bills within 14 days of receipt. The billing shall be accom-  
23 panied by the energy drafts for which reimbursement is claimed.

24 (9) A claimant whose heating fuel is provided by a utility  
25 regulated by the Michigan public service commission is protected  
26 against the discontinuance of his or her heating fuel service  
27 from the date of filing a claim for the credit under this section

1 through the date of issuance of an energy draft and during a  
2 period beginning December 1 of the tax year for which the credit  
3 is claimed and ending March 31 of the following year if the  
4 claimant participates in the winter protection program set forth  
5 in R 460.2162(2) to (6) of the Michigan administrative code or if  
6 the utility accepts the claimant's energy draft. The acceptance  
7 of an energy draft by a utility shall be considered a request by  
8 the claimant for the winter protection program. The energy draft  
9 shall be coded by the department to denote claimants who are 65  
10 years of age or older. If the claimant is a claimant whose heat-  
11 ing cost is included in his or her rent payments, the amount of  
12 the claim not used as an offset against the state income tax,  
13 after examination and review, shall be approved for payment,  
14 without interest, to the claimant.

15 (10) If an enrolled heating fuel provider does not issue a  
16 payment or a negotiable check within 14 days as provided in sub-  
17 section (5) or (6), beginning on the fifteenth day, the amount  
18 due to the claimant is increased by adding interest computed on  
19 the basis of the rate of interest prescribed for delayed refunds  
20 of excess tax payments in section 30(3) of Act No. 122 of the  
21 Public Acts of 1941, being section 205.30 of the Michigan  
22 Compiled Laws. The enrolled heating fuel provider shall pay the  
23 interest and shall not bill the interest to or be reimbursed for  
24 the interest by the department.

25 (11) Only the renter or lessee shall claim a credit on prop-  
26 erty that is rented or leased as a homestead. Only 1 credit may  
27 be claimed for a household. The credit under this section is in

1 addition to other credits to which the claimant is entitled under  
2 this act. A person who is a full-time student at a school, com-  
3 munity college, or college or university and who is claimed as a  
4 dependent by another person is not eligible for the credit pro-  
5 vided by this section. A claimant who shares a homestead with  
6 other eligible claimants shall prorate the credit by the number  
7 of claimants sharing the homestead.

8 (12) A claimant who is eligible for the credit provided by  
9 this section shall be referred by the department to the appropri-  
10 ate state agency for determination of eligibility for home weath-  
11 erization assistance and shall accept weatherization assistance  
12 if eligible and if assistance is available. A heating fuel pro-  
13 vider that is required by the Michigan public service commission  
14 to participate in the residential conservation services home  
15 energy analysis program shall annually contact each claimant to  
16 whom it provides heating fuel, and whose usage exceeds 200,000  
17 cubic feet of natural gas or 18,000 kilowatt hours of electricity  
18 annually, and shall offer to provide a home energy analysis at no  
19 cost to the claimant. A heating fuel provider that is not  
20 required to participate in the residential conservation services  
21 program shall not be required to conduct a home energy analysis  
22 for its customers.

23 (13) If an enrolled heating fuel provider is regulated by  
24 the Michigan public service commission, the public service com-  
25 mission may use an enforcement method authorized by law or rule  
26 to enforce the requirements prescribed by this section on the  
27 enrolled heating fuel provider. If an enrolled heating fuel

1 provider is not regulated by the MICHIGAN public service  
2 commission, the department of social services may use an enforce-  
3 ment method authorized by law or rule to enforce the requirements  
4 prescribed by this section on the enrolled heating fuel  
5 provider.

6 (14) Not later than December 1 of each year, the department  
7 shall mail a home heating credit return to every person who ~~was~~  
8 ~~a recipient of general assistance or~~ RECEIVED aid to families  
9 with dependent children, STATE FAMILY ASSISTANCE, OR STATE DIS-  
10 ABILITY ASSISTANCE from the department of social services pursu-  
11 ant to the social welfare act, Act No. 280 of the Public Acts of  
12 1939, being sections 400.1 to ~~400.121~~ 400.119B of the Michigan  
13 Compiled Laws, during the tax year.

14 (15) The department shall complete a study by August 1 of  
15 1985, and of each subsequent year, of the actual heating costs of  
16 each claimant who received a credit from the department under  
17 this section for the IMMEDIATELY preceding tax year.

18 (16) The department may promulgate rules necessary to admin-  
19 ister this section pursuant to the administrative procedures act  
20 of 1969, Act No. 306 of the Public Acts of 1969, ~~as amended,~~  
21 being sections 24.201 to 24.328 of the Michigan Compiled Laws.

22 (17) The department shall provide a simplified procedure for  
23 claiming the credit under this section for those claimants for  
24 whom, at the time of filing, the department of social services is  
25 making direct vendor payments to an enrolled heating fuel  
26 provider.

1 (18) As used in this section:

2 (a) "Claimant whose heating costs are included in his or her  
3 rent" means a claimant whose rent includes the cost of heat at  
4 the time the claim for the credit under this section is filed.

5 (b) "Enrolled heating fuel provider" means a heating fuel  
6 provider that is enrolled with the department of social services  
7 as a heating fuel provider.

8 (c) "Heating fuel provider" means an individual or entity  
9 that provides a claimant with heating fuel or electricity for  
10 heating purposes.