

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5596**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 1999, from the funds indicated in this part. The following is a summary of the appropriations in this part:

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For Fiscal Year Ending
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1 JUDICIARY

2 APPROPRIATION SUMMARY:

3 Full-time equated exempted positions.....605.0

4 GROSS APPROPRIATION..... \$ 214,770,700

5 Interdepartmental grant revenues:

6 Total interdepartmental grants and intradepartmental
7 transfers..... 3,571,400

8 ADJUSTED GROSS APPROPRIATION..... \$ 211,199,300

9 Federal revenues:

10 Total federal revenues..... 1,294,500

11 Special revenue funds:

12 Total local revenues..... 1,946,500

13 Total private revenues..... 1,217,600

14 Total other state restricted revenues..... 53,534,900

15 State general fund/general purpose..... \$ 153,205,800

16 Sec. 102. SUPREME COURT

17 Full-time equated exempted positions.....277.0

18 Supreme court administration--136.0 FTE positions.... \$ 15,360,800

19 State court administrative office--80.0 FTE positions 9,607,300

20 Judicial information systems--21.0 FTE positions..... 2,572,700

21 Direct trial court automation support--24.0 FTE
22 positions..... 1,946,500

23 Foster care review board--12.0 FTE positions..... 1,160,400

24 Community dispute resolution--4.0 FTE positions..... 2,318,400

25 GROSS APPROPRIATION..... \$ 32,966,100

26 Appropriated from:

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1	Interdepartmental grant revenues:	
2	IDG from FIA-title IV-D child support program.....	419,100
3	IDG from FIA-title IV-E foster care program.....	276,700
4	IDG from MFIA-HHS access and visitation grant.....	380,200
5	IDG from MFIA-TANF.....	500,000
6	IDG from state police-criminal justice improvement...	1,443,900
7	IDG from state police-Michigan justice training fund.	208,000
8	Federal revenues:	
9	DAG, agriculture mediation grant.....	469,900
10	Federal - special education grant.....	90,000
11	Federal highway safety planning revenue.....	115,300
12	HHS, court improvement project.....	619,300
13	Special revenue funds:	
14	Local-user fees.....	1,946,500
15	Private.....	419,000
16	Private-interest on lawyers trust accounts.....	668,600
17	Private-state justice institute.....	130,000
18	Community dispute resolution fees.....	1,628,400
19	Law exam fees.....	327,200
20	Miscellaneous revenue.....	216,800
21	State court fund.....	289,000
22	State general fund/general purpose..... \$	22,818,200
23	Sec. 103. COURT OF APPEALS	
24	Full-time equated exempted positions.....248.5	
25	Court of appeals operations--226.5 FTE positions..... \$	18,521,500
26	Delay reduction--22.0 FTE positions.....	<u>1,500,000</u>

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1	GROSS APPROPRIATION.....	\$	20,021,500
2	Appropriated from:		
3	Special revenue funds:		
4	Court filing/motion fees.....		1,517,800
5	Miscellaneous revenue.....		75,200
6	State general fund/general purpose.....	\$	18,428,500
7	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION		
8	Full-time judges positions.....	611.0	
9	Supreme court justices' salaries--7.0 judges.....	\$	893,000
10	Court of appeals judges' salaries--28.0 judges.....		3,286,400
11	District court judges' state base salaries--259.0		
12	judges.....		15,913,300
13	District court judicial salary standardization.....		11,842,500
14	Probate court judges' state base salaries--107.0		
15	judges.....		6,188,600
16	Probate court judicial salary standardization.....		4,332,800
17	Circuit court judges' state base salaries--210.0		
18	judges.....		13,715,900
19	Circuit court judicial salary standardization.....		9,228,000
20	Judges retirement system defined contributions.....		1,476,000
21	OASI, social security.....		<u>3,654,300</u>
22	GROSS APPROPRIATION.....	\$	70,530,800
23	Appropriated from:		
24	Special revenue funds:		
25	Court fee fund.....		6,860,000
26	State general fund/general purpose.....	\$	63,670,800

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1	Sec. 105. JUDICIAL AGENCIES		
2	Full-time equated exempted positions.....	10.0	
3	Judicial tenure commission--10.0 FTE positions.....	\$	<u>916,800</u>
4	GROSS APPROPRIATION.....	\$	916,800
5	Appropriated from:		
6	State general fund/general purpose.....	\$	916,800
7	Sec. 106. INDIGENT DEFENSE - CRIMINAL		
8	Full-time equated exempted positions.....	69.5	
9	Appellate public defender program--61.5 FTE positions	\$	5,176,000
10	Appellate assigned counsel administration--8.0 FTE		
11	positions.....		<u>852,100</u>
12	GROSS APPROPRIATION.....	\$	6,028,100
13	Appropriated from:		
14	Interdepartmental grant revenues:		
15	IDG from state police-Michigan justice training fund.		343,500
16	Special revenue funds:		
17	Miscellaneous revenue.....		109,500
18	State general fund/general purpose.....	\$	5,575,100
19	Sec. 107. INDIGENT CIVIL LEGAL LEGAL ASSISTANCE		
20	Indigent civil legal assistance.....	\$	<u>6,647,000</u>
21	GROSS APPROPRIATION.....	\$	6,647,000
22	Appropriated from:		
23	Special revenue funds:		
24	State court fund.....		6,647,000
25	State general fund/general purpose.....	\$	0
26	Sec. 108. TRIAL COURT OPERATIONS		

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1	Court equity fund reimbursements.....	\$	63,560,400
2	Hold harmless fund reimbursements.....		<u>12,000,000</u>
3	GROSS APPROPRIATION.....	\$	75,560,400
4	Appropriated from:		
5	Special revenue funds:		
6	Court equity fund.....		33,764,000
7	State general fund/general purpose.....	\$	41,796,400
8	Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
9	Drunk driving caseflow program.....	\$	1,900,000
10	Drug caseflow program.....		<u>200,000</u>
11	GROSS APPROPRIATION.....	\$	2,100,000
12	Appropriated from:		
13	Special revenue funds:		
14	Drug fund.....		200,000
15	Drunk driving fund.....		1,900,000
16	State general fund/general purpose.....	\$	0

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PART 2

PROVISIONS CONCERNING APPROPRIATIONS

21 **GENERAL SECTIONS**

22 Sec. 201. (1) Pursuant to section 30 of article IX of the state
23 constitution of 1963, total state spending from state sources for fiscal
24 year 1998-99 is estimated at \$206,740,700.00 in this act and state spend-
25 ing from state sources paid to local units of government for fiscal year
26 1998-99 is estimated at \$109,764,200.00. The itemized statement below

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1 identifies appropriations from which spending to units of local
2 government will occur:
3 SUPREME COURT
4 State court administrative office - administration... \$ 511,900
5 TRIAL COURT OPERATIONS
6 Court equity fund reimbursements..... \$ 63,560,400
7 Hold harmless fund reimbursements..... 12,000,000
8 JUSTICES AND JUDGES COMPENSATION
9 District court judicial salary standardization..... \$ 11,842,500
10 Probate court judges state base salaries..... 6,188,600
11 Probate court judicial salary standardization..... 4,332,800
12 Circuit court judicial salary standardization..... 9,228,000
13 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT
14 Drunk driving caseflow program..... \$ 1,900,000
15 Drug caseflow program..... 200,000
16 TOTAL..... \$ 109,764,200

17 (2) If it appears to the principal executive officer of a department
18 or branch that state spending to local units of government will be less
19 than the amount that was projected to be expended under subsection (1),
20 the principal executive officer shall immediately give notice of the
21 approximate shortfall to the state budget director.

22 Sec. 202. (1) The expenditures and funding sources authorized under
23 this act are subject to the management and budget act, 1984 PA 431, MCL
24 18.1101 to 18.1594.

25 (2) Funds appropriated in part 1 to an entity within the judicial
26 branch shall not be expended or transferred to another account without
27 written approval of the authorized agent of the judicial entity. If the

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1 authorized agent of the judicial entity notifies the state budget
2 director of its approval of an expenditure or transfer, the state budget
3 director shall immediately make the expenditure or transfer. The autho-
4 rized judicial entity agent shall be designated by the chief justice of
5 the supreme court.

6 Sec. 203. As used in this act:

7 (a) "DAG" means the United States department of agriculture.

8 (b) "FIA" means the family independence agency.

9 (c) "FTE" means full-time equated position.

10 (d) "HHS" means the United States department of health and human
11 services.

12 (e) "IDG" means interdepartmental grant.

13 (f) "MDSP" means the department of state police.

14 (g) "OASI" means old age survivor's insurance.

15 (h) "TANF" means temporary assistance for needy families.

16 Sec. 204. Funds appropriated in this act shall not be used for the
17 purchase of foreign goods or services when competitively priced American
18 goods and services are available.

19 Sec. 205. (1) The chief justice of the supreme court shall take all
20 reasonable steps to ensure businesses in deprived and depressed communi-
21 ties compete for and perform contracts to provide services or supplies,
22 or both, for the judicial branch.

23 (2) The chief justice shall strongly encourage firms with which the
24 courts of this state contract to subcontract with certified businesses in
25 depressed and deprived communities for services or supplies, or both.

26 Sec. 208. (1) This appropriation act includes funding for
27 operations financed in whole or in part from early retirement savings

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1 generated through the early retirement program under section 19f of the
2 state employees' retirement act, 1943 PA 240, MCL 38.19f. The chief jus-
3 tice shall provide a report that identifies all of the following:

4 (a) The amount of these early retirement savings realized in the
5 1997-98 fiscal year.

6 (b) The amount of these early retirement savings explicitly ear-
7 marked and spent for technology improvements in the 1997-98 fiscal year.

8 (c) The amount of these early retirement savings used for other
9 organizational enhancements in the 1997-98 fiscal year.

10 (2) The report required under subsection (1) shall be provided to
11 the house and senate appropriations committees and to the house and
12 senate fiscal agencies on or before December 15, 1998.

13 **JUDICIAL BRANCH**

14 Sec. 301. (1) The direct trial court automation support program of
15 the state court administrative office shall recover direct and overhead
16 costs from trial courts by charging for services rendered. The fee shall
17 cover the actual costs incurred to the direct trial court automation sup-
18 port program in providing the service. A report of amounts collected in
19 excess of funds identified as user service charges in part 1 shall be
20 submitted to the state budget director and to the house and senate appro-
21 priations subcommittees on judiciary and general government, respective-
22 ly, 30 days before expenditure by the direct trial court automation sup-
23 port program.

24 (2) From funds appropriated in part 1, the direct trial court
25 automation support program of the state court administrative office shall

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1 provide to the senate and house appropriations committees and the senate
2 and house fiscal agencies before January 1 of each year, a detailed list
3 of user service charges collected during the immediately preceding state
4 fiscal year.

5 Sec. 303. Funds appropriated within the judicial branch shall not
6 be expended by any component within the judicial branch without the
7 approval of the supreme court.

8 Sec. 304. Of the amount appropriated in part 1 for the judicial
9 branch, \$325,000.00 is allocated for circuit court reimbursement under
10 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims
11 reimbursement under section 6413 of the revised judicature act of 1961,
12 1961 PA 236, MCL 600.6413.

13 Sec. 305. The judicial branch shall cooperate with the auditor gen-
14 eral regarding audits of the judicial branch conducted pursuant to sec-
15 tion 53 of article IV of the state constitution of 1963.

16 Sec. 306. The supreme court shall report to the judiciary subcom-
17 mittee of the house appropriations committee and the general government
18 subcommittee of the senate appropriations committee regarding the current
19 status of the accounts set forth in part 1 if it appears that the
20 judiciary's expenditures will exceed funds appropriated under this act.

21 Sec. 307. From funds appropriated under part 1, forms required to
22 be developed by the state court administrative office pursuant to
23 section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL
24 600.2950b, shall be provided in the quantity requested by each county
25 clerk.

26 Sec. 308. The supreme court shall continue to implement and enforce
27 an appropriate antinepotism policy, which shall include provisions that

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1 prohibit a judge from hiring or employing a member of his or her
2 immediate family as a court employee or in any judicial support related
3 capacity.

4 Sec. 310. Funds appropriated in part 1 shall not be used to pay
5 directly or by reimbursement the annual dues for membership in the state
6 bar of Michigan of a judge, justice, or other employee of the judicial
7 branch.

8 Sec. 311. (1) The chief financial officer of a funding unit for a
9 court, in cooperation with the local court, shall provide to the state
10 treasurer and state court administrative office by January 1, 1999
11 audited accounts of all money due and owing the court as of September 30,
12 1998. Where audited accounts are not available, the chief financial
13 officer of a funding unit for a court may provide estimates as long as
14 they are clearly marked as "estimated".

15 (2) The state treasurer shall report to the legislature a compila-
16 tion of the estimated accounts receivable of all courts and cumulative
17 totals by March 1, 1999. This report is a public record.

18 Sec. 312. The state court administrative office, from funds appro-
19 priated in part 1, shall assist the court of appeals and trial courts to
20 meet American bar association model standards on case processing, includ-
21 ing the standard that 95% of all civil appellate cases be disposed within
22 12 months of filing.

23 Sec. 313. (1) From the appropriation in part 1 for the court of
24 appeals and the state court administrative office, \$482,300.00 is appro-
25 priated for changing computer software and hardware to perform properly
26 in the year 2000 and beyond.

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1 (2) The supreme court shall report quarterly to the state budget
2 director, the general government and judiciary subcommittees of the house
3 and senate appropriations committees, the house and senate standing com-
4 mittees having jurisdiction over technology issues, and the house and
5 senate fiscal agencies the year-to-date expenditures for implementing
6 this section.

7 (3) The appropriation in part 1 for the year 2000 shall be consid-
8 ered a work project as defined in section 451 of the management and
9 budget act, 1984 PA 431, MCL 18.1451.

10 (4) The work will be accomplished through the efforts of state
11 employees and through contracted services.

12 (5) The project will be completed by December 1999.

13 Sec. 314. If sufficient funds are not available from the court fee
14 fund to pay judges' compensation, the difference between the appropriated
15 amount from that fund for judges' compensation and the actual amount
16 available after the amount appropriated for trial court reimbursement is
17 made shall be appropriated from the state general fund for judges'
18 compensation.

19 Sec. 315. Funds appropriated in part 1 for indigent defense shall
20 be used in accordance with terms and conditions of section 1485(11)(b) of
21 the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including
22 reference to federal prohibitions against providing legal assistance with
23 respect to any proceeding or litigation which seeks to procure an
24 abortion.

Sec. 316. From the funds appropriated in part 1, 10 percent shall not be allocated for expenditure by the state budget director until both of the following occur:

(a) The supreme court adopts court rules that allow candidates for judge to express opinions on political issues.

(b) The supreme court adopts court rules that allow judges to preside over cases even though they have publicly expressed political opinions on issues generally related to the case.