

**§ 44.52 May a State enact legislation to reallocate or redistribute PILT payments?**

A State may enact legislation to reallocate or redistribute PILT payments. If a State enacts legislation, it must:

- (a) Notify the Department if the legislation requires reallocating or redistributing payments to smaller units of general local government (see 31 U.S.C. 6907);
- (b) Provide the Department a copy of the legislation within 60 days of enactment;
- (c) Provide the name and address of the State government office to which the Department should send the payment;
- (d) Distribute funds to its smaller units of general local government within 30 days of receiving the payment; and
- (e) Not reduce the payment made to smaller units of general local government to pay the cost of State legislation which reallocates or redistributes payments.

**§ 44.53 What will the Department do if a State enacts distribution legislation?**

If a State enacts distribution legislation, the Department will:

- (a) Notify the State that a single payment will be disbursed to the designated State government office beginning with the Federal fiscal year following the fiscal year in which the State enacted legislation; and
- (b) Provide the State with information that identifies the entitlement lands data on which the Department bases the payment.

**§ 44.54 What happens if a State repeals or amends distribution legislation?**

(a) If a State repeals or amends distribution legislation, the State must immediately notify the Department in writing of this fact and send the Department a copy of the new law.

(b) When the Department receives a notification under paragraph (a) of this section, it must:

- (1) Determine if the State's process complies with 31 U.S.C. 6907. If the Department determines that it does not, we must notify the designated State

government office that the Department will disburse payment directly to the eligible local governments; and

(2) Start the payments:

- (i) In the current Federal fiscal year, if the Department receives a copy of the State's amendatory legislation before July 1; or
- (ii) Start the payments in the next Federal fiscal year, if the Department receives a copy of the State's amendatory legislation after July 1.

**§ 44.55 Can a unit of general local government protest the results of payment computations?**

Any affected local government may file a protest with the Department.

**§ 44.56 How does a unit of general local government file a protest?**

The protesting local government must:

- (a) Submit evidence to indicate the possibility of errors in the computations or the data on which the Department bases the computations; and
- (b) File the protest by the first business day of the calendar year following the end of the fiscal year for which the Department made the payments.

**§ 44.57 Can a unit of general local government appeal a rejection of a protest?**

Any affected local government may appeal the Department's decision to reject a protest to the Interior Board of Land Appeals under 43 CFR part 4.

**PART 45—CONDITIONS AND PRESCRIPTIONS IN FERC HYDRO-POWER LICENSES**

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