

SENATE BILL NO. 728

September 22, 1999, Introduced by Senators A. SMITH, GAST,
SCHWARZ, V. SMITH, LELAND, MURPHY, NORTH, MC MANUS,
KOIVISTO, BYRUM, DINGELL, GOUGEON, HOFFMAN, HAMMERSTROM,
DUNASKISS, VAUGHN, CHERRY, HART and STEIL and referred to
the Committee on Finance.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 274 (MCL 206.274), as amended by 1997 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 274. (1) For the 1995 tax year and each tax year after
2 the 1995 tax year and subject to the limitations in this section,
3 a claimant who has adjusted gross income of \$200,000.00 or less
4 and who is a resident of this state may claim a credit against
5 the tax due under this act for fees and tuition paid by the
6 claimant on behalf of the claimant or any other student to a
7 qualified institution of higher learning.
8 (2) A claimant may claim a credit under this section equal
9 to the following amounts for the following periods:

1 (a) For the 1995, 1996, and 1997 tax years, 4% of the sum of
2 all fees and tuition paid, not to exceed \$250.00 for each student
3 for each tax year.

4 (b) For the 1998 tax year and each tax year after the 1998
5 tax year, 8.0% of the sum of all fees and tuition paid, not to
6 exceed \$375.00 for each student for each tax year.

7 (3) A credit shall not be claimed under this section for
8 more than 4 tax years for any 1 student.

9 (4) The credit under this section may be claimed on a sepa-
10 rate form exclusive of any other form required by this act.

11 (5) The department may require reasonable proof from the
12 claimant in support of the fees and tuition payments claimed
13 under this section.

14 (6) The department may promulgate rules pursuant to the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328, to implement this section.

17 (7) The total amount of credits claimed in a tax year for
18 tuition and fees paid by or on behalf of any 1 student shall not
19 exceed the maximum amount allowable under subsection (2).

20 (8) As used in this section:

21 (a) "Fees" means fees required of and uniformly paid by all
22 students and that have been promulgated and published in the cat-
23 alog of the qualified institution of higher learning.

24 (b) "Qualified institution of higher learning" means an
25 institution that meets all of the following criteria:

26 (i) The institution meets the criteria for an institution of
27 higher learning under section 260.

1 (ii) The institution is located in this state.

2 (iii) The instructional programs of the institution are not
3 comprised solely of sectarian instruction or religious worship.

4 (iv) For the 1995 tax year ~~and each tax year after the~~
5 ~~1996~~ THROUGH THE 1999 tax year, the institution has provided a
6 letter of notification to the state treasurer before July 1 of
7 the tax year that states that the institution will not increase
8 fees and tuition rates during the ensuing academic year by more
9 than the annual average percentage increase in the United States
10 consumer price index in the immediately preceding tax year.

11 (v) For the 1996 tax year only, the institution has provided
12 a letter of notification to the state treasurer on or before
13 December 31, 1996 that states that the institution will not
14 increase fees and tuition rates during the 1996-1997 academic
15 year by more than 3% above the fees and tuition rates for the
16 1995-1996 academic year.

17 (vi) FOR THE 2000 TAX YEAR AND EACH TAX YEAR AFTER THE 2000
18 TAX YEAR, THE ANNUAL APPROPRIATION TO THE INSTITUTION FOR THE
19 STATE FISCAL YEAR THAT BEGINS DURING THE ACADEMIC YEAR THAT
20 BEGINS IN THE TAX YEAR REFLECTS AN INCREASE IN THE APPROPRIATION
21 FROM THE IMMEDIATELY PRECEDING STATE FISCAL YEAR OF LESS THAN THE
22 ANNUAL INCREASE IN THE UNITED STATES CONSUMER PRICE INDEX FOR THE
23 IMMEDIATELY PRECEDING TAX YEAR.

24 (c) "Tuition" means in-state tuition less any refunds of
25 tuition received by the claimant or student paid for any of the
26 following:

1 (i) Credits for an undergraduate degree program.

2 (ii) Credits granted by a community college or a 2-year
3 private college toward a degree program or granted for the pur-
4 pose of transferring those credits toward an undergraduate degree
5 program.

6 (d) "United States consumer price index" means the United
7 States consumer price index for all urban consumers as defined
8 and reported by the United States department of labor, bureau of
9 labor statistics, and as certified by the state treasurer.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. 575 of the 90th Legislature is
12 enacted into law.