

SENATE BILL No. 438

April 28, 2005, Introduced by Senator PRUSI and referred to the Committee on Appropriations.

A bill to amend 1984 PA 431, entitled
 "The management and budget act,"
 by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 353c. (1) For the fiscal year ending September 30, 1995
 2 only, there is appropriated from the fund to the general fund the
 3 sum of \$59,500,000.00 to be used to pay the court settlement amount
 4 for the department of natural resources in the matter of Miller
 5 Brothers, et al v State of Michigan, et al (Court of Claims docket
 6 no. 88-11848-CM).

7 (2) For the fiscal year ending September 30, 1995 only, there
 8 is appropriated from the fund to the general fund the sum of

1 \$875,000.00 to be used to pay the court settlement liquidated
2 damages for the department of natural resources in the matter of
3 Miller Brothers, et al v State of Michigan, et al (Court of Claims
4 docket no. 88-11848-CM).

5 (3) For the fiscal year ending September 30, 1995 only, there
6 is appropriated from the fund to the general fund the sum of
7 \$30,000,000.00 to be used to pay the court settlement and purchase
8 mineral rights for the department of natural resources in the
9 matter of Carnagel Oil Associates, et al v State of Michigan, et al
10 (Court of Claims docket no. 88-11848-CC).

11 (4) For the fiscal year ending September 30, 1995 only, there
12 is appropriated to the department of natural resources from the
13 general fund \$59,500,000.00. This appropriation may only be used to
14 pay the court settlement associated with the matter of Miller
15 Brothers, et al v State of Michigan, et al (Court of Claims docket
16 no. 88-11848-CM).

17 (5) For the fiscal year ending September 30, 1995 only, there
18 is appropriated to the department of natural resources from the
19 general fund \$875,000.00. This appropriation may only be used to
20 pay the court settlement liquidated damages associated with the
21 matter of Miller Brothers, et al v State of Michigan, et al (Court
22 of Claims docket no. 88-11848-CM).

23 (6) For the fiscal year ending September 30, 1995 only, there
24 is appropriated to the department of natural resources from the
25 general fund \$30,000,000.00. This appropriation may only be used to
26 pay the court settlement and purchase mineral rights associated
27 with the matter of Carnagel Oil Associates, et al v State of

1 Michigan, et al (Court of Claims docket no. 88-11848-CC). The
2 payment authorized under this subsection shall be made on or before
3 November 30, 1995.

4 (7) It is the intent of the legislature that money
5 appropriated from the fund to pay the court settlement and
6 liquidated damages associated with the matter of Miller Brothers,
7 et al v State of Michigan, et al (Court of Claims docket no. 88-
8 11848-CM) be repaid to the fund from the Michigan strategic fund
9 created in the Michigan strategic fund act, 1984 PA 270, MCL
10 125.2001 to 125.2093.

11 (8) It is the intent of the legislature that money
12 appropriated from the fund to pay the court settlement and purchase
13 mineral rights associated with the matter of Carnagel Oil
14 Associates, et al v State of Michigan, et al (Court of Claims
15 docket no. 88-11848-CC) be repaid to the fund from the Michigan
16 strategic fund created in the Michigan strategic fund act, 1984 PA
17 270, MCL 125.2001 to 125.2093.

18 (9) Following November 13, 1995, if the recipient of the
19 \$59,500,000.00 appropriation pursuant to subsections (1) and (4)
20 obtains, by lease, purchase, or otherwise, the mineral rights for
21 the real property that was the subject of the court settlement
22 referenced in this section, the state shall seek repayment of that
23 portion of the \$59,500,000.00 settlement that was not attributed to
24 the cost of the initial lease or to lawfully accrued interest.

25 (10) For the fiscal year ending September 30, 2001 only, there
26 is appropriated from the fund to the general fund the sum of
27 \$77,000,000.00.

1 (11) For the fiscal year ending September 30, 2001 only, the
2 state budget director, before the final accounting of state
3 revenues and expenditures is completed, shall calculate the amount
4 of funds that will be necessary to ensure a zero balance in the
5 general fund/general purpose state budget at bookclosing. This
6 calculation shall be made excluding any net general fund/general
7 purpose appropriation lapses that occur when the final accounting
8 of state expenditures is completed. For purposes of this
9 calculation, the closure or reduction of prior year work projects
10 shall not be considered appropriation lapses. The state budget
11 director shall provide a report to the house and senate
12 appropriations committees and the house and senate fiscal agencies
13 of this calculation as soon as it is completed. Based on this
14 calculation, there is appropriated from the fund to the general
15 fund the amount calculated by the state budget director, not to
16 exceed \$200,000,000.00.

17 (12) For the fiscal year ending September 30, 2002 only, there
18 is appropriated from the fund to the general fund the sum of
19 \$335,000,000.00.

20 (13) In addition to subsection (12), for the fiscal year
21 ending September 30, 2002 only, there is appropriated from the fund
22 to the school aid fund the sum of \$350,000,000.00.

23 (14) For the fiscal year ending September 30, 2002 only, the
24 state budget director, before the final accounting of state
25 revenues and expenditures is completed, shall calculate the amount
26 of funds that will be necessary to ensure a zero balance in the
27 general fund state budget at bookclosing. This calculation shall be

1 made excluding \$114,500,000.00. The state budget director shall
2 provide a report to the house and senate appropriations committees
3 and the house and senate fiscal agencies of this calculation as
4 soon as it is completed. Based on this calculation, there is
5 appropriated from the fund to the general fund the amount
6 calculated by the state budget director.

7 (15) For the fiscal year ending September 30, 2003 only, there
8 is appropriated from the fund to the general fund the sum of
9 \$207,000,000.00.

10 (16) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005 ONLY, THERE
11 IS APPROPRIATED FROM THE FUND TO THE GENERAL FUND AN AMOUNT EQUAL
12 TO THE UNRESERVED BALANCE IN THE FUND AS OF SEPTEMBER 30, 2005.