

SENATE BILL No. 975

EXECUTIVE BUDGET BILL

February 3, 2000, Introduced by Senators NORTH, GOSCHKA, JOHNSON and VAUGHN
and referred to the Committee on Appropriations.

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 amounts listed in this part are appropriated for the judicial branch

for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions . . .	586.0	
GROSS APPROPRIATION	\$	235,414,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,608,500
ADJUSTED GROSS APPROPRIATION	\$	231,805,600
Federal revenues:		
Total federal revenues		3,103,300
Special revenue funds:		
Total local revenues		2,822,500
Total private revenues		1,322,400
Total other state restricted revenues		56,002,300
State general fund/general purpose	\$	168,555,100

Sec. 102. SUPREME COURT

Full-time equated exempted positions . . .	286.0	
Supreme court administration--118.0 FTE		
positions	\$	14,752,600
Judicial institute--18.0 FTE positions		2,853,600
State court administrative office--80.0 FTE		
positions		8,916,400
Judicial information systems--21.0 FTE		
positions		5,601,700
Direct trial court automation support--33.0 FTE		
positions		2,822,500
Foster care review board--12.0 FTE positions . .		1,244,500
Community dispute resolution--4.0 FTE		
positions		2,561,800
Drug court program		<u>1,000,000</u>
GROSS APPROPRIATION	\$	39,753,100
Appropriated from:		

1	Interdepartmental grant revenues:	
2	IDG from MDCD	80,000
3	IDG from MDSP-criminal justice	
4	improvement	2,805,000
5	IDG from MDSP-Michigan justice training fund . .	300,000
6	Federal revenues:	
7	DAG, agriculture mediation grant	200,900
8	DOE, special education grant	130,000
9	DOJ, drug training conference	75,000
10	DOT, national highway safety traffic	
11	administration	215,300
12	HHS, access and visitation grant	387,000
13	HHS, court improvement project	629,800
14	HHS, title IV-D child support program	419,100
15	HHS, title IV-E foster care program	276,700
16	HHS, TANF	500,000
17	HHS, domestic violence prevention	269,500
18	Special revenue funds:	
19	Local-user fees	2,822,500
20	Private revenues	169,000
21	Private-interest on lawyers trust accounts . . .	712,600
22	Private-Michigan justice institute	370,800
23	Community dispute resolution fees	1,654,700
24	Law exam fees	477,200
25	Miscellaneous revenue	227,900
26	State court fund	319,000
27	State general fund/general purpose \$	26,711,100
28	Sec. 103. COURT OF APPEALS	
29	Full-time equated exempted positions . . . 235.5	
30	Court of appeals operations--235.5 FTE	
31	positions \$	<u>21,015,600</u>
32	GROSS APPROPRIATION \$	21,015,600
33	Appropriated from:	
34	Special revenue funds:	
35	Court filing/motion fees	1,571,000

1	Miscellaneous revenue	77,800
2	State general fund/general purpose	\$ 19,366,800
3	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION	
4	Full-time judges positions	610.0
5	Supreme court justices' salaries--7.0 judges . .	\$ 1,007,900
6	Court of appeals judges' salaries--28.0 judges .	3,709,100
7	District court judges' state base salaries--259.0	
8	judges	19,482,800
9	District court judicial salary standardization .	11,842,500
10	Probate court judges' state base salaries--106.0	
11	judges	7,395,400
12	Probate court judicial salary standardization . .	4,332,800
13	Circuit court judges' state base salaries--210.0	
14	judges	16,473,100
15	Circuit court judicial salary standardization . .	9,228,000
16	Judges' retirement system defined	
17	contributions	2,585,700
18	OASI, social security	<u>4,134,700</u>
19	GROSS APPROPRIATION	\$ 80,192,000
20	Appropriated from:	
21	Special revenue funds:	
22	Court fee fund	5,630,600
23	State general fund/general purpose	\$ 74,561,400
24	Sec. 105. JUDICIAL AGENCIES	
25	Full-time equated exempted positions	10.0
26	Judicial tenure commission--10.0 FTE positions .	\$ <u>994,300</u>
27	GROSS APPROPRIATION	\$ 994,300
28	Appropriated from:	
29	State general fund/general purpose	\$ 994,300
30	Sec. 106. INDIGENT DEFENSE - CRIMINAL	
31	Full-time equated exempted positions	54.5
32	Appellate public defender program--46.5 FTE	
33	positions	\$ 4,803,500
34	Appellate assigned counsel administration--8.0 FTE	
35	positions	<u>928,200</u>

1	GROSS APPROPRIATION	\$	5,731,700
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from MDSP-Michigan justice training fund . .		423,500
5	Special revenue funds:		
6	Private-interest on lawyers trust accounts . . .		70,000
7	Miscellaneous revenue		113,100
8	State general fund/general purpose	\$	5,125,100
9	Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE		
10	Indigent civil legal assistance	\$	<u>7,337,000</u>
11	GROSS APPROPRIATION	\$	7,337,000
12	Appropriated from:		
13	Special revenue funds:		
14	State court fund		7,337,000
15	State general fund/general purpose	\$	0
16	Sec. 108. TRIAL COURT OPERATIONS		
17	Court equity fund reimbursements	\$	73,840,400
18	Hold harmless fund reimbursements		<u>4,000,000</u>
19	GROSS APPROPRIATION	\$	77,840,400
20	Appropriated from:		
21	Special revenue funds:		
22	Court equity fund		36,044,000
23	State general fund/general purpose	\$	41,796,400
24	Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
25	Drunk driving caseflow program	\$	2,300,000
26	Drug caseflow program		<u>250,000</u>
27	GROSS APPROPRIATION	\$	2,550,000
28	Appropriated from:		
29	Special revenue funds:		
30	Drug fund		2,300,000
31	Drunk driving fund		250,000
32	State general fund/general purpose	\$	0
33	PART 2		
34	PROVISIONS CONCERNING APPROPRIATIONS		
35	GENERAL SECTIONS		

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

JUDICIARY

SUPREME COURT

State court administrative office	\$	511,900
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TRIAL COURT OPERATIONS

Court equity fund reimbursements		73,840,400
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Hold harmless fund reimbursements		4,000,000
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JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary

standardization		11,842,500
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Probate court judges' state base salaries		7,395,400
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Probate court judicial salary

standardization		4,332,800
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Circuit court judicial salary

standardization		9,228,000
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GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving caseflow program		2,300,000
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Drug caseflow program		<u>250,000</u>
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TOTAL	\$	113,701,000
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(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended for any quarter under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

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

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

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

6 Sec. 203. As used in this bill:

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

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

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

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

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

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

15 (g) "IDG" means interdepartmental grant.

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

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

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

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

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

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

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

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

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

33 (5) A transfer of contingency funds within the judicial branch
34 shall not be made by the authorized agent of the judicial entity
35 unless approved by both appropriations committees. If the state
36 budget director does not approve contingency fund transfers adopted by

1 both appropriations committees under this section, the state budget
2 director shall notify the appropriations committees of his or her
3 action within 15 days.

4 Sec. 205. Sixty days before beginning any effort to privatize,
5 the judicial branch shall submit a complete project plan to the
6 appropriate subcommittees of the senate and house of representatives
7 standing committees on appropriations and the senate and house fiscal
8 agencies. The plan shall include the criteria under which the
9 privatization initiative will be evaluated. The evaluation shall be
10 completed and submitted to the appropriate subcommittees of the senate
11 and house of representatives standing subcommittee on appropriations
12 and the senate and house fiscal agencies within 30 months.

13 Sec. 206. The judicial branch shall continue to pilot the use of
14 the Internet to fulfill the reporting requirement in this bill. This
15 may include transmission of reports via electronic mail to the
16 recipients identified for each reporting requirement or it may include
17 placement of reports on the Internet or on the Intranet. The
18 appropriations subcommittee shall be notified in writing of the
19 Internet/Intranet site of any such report.

20 **JUDICIAL BRANCH**

21 Sec. 301. (1) The direct trial court automation support program
22 of the state court administrative office shall recover direct and
23 overhead costs from trial courts by charging for services rendered.
24 The fee shall cover the actual costs incurred to the direct trial
25 court automation support program in providing the service. A report
26 of amounts collected in excess of funds identified as user service
27 charges in part 1 shall be submitted to the state budget director and
28 to the house and senate appropriations subcommittees on judiciary 30
29 days before expenditure by the direct trial court automation support
30 program.

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

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

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

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

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

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

21 Sec. 307. (1) The chief financial officer of a funding unit for a
22 court, in cooperation with the local court, shall provide to the state
23 treasurer and state court administrative office by January 1, 2001
24 audited accounts of all money due and owing the court as of September
25 30, 2000. Where audited accounts are not available, the chief
26 financial officer of a funding unit for a court may provide estimates
27 as long as they are clearly marked as "estimated".

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

31 Sec. 308. If sufficient funds are not available from the court
32 fee fund to pay judges' compensation, the difference between the
33 appropriated amount from that fund for judges' compensation and the
34 actual amount available after the amount appropriated for trial court
35 reimbursement is made shall be appropriated from the state general
36 fund for judges' compensation.

1 Sec. 309. State general fund appropriation for community dispute
2 resolution contained in part 1 shall be used to supplement funding for
3 community dispute resolution centers. The supplemental funding shall
4 be disbursed by formula to achieve a base level of funding for centers
5 funded through the community dispute resolution act, 1988 PA 260, MCL
6 691.1551 to 691.1564, with the remainder disbursed based upon
7 performance measures as determined by the state court administrative
8 office.

9 Sec. 310. (1) The funds appropriated in part 1 for drug courts
10 shall be administered by the state court administrative office to
11 implement new drug court programs or for existing drug court programs
12 if federal funds are no longer available. A drug court shall be
13 responsible for handling cases involving substance abusing offenders
14 through comprehensive supervision, testing, treatment services, and
15 immediate sanctions and incentives. A drug court shall use all
16 available county and state personnel involved in the disposition of
17 cases including, but not limited to, parole and probation agents,
18 prosecuting attorney, defense attorney, and community corrections
19 providers.

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

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

Final page.