**CHILDREN'S TRUST FUND**
**Act 249 of 1982**

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.

**History:** 1982, Act 249, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 21.171 to 21.175, deriving from Act 200 of 1848 and pertaining to board of fund commissioners, were repealed by Act 209 of 1962 .

*The People of the State of Michigan enact:*

## 21.171 Children's trust fund; creation as charitable and educational endowment fund; expenditure; credit of amounts; investment; availability for disbursement; accounting of revenues and expenditures; "trust fund" defined.

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

(2) The state treasurer shall credit to the trust fund all amounts appropriated for this purpose under section 475 of the income tax act of 1967, 1967 PA 281, MCL 206.475, any amounts received under section 811j of the Michigan vehicle code, 1949 PA 300, MCL 257.811j, and section 8 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.608, and any amounts received from civil fines imposed under the playground equipment safety act, 1997 PA 16, MCL 408.681 to 408.687.

(3) The state treasurer shall direct the investment of the trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1141. The state treasurer shall comply with the divestment from terror act, 2008 PA 234, MCL 129.291 to 129.301, in making investments under this act.

(4) Beginning in fiscal year 2015 and continuing through fiscal year 2017, all money contributed to the fund that year, plus 4.25% of the 12-quarter rolling average of the fund, including unrealized gains and losses, shall be available for disbursement upon the authorization of the state board as provided in section 9 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.609.

(5) Except as otherwise provided in this subsection, on October 1, 2017, provided that the rolling average of the fund for the previous 12 quarters, including unrealized gains and losses, is at least $23,500,000.00, then, beginning with fiscal year 2018, up to 5% of the 12-quarter rolling average shall be available for disbursement as specified in this subsection. On October 1, 2017, if the rolling average of the fund for the previous 12 quarters, including unrealized gains and losses, is less than $23,500,000.00, then, beginning with fiscal year 2018, up to 4.25% of the 12-quarter rolling average, including unrealized gains and losses, shall continue to be available for disbursement.

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

(7) The state treasurer shall annually prepare an accounting of revenues and expenditures from the trust fund. This accounting shall specifically identify the interest and earnings of the trust fund, shall describe how the amount of interest and earnings has been affected by the expanded investment options provided for in subsection (3), and shall identify how the increased interest and earnings, if any, have been expended. This accounting shall be provided to the senate and house of representatives appropriations committees.

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

**History:** 1982, Act 249, Imd. Eff. Sept. 29, 1982;—Am. 1997, Act 34, Eff. Mar. 31, 1998;—Am. 2000, Act 72, Eff. Mar. 28, 2001;—Am. 2002, Act 1, Imd. Eff. Jan. 23, 2002;—Am. 2005, Act 119, Imd. Eff. Sept. 22, 2005;—Am. 2008, Act 238, Imd. Eff. July 17, 2008;—Am. 2014, Act 306, Imd. Eff. Oct. 10, 2014.

**Compiler's note:** Former MCL 21.171 to 21.175, deriving from Act 200 of 1848 and pertaining to board of fund commissioners, were repealed by Act 209 of 1962.

## 21.172 Conditional effective date.

Section 2. This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:

(a) House Bill No. 4556 (request no. 00855'81).

(b) House Bill No. 5609 (request no. 04406'81 a*).

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**History:** 1982, Act 249, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** House Bill No. 4556, referred to in this section, was approved by the Governor on September 29, 1982, and became P.A. 1982, No. 250, Imd. Eff. Sept. 29, 1982. House Bill No. 5609, also referred to in this section, was approved by the Governor on July 2, 1982, and became P.A. 1982, No. 211, Imd. Eff. Sept. 29, 1982.

Former MCL 21.171 to 21.175, deriving from Act 200 of 1848 and pertaining to board of fund commissioners, were repealed by Act 209 of 1962 .

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