

SENATE BILL No. 311

March 19, 2003, Introduced by Senator SWITALSKI 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, 2004; 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

1 Sec. 101. Subject to the conditions set forth in this bill, the
 2 amounts listed in this part are appropriated for the judicial branch
 3 for the fiscal year ending September 30, 2004, from the funds indicated
 4 in this part. The following is a summary of the appropriations in this
 5 part:

6 **JUDICIARY**

7 APPROPRIATIONS SUMMARY:

8	Full-time equated exempted positions.....	582.5	
9	GROSS APPROPRIATION.....	\$	252,492,900
10	Interdepartmental grant revenues:		
11	Total interdepartmental grants and intradepartmental		
12	transfers.....		4,633,500
13	ADJUSTED GROSS APPROPRIATION.....	\$	247,859,400
14	Federal revenues:		
15	Total federal revenues		3,806,500
16	Special revenue funds:		
17	Total local revenues		2,898,700
18	Total private revenues.....		842,500
19	Total other state restricted revenues		78,995,300
20	State general fund/general purpose	\$	161,316,400

21 **Sec. 102. SUPREME COURT**

22	Full-time equated exempted positions.....	284.0	
23	Supreme court administration--114.0 FTE positions	\$	10,033,500
24	Judicial institute--20.0 FTE positions.....		2,935,700
25	State court administrative office--80.0 FTE positions .		9,211,000
26	Judicial information systems--21.0 FTE positions		4,540,600
27	Direct trial court automation support--33.0 FTE		

1	positions	2,898,700
2	Foster care review board--12.0 FTE positions	1,167,700
3	Community dispute resolution--4.0 FTE positions	2,499,800
4	Drug treatment courts.....	<u>4,335,000</u>
5	GROSS APPROPRIATION.....	\$ 37,622,000
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of community health.....	1,800,000
9	IDG from department of career development.....	95,000
10	IDG from state police - criminal justice improvement ..	2,015,000
11	IDG from state police - Michigan justice training fund .	300,000
12	Federal revenues:	
13	USDA, agriculture mediation grant.....	125,000
14	DOE, special education grant.....	150,000
15	DOJ, enforcing underage drinking law.....	50,000
16	DOJ, victims assistance programs.....	50,000
17	DOT, national highway safety traffic administration ...	215,300
18	HHS, access and visitation grant	387,000
19	HHS, court improvement project.....	1,160,000
20	HHS, title IV-D child support program.....	907,700
21	HHS, title IV-E foster care program	500,000
22	HHS, TANF.....	50,000
23	HHS, domestic violence prevention	175,000
24	Special revenue funds:	
25	Local - user fees.....	2,898,700
26	Private	169,000
27	Private - interest on lawyers trust accounts.....	232,700

1	Private - state justice institute	370,800
2	Community dispute resolution fees.....	2,224,800
3	Law exam fees	482,100
4	Drug Court fund.....	1,267,500
5	Miscellaneous revenue	227,900
6	State court fund	319,000
7	State general fund/general purpose \$	21,449,500
8	Sec. 103. COURT OF APPEALS	
9	Full-time equated exempted positions.....230.5	
10	Court of appeals operations--230.5 FTE positions \$	<u>17,057,300</u>
11	GROSS APPROPRIATION..... \$	17,057,300
12	Appropriated from:	
13	Special revenue funds:	
14	Court filing/motion fees.....	1,571,000
15	Miscellaneous revenue	77,800
16	State general fund/general purpose \$	15,408,500
17	Sec. 104. BRANCHWIDE APPROPRIATIONS	
18	Full-time equated exempted positions.....3.0	
19	Branchwide appropriations..... \$	<u>8,376,000</u>
20	GROSS APPROPRIATION..... \$	8,376,000
21	Appropriated from:	
22	Special revenue funds:	
23	State general fund/general purpose..... \$	8,376,000
24	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
25	Full-time judges positions.....616.0	
26	Supreme court justices' salaries--7.0 judges \$	1,152,300
27	Court of appeals judges' salaries--28.0 judges	4,240,300

1	District court judges' state base salaries--259.0	
2	judges	23,946,700
3	District court judicial salary standardization	11,831,100
4	Probate court judges' state base salaries--106.0	
5	judges	9,168,500
6	Probate court judicial salary standardization.....	4,407,100
7	Circuit court judges' state base salaries--216.0	
8	judges	20,346,300
9	Circuit court judicial salary standardization.....	9,876,400
10	Judges' retirement system defined contributions.....	2,649,100
11	Judges' retirement system health reserve.....	27,700
12	OASI, social security.....	<u>4,619,200</u>
13	GROSS APPROPRIATION.....	\$ 92,264,700
14	Appropriated from:	
15	Special revenue funds:	
16	Court fee fund.....	7,090,200
17	State general fund/general purpose.....	\$ 85,174,500
18	Sec. 106. JUDICIAL AGENCIES	
19	Full-time equated exempted positions.....10.0	
20	Judicial tenure commission--10.0 FTE positions.....	\$ <u>1,004,200</u>
21	GROSS APPROPRIATION.....	\$ 1,004,200
22	Appropriated from:	
23	State general fund/general purpose	\$ 1,004,200
24	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
25	Full-time equated exempted positions.....55.0	
26	Appellate public defender program--47.0 FTE	
27	positions	\$ 4,502,000

1	Appellate assigned counsel administration--8.0 FTE	
2	positions	<u>808,700</u>
3	GROSS APPROPRIATION.....	\$ 5,310,700
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from state police - Michigan justice training	
7	fund	423,500
8	Federal revenues:	
9	DOJ, assigned criminal defense	36,500
10	Special revenue funds:	
11	Private - interest on lawyers trust accounts.....	70,000
12	Miscellaneous revenue.....	113,100
13	State general fund/general purpose.....	\$ 4,667,600
14	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
15	Indigent civil legal assistance.....	<u>\$ 7,337,000</u>
16	GROSS APPROPRIATION.....	\$ 7,337,000
17	Appropriated from:	
18	Special revenue funds:	
19	State court fund	7,337,000
20	State general fund/general purpose.....	\$ 0
21	Sec. 109. TRIAL COURT OPERATIONS	
22	Court equity fund reimbursements.....	\$ 69,906,000
23	Judicial technology improvement fund.....	<u>4,465,000</u>
24	GROSS APPROPRIATION.....	\$ 74,371,000
25	Appropriated from:	
26	Special revenue funds:	
27	Court equity fund.....	44,669,900

1	Judicial technology improvement fund.....	4,465,000
2	State general fund/general purpose.....	\$ 25,236,100
3	Sec. 110 JUROR COMPENSATION REIMBURSEMENT	
4	Juror compensation reimbursement.....	\$ 6,600,000
5	GROSS APPROPRIATION.....	\$ 6,660,000
6	Appropriated from:	
7	Special revenue funds:	
8	Juror compensation fund.....	6,600,000
9	State general fund/general purpose.....	\$ 0
10	Sec. 111. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
11	Drunk driving case-flow program.....	\$ 2,300,000
12	Drug case-flow program.....	250,000
13	GROSS APPROPRIATION.....	\$ 2,550,000
14	Appropriated from:	
15	Special revenue funds:	
16	Drug fund.....	250,000
17	Drunk driving fund.....	2,300,000
18	State general fund/general purpose.....	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

22 Sec. 201. Pursuant to section 30 of article IX of the state
 23 constitution of 1963, total state spending from state resources under
 24 part 1 for fiscal year 2003-2004 is \$240,311,700.00 and state spending
 25 from state resources to be paid to units of local government for fiscal
 26 year 2003-2004 is \$124,506,800.00. The itemized statement below
 27 identifies appropriations from which spending to units of local

1 government will occur:

2 **JUDICIARY**

3 SUPREME COURT

4 State court administrative office - administration..... \$

5 Drug treatment courts..... 4,335,000

6 TRIAL COURT OPERATIONS

7 Court equity fund reimbursements..... \$ 69,906,000

8 Judicial technology improvement fund..... 4,465,000

9 JUSTICES' AND JUDGES' COMPENSATION

10 District court judicial salary standardization..... \$ 11,831,100

11 Probate court judges' state base salaries..... 9,168,500

12 Probate court judicial salary standardization..... 4,407,100

13 Circuit court judicial salary standardization..... 9,876,400

14 Grant to OASI contribution fund, employers share, social
15 security

16 JUROR COMPENSATION REIMBURSEMENT

17 Juror compensation reimbursement..... \$ 6,600,000

18 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

19 Drunk driving case-flow program..... \$ 2,300,000

20 Drug case-flow program..... 250,000

21 TOTAL \$ 124,506,800

22 Sec. 202. (1) The appropriations authorized under this bill are

23 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to

24 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

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
4 shall immediately make the expenditure or transfer. The authorized
5 judicial entity agent shall be designated by the chief justice of the
6 supreme court.

7 Sec. 203. As used in this bill:

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

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

10 (c) "DOT" means the United States department of transportation.

11 (d) "FTE" means full-time equated.

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

14 (f) "IDG" means interdepartmental grant.

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

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

17 (i) "USDA" means the United States department of agriculture.

18 Sec. 204. Unless otherwise specified, departments and agencies
19 receiving appropriations in part 1 shall use the Internet to fulfill
20 the reporting requirements of this bill. This requirement may include
21 transmission of reports via electronic mail to the recipients
22 identified for each reporting requirement, or it may include placement
23 of reports on an Internet or Intranet site.

24 Sec. 205. (1) In addition to the funds appropriated in part 1, there
25 is appropriated an amount not to exceed \$500,000.00 for federal
26 contingency funds. These funds are not available for expenditure until
27 they have been transferred to another line item in this bill under

1 section 393(2) of the management and budget act, 1984 PA 431, MCL
2 18.1393.

3 (2) In addition to the funds appropriated in part 1, there is
4 appropriated an amount not to exceed \$500,000.00 for state restricted
5 contingency funds. These funds are not available for expenditure until
6 they have been transferred to another line item in this bill under
7 section 393(2) of the management and budget act, 1984 PA 431, MCL
8 18.1393.

9 (3) In addition to the funds appropriated in part 1, there is
10 appropriated an amount not to exceed \$100,000.00 for local contingency
11 funds. These funds are not available for expenditure until they have
12 been transferred to another line item in this bill under section 393(2)
13 of the management and budget act, 1984 PA 431, MCL 18.1393.

14 (4) In addition to the funds appropriated in part 1, there is
15 appropriated an amount not to exceed \$100,000.00 for private
16 contingency funds. These funds are not available for expenditure until
17 they have been transferred to another line item in this bill under
18 section 393(2) of the management and budget act, 1984 PA 431, MCL
19 18.1393.

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

27 **JUDICIAL BRANCH**

1 Sec. 301. (1) The direct trial court automation support program of
2 the state court administrative office shall recover direct and overhead
3 costs from trial courts by charging for services rendered. The fee
4 shall cover the actual costs incurred to the direct trial court
5 automation support program in providing the service. A report of
6 amounts collected in excess of funds identified as user service charges
7 in part 1 shall be submitted to the state budget director and to the
8 house and senate appropriations subcommittees on judiciary 30 days
9 before expenditure by the direct trial court automation support
10 program.

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

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

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

25 Sec. 304. The supreme court and the state court administrative
26 office shall continue to maintain, as a priority, the assisting of
27 local trial courts in improving the collection of judgments.

1 Sec. 305. If sufficient funds are not available from the court fee
2 fund to pay judges' compensation, the difference between the
3 appropriated amount from that fund for judges' compensation and the
4 actual amount available after the amount appropriated for trial court
5 reimbursement is made shall be appropriated from the state general fund
6 for judges' compensation.

7 Sec. 306. (1) The funds appropriated in part 1 for drug treatment
8 courts shall be administered by the state court administrative office
9 to operate drug treatment court programs. A drug treatment court
10 program shall not receive funds for more than 5 years. A drug
11 treatment court shall be responsible for handling cases involving
12 substance abusing nonviolent offenders through comprehensive
13 supervision, testing, treatment services, and immediate sanctions and
14 incentives. A drug treatment court shall use all available county and
15 state personnel involved in the disposition of cases including, but not
16 limited to, parole and probation agents, prosecuting attorney, defense
17 attorney, and community corrections providers. The funds may be used
18 in connection with other federal, state, and local funding sources.

19 (2) Local units of government are encouraged to refer to federal
20 drug treatment court guidelines to prepare proposals. However, federal
21 agency approvals are not required for funding under this section.

22 (3) From the funds appropriated in part 1, the chief justice
23 shall allocate sufficient funds for the judicial institute to provide
24 in-state training for those identified in subsection (1), including
25 training for new drug treatment court judges.

26 (4) For drug treatment court grants, consideration for priority
27 may be given to those courts where higher instances of substance abuse

1 cases are filed.

2 (5) The judiciary shall receive \$1.8 million in Byrne formula
3 grant funding as an interdepartmental grant from the department of
4 community health to be used for expansion of drug treatment courts, to
5 assist in avoiding prison bed space growth for nonviolent offenders in
6 collaboration with the department of corrections.

7 Sec. 307. (1) The appropriation in part 1 for the judicial
8 technology improvement fund shall be allocated for the development of a
9 statewide judicial information system. The supreme court, working with
10 the department of state police, department of corrections, secretary of
11 state, prosecuting attorneys association of Michigan, and the
12 department of information technology, will develop a statewide
13 telecommunications infrastructure to integrate criminal justice
14 information systems. The judicial technology improvement fund shall
15 also provide grants to local trial court funding units to encourage
16 technology innovations by local trial courts that will result in
17 enhanced public service. These innovations will include, but not be
18 limited to, electronic filing, on-line payments of fines and fees, and
19 web-based instructions for completion of court documents.

20 (2) Funds in part 1 may be used to develop, operate, and maintain
21 a cyber court system.