



HOUSE BILL No. 5279

February 3, 2000, Introduced by Reps. Mortimer, Pappageorge, Byl, Kukuk, Jellema, Jelinek, Geiger, Mead, Pumford, Caul, LaSata, Cameron Brown, Scranton, Jansen, Godchaux and Stamas and referred to the Committee on Appropriations.

EXECUTIVE BUDGET BILL

A bill to make appropriations for the judicial branch for the fiscal year ending 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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the

1 amounts listed in this part are appropriated for the judicial branch
 2 for the fiscal year ending September 30, 2001, from the funds
 3 indicated in this part. The following is a summary of the
 4 appropriations in this part:

5 **JUDICIARY**

6 APPROPRIATION SUMMARY:

7 Full-time equated exempted positions 586.0

8 GROSS APPROPRIATION \$ 235,414,100

9 Interdepartmental grant revenues:

10 Total interdepartmental grants and intradepartmental
 11 transfers 3,608,500

12 ADJUSTED GROSS APPROPRIATION \$ 231,805,600

13 Federal revenues:

14 Total federal revenues 3,103,300

15 Special revenue funds:

16 Total local revenues 2,822,500

17 Total private revenues 1,322,400

18 Total other state restricted revenues 56,002,300

19 State general fund/general purpose \$ 168,555,100

20 **Sec. 102. SUPREME COURT**

21 Full-time equated exempted positions 286.0

22 Supreme court administration--118.0 FTE

23 positions \$ 14,752,600

24 Judicial institute--18.0 FTE positions 2,853,600

25 State court administrative office--80.0 FTE

26 positions 8,916,400

27 Judicial information systems--21.0 FTE

28 positions 5,601,700

29 Direct trial court automation support--33.0 FTE

1	positions	2,822,500
2	Foster care review board--12.0 FTE positions . .	1,244,500
3	Community dispute resolution--4.0 FTE	
4	positions	2,561,800
5	Drug court program	<u>1,000,000</u>
6	GROSS APPROPRIATION	\$ 39,753,100
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from MDCD	80,000
10	IDG from MDSP-criminal justice	
11	improvement	2,805,000
12	IDG from MDSP-Michigan justice training fund . .	300,000
13	Federal revenues:	
14	DAG, agriculture mediation grant	200,900
15	DOE, special education grant	130,000
16	DOJ, drug training conference	75,000
17	DOT, national highway safety traffic	
18	administration	215,300
19	HHS, access and visitation grant	387,000
20	HHS, court improvement project	629,800
21	HHS, title IV-D child support program	419,100
22	HHS, title IV-E foster care program	276,700
23	HHS, TANF	500,000
24	HHS, domestic violence prevention	269,500
25	Special revenue funds:	
26	Local-user fees	2,822,500
27	Private revenues	169,000
28	Private-interest on lawyers trust accounts . . .	712,600
29	Private-Michigan justice institute	370,800

1	Community dispute resolution fees	1,654,700
2	Law exam fees	477,200
3	Miscellaneous revenue	227,900
4	State court fund	319,000
5	State general fund/general purpose	\$ 26,711,100
6	Sec. 103. COURT OF APPEALS	
7	Full-time equated exempted positions	235.5
8	Court of appeals operations--235.5 FTE	
9	positions	\$ <u>21,015,600</u>
10	GROSS APPROPRIATION	\$ 21,015,600
11	Appropriated from:	
12	Special revenue funds:	
13	Court filing/motion fees	1,571,000
14	Miscellaneous revenue	77,800
15	State general fund/general purpose	\$ 19,366,800
16	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION	
17	Full-time judges positions	610.0
18	Supreme court justices' salaries--7.0 judges . .	\$ 1,007,900
19	Court of appeals judges' salaries--28.0 judges .	3,709,100
20	District court judges' state base salaries--259.0	
21	judges	19,482,800
22	District court judicial salary standardization .	11,842,500
23	Probate court judges' state base salaries--106.0	
24	judges	7,395,400
25	Probate court judicial salary standardization .	4,332,800
26	Circuit court judges' state base salaries--210.0	
27	judges	16,473,100
28	Circuit court judicial salary standardization .	9,228,000
29	Judges' retirement system defined	

1	contributions		2,585,700
2	OASI, social security		<u>4,134,700</u>
3	GROSS APPROPRIATION	\$	80,192,000
4	Appropriated from:		
5	Special revenue funds:		
6	Court fee fund		5,630,600
7	State general fund/general purpose	\$	74,561,400
8	Sec. 105. JUDICIAL AGENCIES		
9	Full-time equated exempted positions	10.0	
10	Judicial tenure commission--10.0 FTE positions .	\$	<u>994,300</u>
11	GROSS APPROPRIATION	\$	994,300
12	Appropriated from:		
13	State general fund/general purpose	\$	994,300
14	Sec. 106. INDIGENT DEFENSE - CRIMINAL		
15	Full-time equated exempted positions	54.5	
16	Appellate public defender program--46.5 FTE		
17	positions	\$	4,803,500
18	Appellate assigned counsel administration--8.0 FTE		
19	positions		<u>928,200</u>
20	GROSS APPROPRIATION	\$	5,731,700
21	Appropriated from:		
22	Interdepartmental grant revenues:		
23	IDG from MDSP-Michigan justice training fund . .		423,500
24	Special revenue funds:		
25	Private-interest on lawyers trust accounts . . .		70,000
26	Miscellaneous revenue		113,100
27	State general fund/general purpose	\$	5,125,100
28	Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE		
29	Indigent civil legal assistance	\$	<u>7,337,000</u>

1 GROSS APPROPRIATION \$ 7,337,000

2 Appropriated from:

3 Special revenue funds:

4 State court fund 7,337,000

5 State general fund/general purpose \$ 0

6 **Sec. 108. TRIAL COURT OPERATIONS**

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

8 Hold harmless fund reimbursements 4,000,000

9 GROSS APPROPRIATION \$ 77,840,400

10 Appropriated from:

11 Special revenue funds:

12 Court equity fund 36,044,000

13 State general fund/general purpose \$ 41,796,400

14 **Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT**

15 Drunk driving caseflow program \$ 2,300,000

16 Drug caseflow program 250,000

17 GROSS APPROPRIATION \$ 2,550,000

18 Appropriated from:

19 Special revenue funds:

20 Drug fund 2,300,000

21 Drunk driving fund 250,000

22 State general fund/general purpose \$ 0

23 **PART 2**

24 **PROVISIONS CONCERNING APPROPRIATIONS**

25 **GENERAL SECTIONS**

26 Sec. 201. (1) Pursuant to section 30 of article IX of the state
27 constitution of 1963, total state spending under part 1 for fiscal
28 year 2000-2001 is \$224,557,400.00 and state appropriations to be paid
29 to local units of government are as follows:

1 JUDICIARY

2 SUPREME COURT

3 State court administrative office \$ 511,900

4 TRIAL COURT OPERATIONS

5 Court equity fund reimbursements 73,840,400

6 Hold harmless fund reimbursements 4,000,000

7 JUSTICES' AND JUDGES' COMPENSATION

8 District court judicial salary

9 standardization 11,842,500

10 Probate court judges' state base salaries . . . 7,395,400

11 Probate court judicial salary

12 standardization 4,332,800

13 Circuit court judicial salary

14 standardization 9,228,000

15 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

16 Drunk driving caseflow program 2,300,000

17 Drug caseflow program 250,000

18 TOTAL \$ 113,701,000

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

27 Sec. 202. (1) The expenditures and funding sources authorized
 28 under this bill are subject to the management and budget act, 1984 PA
 29 431, MCL 18.1101 to 18.1594.

30 (2) Funds appropriated in part 1 to an entity within the judicial

1 branch shall not be expended or transferred to another account without
2 written approval of the authorized agent of the judicial entity. If
3 the authorized agent of the judicial entity notifies the state budget
4 director of its approval of an expenditure or transfer, the state
5 budget director shall immediately make the expenditure or transfer.
6 The authorized judicial entity agent shall be designated by the chief
7 justice of the supreme court.

8 Sec. 203. As used in this bill:

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

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

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

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

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

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

17 (g) "IDG" means interdepartmental grant.

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

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

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

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

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

23 Sec. 204. (1) In addition to the funds appropriated in part 1,
24 there is appropriated an amount not to exceed \$500,000.00 for federal
25 contingency funds.

26 (2) In addition to the funds appropriated in part 1, there is
27 appropriated an amount not to exceed \$500,000.00 for state restricted
28 contingency funds.

29 (3) In addition to the funds appropriated in part 1, there is
30 appropriated an amount not to exceed \$100,000.00 for local contingency

1 funds.

2 (4) In addition to the funds appropriated in part 1, there is
3 appropriated an amount not to exceed \$100,000.00 for private
4 contingency funds.

5 (5) A transfer of contingency funds within the judicial branch
6 shall not be made by the authorized agent of the judicial entity
7 unless approved by both appropriations committees. If the state
8 budget director does not approve contingency fund transfers adopted by
9 both appropriations committees under this section, the state budget
10 director shall notify the appropriations committees of his or her
11 action within 15 days.

12 Sec. 205. Sixty days before beginning any effort to privatize,
13 the judicial branch shall submit a complete project plan to the
14 appropriate subcommittees of the senate and house of representatives
15 standing committees on appropriations and the senate and house fiscal
16 agencies. The plan shall include the criteria under which the
17 privatization initiative will be evaluated. The evaluation shall be
18 completed and submitted to the appropriate subcommittees of the senate
19 and house of representatives standing subcommittee on appropriations
20 and the senate and house fiscal agencies within 30 months.

21 Sec. 206. The judicial branch shall continue to pilot the use of
22 the Internet to fulfill the reporting requirement in this bill. This
23 may include transmission of reports via electronic mail to the
24 recipients identified for each reporting requirement or it may include
25 placement of reports on the Internet or on the Intranet. The
26 appropriations subcommittee shall be notified in writing of the
27 Internet/Intranet site of any such report.

28 **JUDICIAL BRANCH**

29 Sec. 301. (1) The direct trial court automation support program
30 of the state court administrative office shall recover direct and

1 overhead costs from trial courts by charging for services rendered.
2 The fee shall cover the actual costs incurred to the direct trial
3 court automation support program in providing the service. A report
4 of amounts collected in excess of funds identified as user service
5 charges in part 1 shall be submitted to the state budget director and
6 to the house and senate appropriations subcommittees on judiciary 30
7 days before expenditure by the direct trial court automation support
8 program.

9 (2) From funds appropriated in part 1, the direct trial court
10 automation support program of the state court administrative office
11 shall provide to the state budget director, the senate and house
12 appropriations committees, and the senate and house fiscal agencies
13 before January 1 of each year, a detailed list of user service charges
14 collected during the immediately preceding state fiscal year.

15 Sec. 302. Funds appropriated within the judicial branch shall not
16 be expended by any component within the judicial branch without the
17 approval of the supreme court.

18 Sec. 303. Of the amount appropriated in part 1 for the judicial
19 branch, \$325,000.00 is allocated for circuit court reimbursement under
20 section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for
21 court of claims reimbursement under section 6413 of the revised
22 judicature act of 1961, 1961 PA 236, MCL 600.6413.

23 Sec. 304. The judicial branch shall cooperate with the auditor
24 general regarding audits of the judicial branch conducted pursuant to
25 section 53 of article IV of the state constitution of 1963.

26 Sec. 305. To avoid the overexpenditure of funds appropriated
27 under this bill, the supreme court shall report quarterly to the state
28 budget director and to the judiciary subcommittees of the house and
29 senate appropriations committees regarding the status of the accounts
30 set forth in part 1.

1 Sec. 306. Funds appropriated in part 1 shall not be used to pay
2 directly or by reimbursement the annual dues for membership in the
3 state bar of Michigan of a judge, justice, or other employee of the
4 judicial branch.

5 Sec. 307. (1) The chief financial officer of a funding unit for a
6 court, in cooperation with the local court, shall provide to the state
7 treasurer and state court administrative office by January 1, 2001
8 audited accounts of all money due and owing the court as of September
9 30, 2000. Where audited accounts are not available, the chief
10 financial officer of a funding unit for a court may provide estimates
11 as long as they are clearly marked as "estimated".

12 (2) The state treasurer shall report to the legislature a
13 compilation of the estimated accounts receivable of all courts and
14 cumulative totals by March 1, 2001. This report is a public record.

15 Sec. 308. If sufficient funds are not available from the court
16 fee fund to pay judges' compensation, the difference between the
17 appropriated amount from that fund for judges' compensation and the
18 actual amount available after the amount appropriated for trial court
19 reimbursement is made shall be appropriated from the state general
20 fund for judges' compensation.

21 Sec. 309. State general fund appropriation for community dispute
22 resolution contained in part 1 shall be used to supplement funding for
23 community dispute resolution centers. The supplemental funding shall
24 be disbursed by formula to achieve a base level of funding for centers
25 funded through the community dispute resolution act, 1988 PA 260, MCL
26 691.1551 to 691.1564, with the remainder disbursed based upon
27 performance measures as determined by the state court administrative
28 office.

29 Sec. 310. (1) The funds appropriated in part 1 for drug courts
30 shall be administered by the state court administrative office to

1 implement new drug court programs or for existing drug court programs
2 if federal funds are no longer available. A drug court shall be
3 responsible for handling cases involving substance abusing offenders
4 through comprehensive supervision, testing, treatment services, and
5 immediate sanctions and incentives. A drug court shall use all
6 available county and state personnel involved in the disposition of
7 cases including, but not limited to, parole and probation agents,
8 prosecuting attorney, defense attorney, and community corrections
9 providers.

10 (2) The funds may be used in connection with federal funds and
11 local units of government are encouraged to match state funding.

12 (3) Local units of government are encouraged to refer to federal
13 drug court guidelines to prepare proposals. However, federal agency
14 approvals not required for funding under this section.