

SENATE BILL No. 1383

June 27, 2002, Introduced by Senator SANBORN and referred to the Committee on Hunting,
Fishing and Forestry

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 sections 1 and 3 (MCL 141.1301 and 141.1303).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (A) "COUNTY PAYMENT PROGRAM" MEANS THE PROGRAM AUTHORIZED
3 UNDER CHAPTER 192, 35 STAT. 260, 16 U.S.C. 500, INCLUDING THE
4 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF
5 2000.

6 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

7 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

8 (D) "FULL PAYMENT AMOUNT" AND "25-PERCENT PAYMENT" MEAN
9 THOSE TERMS AS DEFINED IN THE SECURE RURAL SCHOOLS AND COMMUNITY
10 SELF-DETERMINATION ACT OF 2000.

1 (E) ~~(a)~~ "Local school district" means that term as defined
2 in section 6 of the REVISED school code, ~~of 1976, Act No. 451 of~~
3 ~~the Public Acts of 1976, being section 380.6 of the Michigan~~
4 ~~Compiled Laws~~ 1976 PA 451, MCL 380.6.

5 (F) ~~(b)~~ "National forest" means federally owned land for
6 which money is paid to the state under ~~35 Stat. 260, 16~~
7 ~~U.S.C. 500~~ THE COUNTY PAYMENT PROGRAM, as that land is situated
8 on June 30 of the fiscal year for which the money is paid.

9 (G) "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION
10 ACT OF 2000" MEANS PUBLIC LAW 106-393, 114 STAT. 1607, 16
11 U.S.C. 500 NT.

12 Sec. 3. (1) All money received under ~~35 Stat. 260, 16~~
13 ~~U.S.C. 500,~~ THE COUNTY PAYMENT PROGRAM shall be expended for
14 ~~school purposes and county roads in the counties in which~~
15 ~~national forests are situated~~ THE PURPOSES DESCRIBED UNDER CHAP-
16 TER 192, 35 STAT. 260, 16 U.S.C. 500, INCLUDING THE SECURE RURAL
17 SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000. ~~The money~~
18 ~~shall be distributed to those counties in the same proportion as~~
19 ~~the national forest acreage in each county is to the total~~
20 ~~national forest acreage in the state~~ EXCEPT AS PROVIDED IN SUB-
21 SECTION (11), THE DEPARTMENT SHALL DISTRIBUTE MONEY TO THE COUN-
22 TIES IN ACCORDANCE WITH ANNUAL AMOUNTS PROVIDED BY THE UNITED
23 STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE.

24 (2) UPON REQUEST OF THE DEPARTMENT AND AS REQUIRED UNDER THE
25 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF
26 2000, THE TREASURER OF A COUNTY THAT IS ELIGIBLE TO RECEIVE A
27 PAYMENT UNDER THE COUNTY PAYMENT PROGRAM SHALL PROVIDE WRITTEN

1 NOTIFICATION TO THE DIRECTOR THAT INDICATES THE COUNTY'S ELECTION
2 TO RECEIVE EITHER THE FULL PAYMENT AMOUNT OR THE 25-PERCENT PAY-
3 MENT AMOUNT. THE COUNTY'S ELECTION IS SUBJECT TO ALL OF THE
4 FOLLOWING:

5 (A) AN ELECTION MADE BY A COUNTY TREASURER TO RECEIVE THE
6 FULL PAYMENT AMOUNT SHALL REMAIN IN EFFECT THROUGH FISCAL YEAR
7 2006.

8 (B) AN ELECTION BY THE COUNTY TREASURER TO RECEIVE THE
9 25-PERCENT PAYMENT AMOUNT SHALL REMAIN IN EFFECT FOR 2 FISCAL
10 YEARS.

11 (C) IF A COUNTY FAILS TO PROVIDE NOTIFICATION TO THE DIREC-
12 TOR BY A DATE ESTABLISHED BY THE DEPARTMENT, THE COUNTY IS CON-
13 SIDERED TO HAVE ELECTED TO RECEIVE THE 25-PERCENT PAYMENT
14 AMOUNT.

15 (D) IF THE COUNTY ELECTS TO RECEIVE THE FULL PAYMENT AMOUNT,
16 THE WRITTEN NOTIFICATION SHALL ALSO INCLUDE THE TOTAL AMOUNT OF
17 THE PAYMENT THAT WILL BE SET ASIDE FOR EACH OF THE USES PROVIDED
18 FOR IN SUBSECTION (5)(B) AND THE COUNTY TREASURER SHALL PROVIDE A
19 COPY OF THE NOTIFICATION TO THE UNITED STATES SECRETARY OF
20 AGRICULTURE. IF THE COUNTY TREASURER FAILS TO PROVIDE NOTIFICA-
21 TION TO THE DIRECTOR AND THE UNITED STATES SECRETARY OF AGRICUL-
22 TURE PURSUANT TO THIS SUBSECTION AND PAYMENT TO THE COUNTY IS
23 EQUAL TO OR GREATER THAN \$100,000.00, THE COUNTY TREASURER SHALL
24 RETURN 15% OF THE PAYMENT TO THE GENERAL TREASURY OF THE UNITED
25 STATES AND SHALL USE THE REMAINING FUNDS FOR THE PURPOSES SET
26 FORTH IN SUBSECTION (4).

1 (3) AS REQUIRED UNDER THE SECURE RURAL SCHOOLS AND COMMUNITY
2 SELF-DETERMINATION ACT OF 2000, THE GOVERNOR SHALL PROVIDE
3 WRITTEN NOTIFICATION TO THE UNITED STATES SECRETARY OF AGRICUL-
4 TURE OF THE ELECTION MADE FOR EACH ELIGIBLE COUNTY.

5 (4) ~~-(2) The~~ IF A COUNTY TREASURER ELECTS TO RECEIVE THE
6 25-PERCENT PAYMENT AMOUNT, THE COUNTY treasurer ~~of a county~~
7 ~~receiving money under this section~~ shall redistribute all of the
8 money in a ratio of 75% to local school districts for school pur-
9 poses and 25% to townships for the improvement of county roads
10 within those townships. The money redistributed under this
11 ~~section~~ SUBSECTION shall be apportioned among the local school
12 districts and townships in the same proportion as the national
13 forest acreage in each school district or township is to the
14 total national forest acreage in the county.

15 (5) IF A COUNTY TREASURER ELECTS TO RECEIVE THE FULL PAYMENT
16 AMOUNT, FOR ANY FISCAL YEAR THE PAYMENT TO THE COUNTY EQUALS OR
17 EXCEEDS \$100,000.00, THE TREASURER SHALL DO BOTH OF THE
18 FOLLOWING:

19 (A) REDISTRIBUTE NOT LESS THAN 80% AND NOT MORE THAN 85% OF
20 THE FUNDS AS PROVIDED FOR IN SUBSECTION (4).

21 (B) SET ASIDE THE REMAINING FUNDS FOR 1 OR MORE OF THE
22 FOLLOWING:

23 (i) RESERVE THE BALANCE FOR SPECIAL PROJECTS ON FEDERAL
24 LANDS AS PROVIDED FOR IN TITLE II OF THE SECURE RURAL SCHOOLS AND
25 COMMUNITY SELF-DETERMINATION ACT OF 2000.

1 (ii) RESERVE THE BALANCE FOR COUNTY PROJECTS AS PROVIDED FOR
2 IN TITLE III OF THE SECURE RURAL SCHOOLS AND COMMUNITY
3 SELF-DETERMINATION ACT OF 2000.

4 (iii) RETURN THE BALANCE TO THE GENERAL TREASURY OF THE
5 UNITED STATES.

6 (6) IF A COUNTY TREASURER ELECTS TO RECEIVE THE FULL PAYMENT
7 AMOUNT, FOR ANY FISCAL YEAR THE PAYMENT TO THE COUNTY IS LESS
8 THAN \$100,000.00, THE TREASURER MAY ELECT TO SET ASIDE BETWEEN
9 15% AND 20% OF THE PAYMENT FOR THE PURPOSES SET FORTH IN SUBSEC-
10 TION (5)(B).

11 (7) UPON EXPIRATION OF THE ELECTION PROVISIONS OF THE SECURE
12 RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, A
13 COUNTY TREASURER THAT RECEIVES PAYMENT UNDER THIS SECTION SHALL
14 REDISTRIBUTE ALL OF THE MONEY AS PROVIDED FOR IN SUBSECTION (4).

15 (8) THE DIRECTOR SHALL ESTABLISH ANNUAL REPORTING REQUIRE-
16 MENTS AND DEADLINES FOR THE COUNTIES THAT RECEIVE PAYMENTS UNDER
17 THIS SECTION. REPORTING REQUIREMENTS MAY INCLUDE THE PREPARATION
18 OF FINANCIAL RECORDS, NARRATIVE REPORTS, AND OTHER WRITTEN DOCU-
19 MENTATION SUBMITTED BY THE COUNTY TREASURER THAT DEMONSTRATE ALL
20 OF THE FOLLOWING:

21 (A) THAT THE COUNTY TREASURER HAS PROPERLY DISTRIBUTED FUNDS
22 TO LOCAL SCHOOL DISTRICTS AND TOWNSHIPS AS PROVIDED FOR IN SUB-
23 SECTION (4).

24 (B) THAT FUNDS DISTRIBUTED TO THE LOCAL SCHOOL DISTRICTS AND
25 TOWNSHIPS WERE USED FOR SCHOOLS AND ROADS AS PROVIDED FOR IN THE
26 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF
27 2000.

1 (C) THAT FUNDS SET ASIDE FOR COUNTY PROJECTS AS PROVIDED FOR
2 IN SUBSECTION (5)(B)(ii) WERE EXPENDED IN COMPLIANCE WITH THE
3 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000
4 AND THIS ACT. THE REPORTING REQUIREMENTS MAY INCLUDE DETAILED
5 NARRATIVE REPORTS AND DOCUMENTATION OF COUNTY EXPENDITURES.

6 (D) THAT PAYMENTS WERE MADE TO THE GENERAL TREASURY OF THE
7 UNITED STATES AS SET FORTH IN SUBSECTIONS (2)(D) AND
8 (5)(B)(iii).

9 (9) A COUNTY TREASURER WHO ACCEPTS PAYMENT UNDER THE COUNTY
10 PAYMENT PROGRAM AGREES TO COMPLY WITH THE REPORTING REQUIREMENTS
11 AND DEADLINES ESTABLISHED BY THE DEPARTMENT. A COUNTY TREASURER
12 MAY ESTABLISH REPORTING REQUIREMENTS FOR COUNTY AGENCIES, LOCAL
13 SCHOOL DISTRICTS, OR TOWNSHIPS IN ORDER TO COMPLY WITH THE
14 REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

15 (10) THE DIRECTOR MAY WITHHOLD FUTURE YEAR PAYMENTS TO A
16 COUNTY THAT FAILS TO COMPLY WITH THE REPORTING REQUIREMENTS UNDER
17 THIS SECTION OR THAT DOES NOT ADEQUATELY DOCUMENT THAT THE FUNDS
18 WERE DISTRIBUTED AND EXPENDED IN ACCORDANCE WITH THE SECURE RURAL
19 SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 AND THIS
20 ACT. THE DEPARTMENT SHALL PROVIDE THE COUNTY TREASURER WRITTEN
21 NOTIFICATION THAT PAYMENT IS BEING WITHHELD AND THE DEFICIENCIES
22 IN THE REPORTS OR DOCUMENTATION. IF THE COUNTY TREASURER FAILS
23 TO CORRECT THE DEFICIENCIES TO THE SATISFACTION OF THE DEPARTMENT
24 WITHIN 90 DAYS, THE DEPARTMENT SHALL PROVIDE A WRITTEN EXPLANA-
25 TION TO THE UNITED STATES SECRETARY OF AGRICULTURE AND SHALL
26 RETURN THE FUNDS TO THE GENERAL TREASURY OF THE UNITED STATES.

1 (11) THE TREASURER OF A COUNTY THAT IS ELIGIBLE TO RECEIVE A
2 PAYMENT OF EQUAL TO OR LESS THAN \$100.00 UNDER THE COUNTY PAYMENT
3 PROGRAM MAY OPT TO NOT RECEIVE AND REDISTRIBUTE THE MONEY BY PRO-
4 VIDING WRITTEN NOTICE UPON REQUEST OF THE DEPARTMENT. THE
5 DEPARTMENT SHALL DISTRIBUTE MONEY REJECTED BY A COUNTY UNDER THIS
6 SUBSECTION TO THE COUNTY THAT HAS LAND WITHIN THE SAME NATIONAL
7 FOREST AND THAT WOULD OTHERWISE RECEIVE THE SMALLEST PAYMENT IN
8 THE SAME FISCAL YEAR. IF THERE IS NOT ANOTHER COUNTY THAT HAS
9 LAND WITHIN THE SAME NATIONAL FOREST THAT WILL RECEIVE PAYMENT,
10 THE DEPARTMENT SHALL DISTRIBUTE THE MONEY TO THE COUNTY THAT
11 WOULD OTHERWISE RECEIVE THE SMALLEST PAYMENT IN THE SAME FISCAL
12 YEAR.