

# HOUSE BILL No. 4790

May 17, 2001, Introduced by Reps. Shulman and LaSata 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 added by 1995 PA  
195.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

7       (2) For the fiscal year ending September 30, 1995 only,  
8 there is appropriated from the fund to the general fund the sum  
9 of \$875,000.00 to be used to pay the court settlement liquidated  
10 damages for the department of natural resources in the matter of

1 Miller Brothers, et al v State of Michigan, et al (Court of  
2 Claims docket no. 88-11848-CM).

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

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

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

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

1 no. 88-11848-CC). The payment authorized under this subsection  
2 shall be made on or before November 30, 1995.

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

11 (8) It is the intent of the legislature that money appropri-  
12 ated from the fund to pay the court settlement and purchase min-  
13 eral 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 ~~Act No. 270 of the Public Acts of~~  
17 ~~1984~~ THE MICHIGAN STRATEGIC FUND ACT, 1984 PA 270, MCL 125.2001  
18 TO 125.2093.

19 (9) Following ~~the effective date of this section~~ NOVEMBER  
20 13, 1995, if the recipient of the \$59,500,000.00 appropriation  
21 pursuant to subsections (1) and (4) obtains, by lease, purchase,  
22 or otherwise, the mineral rights for the real property that was  
23 the subject of the court settlement referenced in this section,  
24 the state shall seek repayment of that portion of the  
25 \$59,500,000.00 settlement that was not attributed to the cost of  
26 the initial lease or to lawfully accrued interest.

1 (10) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 ONLY,  
2 THERE IS APPROPRIATED FROM THE FUND TO THE GENERAL FUND THE SUM  
3 OF \$71,300,000.00 TO BE USED TO PAY 1-TIME ITEMS INCLUDED IN THE  
4 FISCAL YEAR 2000-2001 SUPPLEMENTAL APPROPRIATION BILL.

5 (11) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 ONLY, THE  
6 STATE BUDGET DIRECTOR, BEFORE THE FINAL ACCOUNTING OF STATE REVE-  
7 NUES AND EXPENDITURES IS COMPLETED, SHALL CALCULATE THE AMOUNT OF  
8 FUNDS THAT WILL BE NECESSARY TO ENSURE A ZERO BALANCE IN THE GEN-  
9 ERAL FUND/GENERAL PURPOSE STATE BUDGET AT BOOKCLOSING. THIS CAL-  
10 CULATION SHALL BE MADE NOT COUNTING ANY NET GENERAL FUND/GENERAL  
11 PURPOSE APPROPRIATION LAPSES THAT OCCUR WHEN THE FINAL ACCOUNTING  
12 OF STATE EXPENDITURES IS COMPLETED. THE STATE BUDGET DIRECTOR  
13 SHALL PROVIDE A REPORT TO THE HOUSE AND SENATE APPROPRIATIONS  
14 COMMITTEES AND THE HOUSE AND SENATE FISCAL AGENCIES OF THIS CAL-  
15 CULATION AS SOON AS IT IS COMPLETED. BASED ON THIS CALCULATION,  
16 THERE IS APPROPRIATED FROM THE FUND TO THE GENERAL FUND THE  
17 AMOUNT CALCULATED BY THE STATE BUDGET DIRECTOR.