

SUBSTITUTE FOR  
SENATE BILL NO. 438

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  
9 \$875,000.00 to be used to pay the court settlement liquidated

1 damages for the department of natural resources in the matter of  
2 Miller Brothers, et al v State of Michigan, et al (Court of Claims  
3 docket no. 88-11848-CM).

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

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

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

22 (6) For the fiscal year ending September 30, 1995 only, there  
23 is appropriated to the department of natural resources from the  
24 general fund \$30,000,000.00. This appropriation may only be used to  
25 pay the court settlement and purchase mineral rights associated  
26 with the matter of Carnagel Oil Associates, et al v State of  
27 Michigan, et al (Court of Claims docket no. 88-11848-CC). The

1 payment authorized under this subsection shall be made on or before  
2 November 30, 1995.

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

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

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

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

27 (11) For the fiscal year ending September 30, 2001 only, the

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

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

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

22 (14) For the fiscal year ending September 30, 2002 only, the  
23 state budget director, before the final accounting of state  
24 revenues and expenditures is completed, shall calculate the amount  
25 of funds that will be necessary to ensure a zero balance in the  
26 general fund state budget at bookclosing. This calculation shall be  
27 made excluding \$114,500,000.00. The state budget director shall

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

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

9 (16) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005 ONLY,  
10 \$81,300,000.00 IS APPROPRIATED FROM THE FUND TO THE GENERAL FUND.