

# SENATE BILL No. 853

October 25, 2007, Introduced by Senators CLARKE, HUNTER, KUIPERS, JACOBS, JANSEN, THOMAS, ANDERSON, BASHAM, BARCIA, OLSHOVE, BROWN, SANBORN, GILBERT, GLEASON, PAPPAGEORGE, JELINEK, VAN WOERKOM, BRATER and SCHAUER and referred to the Committee on Homeland Security and Emerging Technologies.

A bill to amend 1982 PA 249, entitled

"An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,"

by amending section 1 (MCL 21.171), as amended by 2005 PA 119.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) The children's trust fund is created as a  
2       charitable and educational endowment fund in the department of  
3       treasury. The fund shall be expended only as provided in this  
4       section.

5       (2) The state treasurer shall credit to the trust fund all  
6       amounts appropriated for this purpose under section 475 of the  
7       income tax act of 1967, 1967 PA 281, MCL 206.475, any amounts  
8       received under section 811j of the Michigan vehicle code, 1949 PA

1 300, MCL 257.811j, and section 8 of the child abuse and neglect  
2 prevention act, 1982 PA 250, MCL 722.608, and any amounts received  
3 from civil fines imposed under the playground equipment safety act,  
4 1997 PA 16, MCL 408.681 to 408.687.

5 (3) The state treasurer shall direct the investment of the  
6 trust fund. The state treasurer shall have the same authority to  
7 invest the assets of the trust fund as is granted to an investment  
8 fiduciary under the public employee retirement system investment  
9 act, 1965 PA 314, MCL 38.1132 to 38.1140m. **THE STATE TREASURER**  
10 **SHALL COMPLY WITH THE DIVESTMENT FROM TERROR ACT IN MAKING**  
11 **INVESTMENTS UNDER THIS ACT.**

12 (4) Not more than 1/2 of the money contributed to the trust  
13 fund each year, plus the interest and earnings, excluding  
14 unrealized gains and losses, credited to the trust fund during the  
15 previous fiscal year, shall be available for disbursement upon the  
16 authorization of the state board as provided in section 9 of the  
17 child abuse and neglect prevention act, 1982 PA 250, MCL 722.609.

18 (5) Money granted or received as gifts or donations to the  
19 trust fund shall be available for disbursement upon appropriation  
20 under section 8 of the child abuse and neglect prevention act, 1982  
21 PA 250, MCL 722.608, and funds authorized for expenditure shall not  
22 be considered assets of the trust fund for the purposes of  
23 subsection (4).

24 (6) The state treasurer shall annually prepare an accounting  
25 of revenues and expenditures from the trust fund. This accounting  
26 shall specifically identify the interest and earnings of the trust  
27 fund, shall describe how the amount of interest and earnings has

1 been affected by the expanded investment options provided for in  
2 subsection (3), and shall identify how the increased interest and  
3 earnings, if any, have been expended. This accounting shall be  
4 provided to the senate and house of representatives appropriations  
5 committees.

6 (7) As used in this section, "trust fund" means the children's  
7 trust fund created in subsection (1).

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. 846

10 of the 94th Legislature is enacted into law.