

Act No. 155
Public Acts of 1990
Approved by the Governor
June 27, 1990
Filed with the Secretary of State
June 28, 1990

STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990

Introduced by Reps. Walberg, Middaugh, O'Connor, Dunaskiss, Bartnik, Hoffman, Weeks, Nye, Dolan, Jaye, Crandall, Sofio, Kosteva, Clack, Stupak, Trim, Fitzgerald, Allen, Emmons, Pridnia, Munsell, Keith, DeBeaussaert and London

ENROLLED HOUSE BILL No. 5330

AN ACT to amend section 17 of Act No. 94 of the Public Acts of 1979, entitled as amended "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," as amended by Act No. 197 of the Public Acts of 1989, being section 388.1617 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 17 of Act No. 94 of the Public Acts of 1979, as amended by Act No. 197 of the Public Acts of 1989, being section 388.1617 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 17. (1) Not later than October 1, December 1, February 1, April 1, June 1, and August 1, the department shall prepare a statement of the amount to be distributed, exclusive of federal social security payments, in the installment to the districts and intermediate districts and deliver the statement to the state treasurer, and the state treasurer shall pay the installments on each of those dates or on the next business day following each of those dates. Except for section 22(2), the portion of the district's or intermediate district's state fiscal year entitlement to be included in each installment shall be 20%, 19%, 17%, 16%, 15%, and 13%, respectively. Section 22(2) allocations shall be paid in full in the October payment. The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the statement and delivering the warrant to the treasurer of each district or intermediate district or, beginning December 1, 1990, if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the statement. The department may make adjustments in payments made under this section through additional payments when changes in law or errors in computation cause the regularly scheduled payment to be less than the amount to which the district or intermediate district is entitled pursuant to this act. For the 1988-89 school fiscal year only, a district or intermediate district may consider the amount distributed on August 1 of the next school fiscal year to be continuously allocated for either the immediately preceding or current school fiscal year for state accounting purposes. A district or intermediate district that chooses to allocate the August 1 payment to the immediately preceding school fiscal year shall notify in writing the department of its decision not later than October 16, 1989. Any district or intermediate district that does not so notify the department shall continue to allocate the August 1 payment for state accounting purposes to the current school fiscal year in which the payments are received under the payment schedule of this section. If a district experiences an increase in membership over the prior year, the August 1 payment shall be recomputed so that the district receives credit for the increased membership in the school

fiscal year, with the additional amount due the district to be allocated in the February 1, April 1, or June 1 payments or any combination of these payments. However, this additional amount shall then be deducted from the district's subsequent August 1 payment, so that the state pays the district no more, in the state's fiscal year, than the district's proper entitlement under this act.

(2) Payments made pursuant to subsection (1) shall be adjusted so that districts and intermediate districts receive, in addition, in their 1982-83 school fiscal year those amounts by which their 1982-83 school fiscal year payments were reduced due to executive order 1982-13. Payments in subsequent fiscal years shall be adjusted so that districts and intermediate districts receive not later than October 31 of their school fiscal year those amounts by which the payments of that school fiscal year were reduced due to this subsection.

(3) Payments made pursuant to subsection (1) shall be adjusted so that districts and intermediate districts receive, in addition, in their 1983-84 school fiscal year 60% of those amounts by which their 1983-84 school fiscal year payments were reduced due to Executive Order 1983-5. Payments in subsequent fiscal years shall be adjusted so that districts and intermediate districts receive not later than October 31 for each school fiscal year those amounts by which the payments of that school fiscal year were reduced due to this subsection.

(4) In order to ensure that all districts and intermediate districts receive the adjustments provided for in subsections (2) and (3), the department may make any necessary adjustments in individual district and intermediate district payments.

(5) Monthly payments to districts or intermediate districts, for federal social security obligations only, shall be disbursed by the state treasurer pursuant to section 146. The department shall prepare a monthly statement of the amount to be distributed to the districts or intermediate districts and deliver the statement to the state treasurer. The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the statement and delivering the warrant to the treasurer of each district or intermediate district or, beginning December 1, 1990, if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the statement.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

.....
Secretary of the Senate.

Approved.....

.....
Governor.