

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5279**

A bill to make appropriations for the judicial branch for the fiscal years ending September 30, 2000 and September 30, 2001; 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:

1 PART 1

2 LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 2000-2001

3 Sec. 101. Subject to the conditions set forth in this act, the
4 amounts listed in this part are appropriated for the judicial branch for
5 the fiscal year ending September 30, 2001, from the funds indicated in
6 this part. The following is a summary of the appropriations in this
7 part:

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For Fiscal Year Ending
September 30, 2001

1 JUDICIARY

2 APPROPRIATION SUMMARY:

3	Full-time equated exempted positions.....	590.5	
4	GROSS APPROPRIATION.....	\$	236,441,000
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		3,608,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	232,832,500
9	Federal revenues:		
10	Total federal revenues.....		2,826,600
11	Special revenue funds:		
12	Total local revenues.....		2,836,100
13	Total private revenues.....		1,322,400
14	Total other state restricted revenues.....		56,003,600
15	State general fund/general purpose.....	\$	169,843,800
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	289.0	
18	Supreme court administration--121.0 FTE positions....	\$	15,072,200
19	Judicial institute--18.0 FTE positions.....		2,861,800
20	State court administrative office--80.0 FTE positions		8,952,700
21	Law enforcement information network system input		
22	compliance.....		50,000
23	Judicial information systems--21.0 FTE positions.....		5,611,200
24	Direct trial court automation support--33.0 FTE		
25	positions.....		2,836,100
26	Foster care review board--12.0 FTE positions.....		1,249,900

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1	Community dispute resolution--4.0 FTE positions.....	2,563,500
2	Drug court program.....	<u>1,200,000</u>
3	GROSS APPROPRIATION..... \$	40,397,400
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from department of career development.....	80,000
7	IDG from state police - criminal justice improvement.	2,805,000
8	IDG from state police - Michigan justice training	
9	fund.....	300,000
10	Federal revenues:	
11	DAG, agriculture mediation grant.....	200,900
12	DOE, special education grant.....	130,000
13	DOJ, drug training conference.....	75,000
14	DOT, national highway safety traffic administration..	215,300
15	HHS, access and visitation grant.....	387,000
16	HHS, court improvement project.....	629,800
17	HHS, title IV-D child support program.....	419,100
18	HHS, title IV-E foster care program.....	500,000
19	HHS, domestic violence prevention.....	269,500
20	Special revenue funds:	
21	Local - user fees.....	2,836,100
22	Private.....	169,000
23	Private - interest on lawyers trust accounts.....	712,600
24	Private - state justice institute.....	370,800
25	Community dispute resolution fees.....	1,656,000
26	Law exam fees.....	477,200

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1	Miscellaneous revenue.....	227,900
2	State court fund.....	319,000
3	State general fund/general purpose..... \$	27,617,200
4	Sec. 103. COURT OF APPEALS	
5	Full-time equated exempted positions.....235.5	
6	Court of appeals operations--235.5 FTE positions..... \$	<u>21,372,400</u>
7	GROSS APPROPRIATION..... \$	21,372,400
8	Appropriated from:	
9	Special revenue funds:	
10	Court filing/motion fees.....	1,571,000
11	Miscellaneous revenue.....	77,800
12	State general fund/general purpose..... \$	19,723,600
13	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION	
14	Full-time judges positions.....610.0	
15	Supreme court justices' salaries--7.0 judges..... \$	1,007,900
16	Court of appeals judges' salaries--28.0 judges.....	3,709,100
17	District court judges' state base salaries--259.0	
18	judges.....	19,482,600
19	District court judicial salary standardization.....	11,842,500
20	Probate court judges' state base salaries--106.0	
21	judges.....	7,332,900
22	Probate court judicial salary standardization.....	4,287,100
23	Circuit court judges' state base salaries--210.0	
24	judges.....	16,473,100
25	Circuit court judicial salary standardization.....	9,228,000
26	Part-time probate judge conversion to full-time	
27	status.....	576,700

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1	Judges' retirement system defined contributions.....	2,585,700
2	OASI, social security.....	<u>4,134,700</u>
3	GROSS APPROPRIATION..... \$	80,660,300
4	Appropriated from:	
5	Special revenue funds:	
6	Court fee fund.....	5,630,600
7	State general fund/general purpose..... \$	75,029,700
8	Sec. 105. JUDICIAL AGENCIES	
9	Full-time equated exempted positions.....10.0	
10	Judicial tenure commission--10.0 FTE positions..... \$	<u>998,800</u>
11	GROSS APPROPRIATION..... \$	998,800
12	Appropriated from:	
13	State general fund/general purpose..... \$	998,800
14	Sec. 106. INDIGENT DEFENSE - CRIMINAL	
15	Full-time equated exempted positions.....56.0	
16	Appellate public defender program--48.0 FTE positions \$	4,909,600
17	Appellate assigned counsel administration--8.0 FTE	
18	positions.....	<u>951,800</u>
19	GROSS APPROPRIATION..... \$	5,861,400
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG from state police - Michigan justice training	
23	fund.....	423,500
24	Special revenue funds:	
25	Private - interest on lawyers trust accounts.....	70,000
26	Miscellaneous revenue.....	113,100

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1	State general fund/general purpose.....	\$	5,254,800
2	Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE		
3	Indigent civil legal assistance.....	\$	<u>7,337,000</u>
4	GROSS APPROPRIATION.....	\$	7,337,000
5	Appropriated from:		
6	Special revenue funds:		
7	State court fund.....		7,337,000
8	State general fund/general purpose.....	\$	0
9	Sec. 108. TRIAL COURT OPERATIONS		
10	Court equity fund reimbursements.....	\$	73,840,400
11	Hold harmless fund reimbursements.....		<u>3,423,300</u>
12	GROSS APPROPRIATION.....	\$	77,263,700
13	Appropriated from:		
14	Special revenue funds:		
15	Court equity fund.....		36,044,000
16	State general fund/general purpose.....	\$	41,219,700
17	Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
18	Drunk driving case-flow program.....	\$	2,300,000
19	Drug case-flow program.....		<u>250,000</u>
20	GROSS APPROPRIATION.....	\$	2,550,000
21	Appropriated from:		
22	Special revenue funds:		
23	Drug fund.....		250,000
24	Drunk driving fund.....		2,300,000
25	State general fund/general purpose.....	\$	0

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For Fiscal Year Ending
September 30, 2000

1 PART 1A

2 LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 1999-2000

3 Sec. 151. Subject to the conditions set forth in this act, the
4 amounts listed in this part are appropriated for the judicial branch for
5 the fiscal year ending September 30, 2000, from the funds indicated in
6 this part. The following is a summary of the appropriations in this
7 part:

8 **JUDICIARY**

9 APPROPRIATION SUMMARY:

10	GROSS APPROPRIATION.....	\$	1,650,000
11	Interdepartmental grant revenues:		
12	Total interdepartmental grants and intradepartmental		
13	transfers.....		0
14	ADJUSTED GROSS APPROPRIATION.....	\$	1,650,000
15	Federal revenues:		
16	Total federal revenues.....		0
17	Special revenue funds:		
18	Total local revenues.....		0
19	Total private revenues.....		0
20	Total other state restricted revenues.....		0
21	State general fund/general purpose.....	\$	1,650,000
22	Sec. 152. SUPREME COURT		
23	House Bill Nos. 4927-4932 implementation costs.....	\$	<u>1,650,000</u>
24	GROSS APPROPRIATION.....	\$	1,650,000
25	Appropriated from:		
26	State general fund/general purpose.....	\$	1,650,000

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PART 2

4

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2000-2001

5 **GENERAL SECTIONS**

6

Sec. 201. (1) Pursuant to section 30 of article IX of the state

7

constitution of 1963, total state spending from state resources under

8

part 1 for fiscal year 2000-2001 is \$225,847,400.00 and state spending

9

from state resources to be paid to local units of government for fiscal

10

year 2000-2001 is \$114,792,800.00. The itemized statement below identi-

11

fies appropriations from which spending to units of local government will

12

occur:

13

SUPREME COURT

14

State court administrative office - administration... \$ 511,900

15

Drug court program..... 1,200,000

16

TRIAL COURT OPERATIONS

17

Court equity fund reimbursements..... \$ 73,840,400

18

Hold harmless fund reimbursement..... 3,423,300

19

JUSTICES' AND JUDGES' COMPENSATION

20

District court judicial salary standardization..... \$ 11,842,500

21

Probate court judges' state base salaries..... 7,332,900

22

Probate court judicial salary standardization..... 4,287,100

23

Circuit court judicial salary standardization..... 9,228,000

24

Part-time probate judge conversion to full-time

25

status..... 576,700

26

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

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1	Drunk driving case-flow program.....	\$	2,300,000
2	Drug case-flow program.....		<u>250,000</u>
3	TOTAL.....	\$	114,792,800

4 (2) If it appears to the principal executive officer of a department
5 or branch that state spending to local units of government will be less
6 than the amount that was projected to be expended under subsection (1),
7 the principal executive officer shall immediately give notice of the
8 approximate shortfall to the state budget director, the house and senate
9 appropriations committees, and the house and senate fiscal agencies.

10 Sec. 202. (1) The appropriations authorized under this act are
11 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
12 18.1594.

13 (2) Funds appropriated in part 1 to an entity within the judicial
14 branch shall not be expended or transferred to another account without
15 written approval of the authorized agent of the judicial entity. If the
16 authorized agent of the judicial entity notifies the state budget direc-
17 tor of its approval of an expenditure or transfer, the state budget
18 director shall immediately make the expenditure or transfer. The autho-
19 rized judicial entity agent shall be designated by the chief justice of
20 the supreme court.

21 Sec. 203. As used in this act:

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

23 (b) "DOE" means the United States department of education.

24 (c) "DOJ" means the United States department of justice.

25 (d) "DOT" means the United States department of transportation.

26 (e) "FTE" means full-time equated.

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1 (f) "HHS" means the United States department of health and human
2 services.

3 (g) "IDG" means interdepartmental grant.

4 (h) "MDCD" means the Michigan department of career development.

5 (i) "MDSP" means the Michigan department of state police.

6 (j) "MFIA" means the Michigan family independence agency.

7 (k) "OASI" means old age survivor's insurance.

8 (l) "TANF" means temporary assistance for needy families.

9 Sec. 206. (1) In addition to the funds appropriated in part 1,
10 there is appropriated an amount not to exceed \$500,000.00 for federal
11 contingency funds.

12 (2) In addition to the funds appropriated in part 1, there is appro-
13 priated an amount not to exceed \$500,000.00 for state restricted contin-
14 gency funds.

15 (3) In addition to the funds appropriated in part 1, there is appro-
16 priated an amount not to exceed \$100,000.00 for local contingency funds.

17 (4) In addition to the funds appropriated in part 1, there is appro-
18 priated an amount not to exceed \$100,000.00 for private contingency
19 funds.

20 (5) A transfer of contingency funds within the judicial branch shall
21 not be made by the authorized agent of the judicial entity unless
22 approved by both appropriations committees. If the state budget director
23 does not approve contingency fund transfers adopted by both appropria-
24 tions committees under this section, the state budget director shall
25 notify the appropriations committees of his or her action within 15
26 days.

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1 Sec. 207. At least 60 days before beginning any effort to
2 privatize, the judicial branch shall submit a complete project plan to
3 the appropriate senate and house of representatives appropriations sub-
4 committees and the senate and house fiscal agencies. The plan shall
5 include the criteria under which the privatization initiative will be
6 evaluated. The evaluation shall be completed and submitted to the appro-
7 priate senate and house of representatives appropriations subcommittees
8 and the senate and house fiscal agencies within 30 months.

9 Sec. 208. The judicial branch shall continue to pilot the use of
10 the Internet to fulfill the reporting requirements of this act. This may
11 include transmission of reports via electronic mail to the recipients
12 identified for each reporting requirement or it may include placement of
13 reports on the Internet or Intranet, or the legislative Intranet site.
14 The senate and house of representatives appropriations subcommittees and
15 senate and house fiscal agencies shall be notified in writing of the
16 Internet or Intranet site of any such report. Quarterly, the judicial
17 branch shall provide a cumulative listing of the reports submitted during
18 the most recent 3-month period along with the Internet or Intranet site
19 of each report, and a list of those reports expected to be transmitted in
20 the following quarter. The option of receiving reports in printed format
21 shall continue to be available.

22 Sec. 209. Funds appropriated in part 1 shall not be used for the
23 purchase of foreign goods or services, or both, if competitively priced
24 and comparable quality American goods and services, or both, are
25 available.

26 Sec. 210. The chief justice of the supreme court shall take all
27 reasonable steps to ensure businesses in deprived and depressed

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1 communities compete for and perform contracts to provide services or
2 supplies, or both, for the judicial branch. The chief justice shall
3 strongly encourage firms with which the courts of this state contract to
4 subcontract with certified businesses in depressed and deprived communi-
5 ties for services or supplies, or both.

6 Sec. 211. (1) The judicial branch shall provide to the senate and
7 house of representatives standing committees on appropriations and the
8 senate and house fiscal agencies a monthly report on all personal service
9 contracts awarded without competitive bidding, pricing, or rate setting.
10 The notification shall include all of the following:

11 (a) The total dollar amount of the contract.

12 (b) The duration of the contract.

13 (c) The name of the vendor.

14 (d) The type of service to be provided.

15 (2) For personal service contracts of \$100,000.00 or more, the judi-
16 cial branch shall provide a monthly report on all of the following:

17 (a) The total dollar amount of the contract.

18 (b) The duration of the contract.

19 (c) The name of the vendor.

20 (d) The type of service to be provided.

21 Sec. 212. The judicial branch shall receive and retain copies of
22 all reports funded from appropriations in part 1, and shall follow fed-
23 eral and state guidelines for short-term and long-term retention of these
24 reports and records.

25 Sec. 213. The judicial branch shall provide a report prepared by
26 the judicial branch's internal auditor for the prior fiscal year. This
27 report shall include a listing of each audit or investigation performed

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1 by the internal auditor pursuant to sections 486(4) and 487 of the
2 management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The
3 report shall identify the proportion of time spent on each of the statu-
4 tory responsibilities listed in sections 485(4), 486(4), and 487 of the
5 management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and
6 18.1487, and the time spent on all other activities performed in the
7 internal audit function. The report is due first on March 1, 2001, and
8 is due biennially thereafter beginning on May 1, 2003, and shall be sub-
9 mitted to the governor, auditor general, the senate and house appropria-
10 tions committees, the senate and house fiscal agencies, and the chief
11 justice.

12 JUDICIAL BRANCH

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

22 (2) From funds appropriated in part 1, the direct trial court auto-
23 mation support program of the state court administrative office shall
24 provide to the state budget director, the senate and house appropriations
25 committees, and the senate and house fiscal agencies before January 1 of

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1 each year, a detailed list of user service charges collected during the
2 immediately preceding state fiscal year.

3 Sec. 302. Funds appropriated within the judicial branch shall not
4 be expended by any component within the judicial branch without the
5 approval of the supreme court.

6 Sec. 303. Of the amount appropriated in part 1 for the judicial
7 branch, \$325,000.00 is allocated for circuit court reimbursement under
8 section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for
9 court of claims reimbursement under section 6413 of the revised judica-
10 ture act of 1961, 1961 PA 236, MCL 600.6413.

11 Sec. 304. The judicial branch shall cooperate with the auditor gen-
12 eral regarding audits of the judicial branch conducted pursuant to sec-
13 tion 53 of article IV of the state constitution of 1963.

14 Sec. 305. To avoid the overexpenditure of funds appropriated under
15 this act, the supreme court shall report quarterly to the state budget
16 director and to the judiciary subcommittees of the house and senate
17 appropriations committees regarding the status of the accounts set forth
18 in part 1.

19 Sec. 306. From funds appropriated under part 1, forms required to
20 be developed by the state court administrative office pursuant to
21 section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL
22 600.2950b, shall be provided in the quantity requested by each county
23 clerk.

24 Sec. 308. Funds appropriated in part 1 shall not be used to pay
25 directly or by reimbursement the annual dues for membership in the state
26 bar of Michigan of a judge, justice, or other employee of the judicial
27 branch.

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1 Sec. 309. (1) The chief financial officer of a funding unit for a
2 court, in cooperation with the local court, shall provide to the state
3 treasurer and state court administrative office by January 1, 2001
4 audited accounts of all money due and owing the court as of September 30,
5 2000. Where audited accounts are not available, the chief financial
6 officer of a funding unit for a court may provide estimates as long as
7 they are clearly marked as "estimated".

8 (2) The state treasurer shall report to the legislature a compila-
9 tion of the estimated accounts receivable of all courts and cumulative
10 totals by March 1, 2001. This report is a public record.

11 Sec. 310. The state court administrative office, from funds appro-
12 priated in part 1, shall assist the court of appeals and trial courts in
13 resolving 90% of all cases within 18 months of their filing date.

14 Sec. 311. If sufficient funds are not available from the court fee
15 fund to pay judges' compensation, the difference between the appropriated
16 amount from that fund for judges' compensation and the actual amount
17 available after the amount appropriated for trial court reimbursement is
18 made shall be appropriated from the state general fund for judges'
19 compensation.

20 Sec. 312. Funds appropriated in part 1 for indigent defense shall
21 be used in accordance with terms and conditions of section 1485(11)(b) of
22 the revised judiciary act of 1961, 1961 PA 236, MCL 600.1485, including
23 reference to federal prohibitions against providing legal assistance with
24 respect to any proceeding or litigation which seeks to procure an
25 abortion.

26 Sec. 315. State general fund appropriation for community dispute
27 resolution contained in part 1 shall be used to supplement funding for

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1 community dispute resolution centers. The supplemental funding shall be
2 disbursed by formula to achieve a base level of \$30,000.00 for centers
3 funded through the community dispute resolution act, 1988 PA 260, MCL
4 691.1551 to 691.1564, with the remainder disbursed based upon performance
5 measures as determined by the state court administrative office.

6 Sec. 319. (1) The state auditor general shall perform an audit of
7 the state appellate defender office to ensure program effectiveness,
8 efficiencies, and compliance with state law.

9 (2) As a part of the audit, the legislative auditor general shall
10 include an analysis of the state appellate defender office salary sched-
11 ule for attorneys and supervisors. The analysis shall compare salaries
12 with those in the public and private sectors.

13 Sec. 323. From the funds appropriated in part 1, the state court
14 administrator shall produce a statistical report regarding the implemen-
15 tation of the parental rights restoration act, 1990 PA 211, MCL 722.901
16 to 722.908, as it pertains to minors seeking a court-issued waiver of
17 parental consent to obtain an abortion. At a minimum, the report shall
18 contain information from calendar years 1997 through 1999. The report
19 shall include information from all counties on the number of petitions
20 filed, the number of hearings held in response to petitions filed, and
21 the number of waivers granted and denied. The state court administrator
22 shall not seek any information regarding the identity of any minor who
23 has petitioned the court, but shall provide aggregate data on the age of
24 the minors petitioning the court and whether the minor resided in the
25 county where the petition was filed. The report shall specify whether
26 the waiver was granted by the judge elected or appointed to that court,
27 or a visiting judge. The report shall also indicate whether courts acted

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1 to report a potential child abuse to child protective services as
2 provided in the parental rights restoration act, 1990 PA 211, MCL 722.901
3 to 722.908.

4 Sec. 324. A county shall be required to pay a penalty due to the
5 state's failure to be in compliance with federal child support enforce-
6 ment system requirements unless the county, friend of the court, and the
7 family independence agency have a written agreement that outlines the
8 county's commitment to participate in the federally required child sup-
9 port enforcement system and the county complies with a time line for com-
10 pletion established by the family independence agency. Appropriate coun-
11 ties, the family independence agency, and the judicial branch shall
12 report on the progress of reaching federal standards by November 15,
13 2000. These groups will present an action plan as to how attainment will
14 be reached by September 30, 2001.

15 Sec. 326. The \$50,000.00 appropriated in part 1 for the law
16 enforcement information network system input compliance shall be provided
17 for the state court administrative office to ensure that local courts are
18 in compliance with section 464a of the mental health code, 1974 PA 258,
19 MCL 330.1464a, section 5107 of the estates and protected individuals
20 code, 1998 PA 386, MCL 700.5107, and section 16b of the code of criminal
21 procedure, 1927 PA 175, MCL 769.16b. The funds shall not be available
22 for expenditure until a report is submitted to the house and senate
23 appropriations committees on judiciary and the house and senate fiscal
24 agencies by October 15, 2000. The report shall include a plan, including
25 a timetable, of when every court shall have submitted for entry onto the
26 law enforcement information network all court orders for persons
27 determined to be legally incapacitated, persons required to undergo

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1 involuntary hospitalization or treatment, and persons adjudged not guilty
2 by reason of insanity.

3 Sec. 327. Before any funds are expended on trial court projects,
4 the chief judge of the circuit court and the county clerk shall annually
5 sign a certification that the pilot project meets constitutional and
6 statutory requirements.

7 Sec. 328. The funds appropriated in part 1 for the conversion of
8 part-time probate judges to full-time status shall not be expended until
9 legislation is enacted to implement the conversion. If legislation is
10 not enacted during fiscal year 2000-2001, the funds shall lapse to the
11 state general fund at the close of the fiscal year.

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13

14

PART 2A

15 PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 1999-2000

16 **GENERAL SECTIONS**

17 Sec. 401. (1) Pursuant to section 30 of article IX of the state
18 constitution of 1963, total state spending from state resources under
19 part 1a for fiscal year 1999-2000 is \$1,650,000.00 and state spending
20 from state resources paid to local units of government for fiscal year
21 1999-2000 is \$1,650,000.00.

22 (2) If it appears to the principal executive officer of a department
23 or branch that state spending to local units of government will be less
24 than the amount that was projected to be expended under subsection (1),
25 the principal executive officer shall immediately give notice of the
26 approximate shortfall to the state budget director, the house and senate
27 appropriations committees, and the house and senate fiscal agencies.

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1 Sec. 402. Funds appropriated in part 1a to reimburse local courts
2 for costs associated with implementation of enrolled house bills 4927
3 through 4932 of the 90th Legislature shall not be distributed until local
4 courts submit a detailed accounting of costs to the state court adminis-
5 trative office, and the state court administrative office approves those
6 submissions.