

SENATE BILL No. 105

January 29, 2003, Introduced by Senators SANBORN, Van WOERKOM and GOSCHKA and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1990 PA 182, entitled

"An act to require counties to redistribute certain payments received from the federal government; and to repeal certain acts and parts of acts,"

by amending the title and sections 1 and 3 (MCL 141.1301 and 141.1303).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to require **this state and certain** counties to
3 redistribute certain payments received from the federal
4 government; and to repeal ~~—certain—~~ acts and parts of acts.

5 Sec. 1. As used in this act:

6 (a) "County payment program" means the program authorized
7 under chapter 192, 35 Stat. 260, 16 U.S.C. 500, including the
8 secure rural schools and community self-determination act of
9 2000.

(b) "Department" means the department of natural resources.

(c) "Director" means the director of the department.

(d) "Full payment amount" and "25-percent payment" mean those terms as defined in the secure rural schools and community self-determination act of 2000.

(e) ~~-(a)-~~ "Local school district" means that term as defined in section 6 of the revised school code, ~~-of 1976, Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws- 1976 PA 451, MCL 380.6.~~

(f) ~~-(b)-~~ "National forest" means federally owned land for which money is paid to the state under ~~-35 Stat. 260, 16 U.S.C. 500-~~ the county payment program, as that land is situated on June 30 of the fiscal year for which the money is paid.

(g) "Secure rural schools and community self-determination act of 2000" means sections 1(a), 2, and 3 and titles I to IV of Public Law 106-393, 114 Stat. 1607, 16 U.S.C. 500 nt, as amended by section 751 of title VII of the agriculture, rural development, food and drug administration, and related agencies appropriations act, 2002, Public Law 107-76, 115 Stat. 739.

Sec. 3. (1) All money received under ~~-35 Stat. 260, 16 U.S.C. 500,-~~ the county payment program shall be expended for ~~-school purposes and county roads in the counties in which national forests are situated-~~ the purposes described under chapter 192, 35 Stat. 260, 16 U.S.C. 500, including the secure rural schools and community self-determination act of 2000. ~~-The money shall be distributed to those counties in the same proportion as the national forest acreage in each county is to~~

1 ~~the total national forest acreage in the state~~ The department
2 shall distribute money received under the county payment program
3 to county treasurers in accordance with annual amounts provided
4 by the United States department of agriculture, forest service,
5 under the county payment program.

6 (2) Not later than September 30 of each year, the county
7 board of commissioners of a county that is eligible to receive a
8 payment under the county payment program shall provide written
9 notification to the director and the United States secretary of
10 agriculture that indicates the county board of commissioners'
11 election to receive either the full payment amount or the
12 25-percent payment amount. The election by a county board of
13 commissioners is subject to all of the following:

14 (a) An election made by a county board of commissioners to
15 receive the full payment amount shall remain in effect through
16 fiscal year 2006.

17 (b) An election by a county board of commissioners to receive
18 the 25-percent payment amount shall remain in effect for 2 fiscal
19 years.

20 (c) If a county board of commissioners fails to provide
21 notification to the United States secretary of agriculture, the
22 county is considered to have elected to receive the 25-percent
23 payment amount.

24 (d) If a county board of commissioners elects to receive the
25 full payment amount, the written notification shall also include
26 the total amount of the payment that will be set aside for each
27 of the uses provided for in subsection (5)(b) and the county

1 board of commissioners shall provide a copy of the notification
2 to the United States secretary of agriculture.

3 (e) If a county board of commissioners that has elected to
4 receive the full payment amount fails to provide notification to
5 the United States secretary of agriculture by September 30 of any
6 year, the county treasurer of that county shall return 15% of the
7 payment received for that fiscal year to the general treasury of
8 the United States and the county shall use the remaining funds
9 for the purposes set forth in subsection (4).

10 (3) As required under the secure rural schools and community
11 self-determination act of 2000, the governor shall provide
12 written notification to the United States secretary of
13 agriculture of the election by each eligible county.

14 (4) ~~-(2)-The~~ If a county board of commissioners elects to
15 receive the 25-percent payment amount, the county treasurer of ~~a~~
16 ~~county receiving money under this section~~ that county shall
17 redistribute all of the money in a ratio of 75% to local school
18 districts for school purposes and 25% to townships for the
19 improvement of county roads within those townships. The money
20 redistributed under this ~~section~~ subsection shall be
21 apportioned among the local school districts and townships in the
22 same proportion as the national forest acreage in each school
23 district or township is to the total national forest acreage in
24 the county.

25 (5) Except as provided in subsection (6), if a county board
26 of commissioners elects to receive the full payment amount, the
27 county treasurer shall do both of the following:

1 (a) Redistribute not less than 80% and not more than 85% of
2 the funds as provided for in subsection (4).

3 (b) Set aside the remaining funds for 1 or more of the
4 following:

5 (i) Reserve the balance for special projects on federal lands
6 as provided for in Title II of the secure rural schools and
7 community self-determination act of 2000.

8 (ii) Reserve the balance for county projects as provided for
9 in Title III of the secure rural schools and community
10 self-determination act of 2000.

11 (iii) Return the balance to the general treasury of the
12 United States.

13 (6) If a county board of commissioners elects to receive the
14 full payment amount, for any fiscal year the payment to the
15 county is less than \$100,000.00, the county board of
16 commissioners may elect to distribute the funds as provided for
17 in subsection (4).

18 (7) Upon expiration of the election provisions of the secure
19 rural schools and community self-determination act of 2000, a
20 county treasurer that receives payment under this section shall
21 redistribute all of the money as provided for in subsection (4).

22 (8) At the request of the department, a county treasurer
23 shall provide information to the department related to the
24 distribution of funds under this act as necessary for the
25 department to meet its obligations under federal law.

26 (9) The county board of commissioners of a county that is
27 eligible to receive a payment under the county payment program

1 may refuse to accept the payment by returning the payment amount
2 to the general treasury of the United States.