HOUSE BILL No. 5645

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December 3, 2009, Introduced by Rep. Durhal and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled

"Natural resources and environmental protection act,"

by amending sections 2150, 2151, 2154, and 51106 (MCL 324.2150, 324.2151, 324.2154, and 324.51106), section 2150 as amended by 1996 PA 585, section 2151 as added by 1995 PA 60, section 2154 as amended by 2004 PA 513, and section 51106 as amended by 2006 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2150. (1) On December 1 of each year, there shall be paid into the treasury of each county in which are located tax reverted, recreation, or forest lands under the control and supervision of the department, and any other lands held by the department, except

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lands purchased after January 1, 1933 for natural resource purposes, a tax of ~~$2.50 per acre or major portion of an acre for years before December 1, 1994 and~~ $2.00 per acre or major portion of an acre ~~for years after November 30, 1994~~ on all the lands that belong to this state on December 1 in each year. The tax imposed under this section shall be in lieu of all other taxes now levied against the state land under any existing law. State land on which payments in lieu of taxes are made pursuant to subpart 14 are exempt from this subpart. The department of treasury shall make a detailed statement of account between the state and each county in which the lands are situated, including the descriptions of the lands, and render the detailed statement of account to the county treasurer of the county. The department of treasury shall cause a warrant to be drawn on the state treasurer payable for the amount indicated on the detailed statement of account to be due to the county. The county treasurer of each county shall immediately make up a detailed statement of the account between the county and each township and school district, prorating the amount received by the county according to the number of acres of the lands located in each unit. ~~For disbursements made before December 1, 1994, the proration shall be 40% to county general fund, 40% to township general fund, and 20% to school operating fund. For disbursements made after November 30, 1994, the~~ **THAT** proration shall be 50% to the county general fund and 50% to the township general fund. The county treasurer shall immediately issue his or her warrant to each of the units according to the detailed statement of account.

(2) The tax on tax reverted, recreation, forest lands, or

other lands under the control of the department on which payments are made under this subpart shall be paid from the general fund. **[FOR THE 2010 STATE FISCAL YEAR ONLY,] IF THE AMOUNT AVAILABLE FOR PAYMENT TO ALL LOCAL ASSESSING DISTRICTS IS LESS THAN THE AMOUNT REQUIRED FOR PAYMENT TO ALL LOCAL ASSESSING DISTRICTS, THE AMOUNT AVAILABLE FOR PAYMENT TO EACH LOCAL ASSESSING DISTRICT SHALL BE DISTRIBUTED IN THE SAME PROPORTION THAT THE REQUIRED PAYMENT TO THAT LOCAL ASSESSING DISTRICT IS TO THE TOTAL OF ALL REQUIRED PAYMENTS.**

Sec. 2151. The department shall enter upon its records against each description of the land the amounts provided by this subpart and shall certify the amounts to the department of treasury**.** ~~, which shall draw a warrant on the state treasurer for those amounts, the tax on tax reverted, recreation, forest lands, or other lands under the control of the department to be paid out of any money in the general fund not otherwise appropriated. The amounts shall be forwarded by the department of treasury to the county treasurers.~~

Sec. 2154. (1) The treasurer or other officer charged with the collection of taxes for an assessing district shall annually forward a single statement of the assessment of all property for which payment is claimed under this subpart to the Lansing office of the department at the same time that statements are mailed for a winter property tax levy under section 44 of the general property tax act, 1893 PA 206, MCL 211.44. The statement shall include an itemization of the valuation and assessment for each individual parcel for which payment is claimed under this subpart. The Lansing office of the department shall review the statement. Subject to subsection (2), if the assessment has been determined according to this subpart, **THE DEPARTMENT SHALL** authorize the state treasurer to pay the amount of the assessment by warrant on the state treasury.

~~(2) Beginning in state fiscal year 2005, the aggregate amount for all payments to all assessing districts under subsection (1) shall be charged as follows:~~

~~(a) Payments in state fiscal year 2005 shall be charged as follows:~~

~~(*i*) Not more than 50% from the restricted revenue sources of the department of natural resources.~~

~~(*ii*) The remaining balance after the charge under subparagraph (*i*) from the general fund.~~

(2) ~~(b)~~ Payments ~~in state fiscal year 2006 and each state fiscal year after 2006~~ shall be charged as follows:

(A) ~~(*i*)~~ That portion of the payment that represents an assessment by a local school district, intermediate school district, or community college district shall be charged against the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(B) ~~(*ii*)~~ The balance of any payment remaining after the charge made in ~~subparagraph (*i*)~~ **SUBDIVISION (A)** shall be charged as follows:

(*i*) ~~(A)~~ Not more than 50% from restricted revenue sources of the department of natural resources.

(*ii*) ~~(B)~~ The remaining balance after the charge under ~~sub-subparagraph (A)~~ **SUBPARAGRAPH (*i*)**, from the general fund.

(3) ~~For the 2004 state fiscal year and each state fiscal year~~

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~~after 2004, if~~ **IF** the amount available for payment to all local assessing districts from the general fund or from any restricted fund is less than the amount required for payment to all local assessing districts from the general fund or from any restricted fund, the amount available for payment to each local assessing district shall be distributed in the same proportion from the general fund or from any restricted fund that the required payment to that local assessing district is to the total of all required payments from the general fund or from any restricted fund. ~~Partial~~ [**EXCEPT FOR THE 2010 STATE FISCAL YEAR ONLY, PARTIAL** payments do not satisfy payments obligated by this state.]

Sec. 51106. (1) On December 1 of each year, the department shall certify to the state treasurer the number of acres that are commercial forestlands in each county and the state treasurer, **SUBJECT TO SUBSECTION (3),** shall transmit to the treasurer of each county in which these commercial forests are located a warrant on the state treasurer for an amount equal to ~~the following~~ **$1.20 PER ACRE** for commercial forest in the county**.** ~~:~~

~~(a) Until December 31, 2011, $1.20 per acre.~~

~~(b)~~ Beginning January 1, 2012 and every 5 years after that date, the amount ~~of the annual payment~~ **PER ACRE** under this section shall be increased by 5 cents per acre.

(2) From the payments received under subsection (1), the county treasurer of each county shall distribute an amount equal to 25 cents per acre for each acre of commercial forest in the county in the same proportions between the various funds as the ad valorem general property tax is distributed by the township treasurers in each township. Except as provided by section 51109(2), the county

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treasurer of each county shall distribute the remainder of the funds received under this section in the same manner and in the same proportion as ad valorem taxes collected under the ad valorem general property tax.

(3) [FOR THE 2010 STATE FISCAL YEAR ONLY,] IF THE AMOUNT AVAILABLE FOR PAYMENT TO ALL LOCAL ASSESSING DISTRICTS IS LESS THAN THE AMOUNT REQUIRED FOR PAYMENT TO ALL LOCAL ASSESSING DISTRICTS, THE AMOUNT AVAILABLE FOR PAYMENT TO EACH LOCAL ASSESSING DISTRICT SHALL BE DISTRIBUTED IN THE SAME PROPORTION THAT THE REQUIRED PAYMENT TO THAT LOCAL ASSESSING DISTRICT IS TO THE TOTAL OF ALL REQUIRED PAYMENTS.