

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 171**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; 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 Sec. 101. There is appropriated for the judicial branch, subject to
2 the conditions set forth in this act, for the fiscal year ending
3 September 30, 1998, the following amounts from the funds identified as
4 follows:

5 JUDICIARY

6 APPROPRIATION SUMMARY:

7 Full-time equated exempted positions.....591.5

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For Fiscal Year Ending
September 30, 1998

1	GROSS APPROPRIATION.....	\$	207,237,300
2	Interdepartmental grant revenues:		
3	Total interdepartmental grants and intradepartmental		
4	transfers.....		2,392,800
5	ADJUSTED GROSS APPROPRIATION.....	\$	204,844,500
6	Federal revenues:		
7	Total federal revenues.....		889,300
8	Special revenue funds:		
9	Total local revenues.....		1,869,200
10	Total private revenues.....		1,115,500
11	Total other state restricted revenues.....		44,118,000
12	State general fund/general purpose.....	\$	156,852,500
13	SUPREME COURT		
14	Full-time equated exempted positions.....	285.0	
15	Supreme court administration--140.0 FTE positions....	\$	15,615,000
16	Judicial performance initiative--2.0 FTE positions...		150,200
17	State court administrative		
18	office-administration--82.0 FTE positions.....		8,780,800
19	Judicial information systems--24.0 FTE positions.....		2,871,600
20	Direct trial court automation support--23.0 FTE		
21	positions.....		1,869,200
22	Foster care review board--10.0 FTE positions.....		750,300
23	Community dispute resolution program--4.0 FTE		
24	positions.....		<u>2,038,700</u>
25	GROSS APPROPRIATION.....	\$	32,075,800
26	Appropriated from:		

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1	Interdepartmental grant revenues:	
2	IDG from state police-Michigan justice training fund.	80,300
3	IDG from state police-criminal justice improvement...	1,435,000
4	IDG from family independence agency-title IV-D child	
5	support program.....	342,200
6	IDG from family independence agency-title IV-E foster	
7	care review program.....	279,300
8	Federal revenues:	
9	HHS-court improvement project.....	439,300
10	USDA-agriculture mediation grant.....	320,000
11	Federal highway safety planning revenue.....	70,000
12	Federal special education grant.....	60,000
13	Special revenue funds:	
14	Local-user fees.....	1,869,200
15	Private.....	418,000
16	Private-interest on lawyers trust accounts.....	667,500
17	Private-State justice institute.....	30,000
18	State court fund.....	302,300
19	Community dispute resolution fees.....	1,628,700
20	Miscellaneous restricted.....	201,000
21	Law exam fees.....	387,300
22	State general fund/general purpose..... \$	23,545,700
23	COURT OF APPEALS	
24	Full-time equated exempted positions.....231.5	
25	Operations--227.5 FTE positions..... \$	17,809,400
26	Delay reduction--4.0 FTE positions.....	<u>250,000</u>

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1	GROSS APPROPRIATION.....	\$	18,059,400
2	Appropriated from:		
3	Special revenue funds:		
4	Court filing/motion fees.....		1,514,700
5	Miscellaneous revenues.....		75,000
6	State general fund/general purpose.....	\$	16,469,700
7	TRIAL COURT OPERATIONS		
8	State court equity fund reimbursements.....	\$	57,804,400
9	Hold harmless reimbursements.....		<u>16,000,000</u>
10	GROSS APPROPRIATION.....	\$	73,804,400
11	Appropriated from:		
12	Special revenue funds:		
13	Court equity fund.....		32,008,000
14	State general fund/general purpose.....	\$	41,796,400
15	JUSTICES' AND JUDGES COMPENSATION		
16	Full-time judges positions.....	611.0	
17	Supreme court justices salaries--7.0 judges.....	\$	868,100
18	Court of appeals judges salaries--28.0 judges.....		3,208,600
19	District court judges state base salaries--259.0		
20	judges.....		15,283,100
21	District court judicial salary standardization.....		11,842,500
22	Probate court judges state base salaries--107.0		
23	judges.....		6,078,200
24	Probate court judicial salary standardization.....		4,332,800
25	Circuit court judges state base salaries--210.0		
26	judges.....		13,715,900

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1	Circuit court judicial salary standardization.....	9,228,000
2	Grant to the OASI contribution fund, employers share,	
3	social security.....	<u>3,518,100</u>
4	GROSS APPROPRIATION..... \$	68,075,300
5	Appropriated from:	
6	State general fund/general purpose..... \$	68,075,300
7	JUDICIAL AGENCIES	
8	Full-time equated exempted positions.....10.0	
9	Judicial tenure commission-10.0 FTE positions..... \$	996,600
10	Trial court assessment commission.....	<u>203,900</u>
11	GROSS APPROPRIATION..... \$	1,200,500
12	Appropriated from:	
13	State general fund/general purpose..... \$	1,200,500
14	INDIGENT DEFENSE - CRIMINAL	
15	Full-time equated exempted positions.....65.0	
16	Appellate Public Defender Program--57.0 FTE positions \$	5,260,700
17	Appellate Assigned Counsel Administration--8.0 FTE	
18	positions.....	<u>835,200</u>
19	GROSS APPROPRIATION..... \$	6,095,900
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG from state police-Michigan justice training fund.	256,000
23	Special revenue funds:	
24	Miscellaneous revenue.....	75,000
25	State general fund/general purpose..... \$	5,764,900
26	INDIGENT DEFENSE - CIVIL	

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1	Indigent civil defense.....	\$	<u>6,026,000</u>
2	GROSS APPROPRIATION.....	\$	6,026,000
3	Appropriated from:		
4	Special revenue funds:		
5	State court fund.....		6,026,000
6	State general fund/general purpose.....	\$	0
7	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
8	Drunk driving caseflow program.....	\$	1,800,000
9	Drug caseflow program.....		<u>100,000</u>
10	GROSS APPROPRIATION.....	\$	1,900,000
11	Appropriated from:		
12	Special revenue funds:		
13	Drunk driving fund.....		1,800,000
14	Drug fund.....		100,000
15	State general fund/general purpose.....	\$	0

16 GENERAL SECTIONS

17 Sec. 201. (1) Pursuant to section 30 of article IX of the state
18 constitution of 1963, total state spending from state sources for fiscal
19 year 1997-98 is estimated at \$200,970,500.00 in this act and state spend-
20 ing from state sources paid to local units of government for fiscal year
21 1997-98 is estimated at \$105,797,800.00. The itemized statement below
22 identifies appropriations from which spending to units of local govern-
23 ment will occur:

24 SUPREME COURT

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1	State court administrative office - administration...	\$	511,900
2	TRIAL COURT OPERATIONS		
3	Court equity fund reimbursements.....	\$	57,804,400
4	Hold harmless fund reimbursements.....		16,000,000
5	JUSTICES' AND JUDGES' COMPENSATION		
6	District court judicial salary standardization.....	\$	11,842,500
7	Probate court judges' state base salaries.....		6,078,200
8	Probate court judicial salary standardization.....		4,332,800
9	Circuit court judicial salary standardization.....		<u>9,228,100</u>
10	TOTAL.....	\$	105,797,800

11 (2) If it appears to the principal executive officer of a department
12 or branch that state spending to local units of government will be less
13 than the amount that was projected to be expended under subsection (1),
14 the principal executive officer shall immediately give notice of the
15 approximate shortfall to the department of management and budget.

16 Sec. 202. (1) The expenditures and funding sources authorized under
17 this bill are subject to the management and budget act, 1984 PA 431, MCL
18 18.1101 to 18.1594.

19 (2) Funds appropriated in section 101 to an entity within the judi-
20 cial branch shall not be expended or transferred to another account with-
21 out written approval of the authorized agent of the judicial entity. If
22 the authorized agent of the judicial entity notifies the department of
23 management and budget of its approval of an expenditure or transfer, the
24 department of management and budget shall immediately make the expendi-
25 ture or transfer. The authorized judicial entity agent shall be desig-
26 nated by the chief justice of the supreme court.

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1 Sec. 203. As used in this act:

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

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

4 (c) "HHS" means the United States department of health and human
5 services.

6 (d) "IDG" means interdepartmental grant.

7 (e) "MDSP" means the department of state police.

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

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

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

18 **JUDICIAL BRANCH**

19 Sec. 301. (1) The direct trial court automation support program of
20 the state court administrative office shall recover direct and overhead
21 costs from trial courts by charging for services rendered. The fee shall
22 cover the actual costs incurred to the direct trial court automation sup-
23 port program in providing the service. A report of amounts collected in
24 excess of funds identified as user service charges in section 101 shall
25 be submitted to the house and senate appropriations subcommittees on

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1 judiciary and general government, respectively, 30 days before
2 expenditure by the direct trial court automation support program.

3 (2) From funds appropriated in section 101, the direct trial court
4 automation support program of the state court administrative office shall
5 provide to the senate and house appropriations committees and the senate
6 and house fiscal agencies before January 1 of each year, a detailed list
7 of user service charges collected during the immediately preceding state
8 fiscal year.

9 Sec. 302. Funds appropriated within the judicial branch shall not
10 be expended by any component within the judicial branch without the
11 approval of the supreme court.

12 Sec. 303. Of the amount appropriated in section 101 for the judi-
13 cial branch, branchwide appropriations, \$183,400.00 is allocated for cir-
14 cuit court reimbursement under 1978 PA 16, MCL 800.451 to 800.455, and
15 \$328,500.00 is allocated for court of claims reimbursement under
16 section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL
17 600.6413.

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

21 Sec. 305. To avoid the overexpenditure of funds appropriated under
22 this act, the supreme court beginning June 1, 1998 shall report quarterly
23 to the judiciary subcommittees of the senate and house appropriations
24 committees regarding the current status of the accounts set forth in
25 section 101 on forms prescribed by the senate and house fiscal agencies
26 and the judicial branch.

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1 Sec. 306. From funds appropriated under section 101, forms required
2 to be developed by the state court administrative office pursuant to
3 section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL
4 600.2950b, shall be provided in the quantity requested by each county
5 clerk.

6 Sec. 307. The supreme court shall continue to implement and enforce
7 an antinepotism policy, which shall include provisions that prohibit a
8 judge from hiring or employing a member of his or her immediate family as
9 a court employee or in any judicial support related capacity.

10 Sec. 308. The state supreme court and the state court administra-
11 tive office shall consider and analyze the various methods of providing
12 necessary travel for judges, and shall then adopt as policy for all judi-
13 cial agencies the most efficient and cost-effective method.

14 Sec. 309. Funds appropriated in section 101 shall not be used to
15 pay directly or by reimbursement the annual dues for membership in the
16 state bar of Michigan of a judge, justice, or other employee of the judi-
17 cial branch.

18 Sec. 310. (1) The chief financial officer of a funding unit for a
19 court, in cooperation with the local court, shall provide to the state
20 treasurer and state court administrative office by January 1, 1998
21 audited accounts of all money due and owing the court as of September 30,
22 1997. Where audited accounts are not available, the chief financial
23 officer of a funding unit for a court may provide estimates as long as
24 they are clearly marked as "estimated".

25 (2) Each court funding unit, in cooperation with the local court,
26 shall submit to the state treasurer and state court administrative office
27 by January 1, 1998 a plan to collect its audited or estimated accounts

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1 receivable under existing provisions of law. A funding unit may file a
2 request for an extension of time, not to exceed 30 days, with the state
3 treasurer and the state court administrative office.

4 (3) The state treasurer shall report to the legislature a compila-
5 tion of the estimated receivables of all courts and cumulative totals by
6 March 1, 1998. This report is a public record.

7 Sec. 312. (1) From the appropriation in section 101 for supreme
8 court administration, \$190,000.00 is appropriated for changing computer
9 software and hardware to perform properly in the year 2000 and beyond.

10 (2) The supreme court shall report quarterly to the general govern-
11 ment and judiciary subcommittees of the senate and house appropriations
12 committees, [the house and senate standing committees having jurisdiction
over technology issues,] and to the senate and house fiscal agencies, the
year-to-date
13 expenditures for implementing this section.

14 Sec. 313. (1) The appropriation in section 101 for the year 2000
15 shall be considered a work project as defined in section 451 of the
16 department of management and budget act, 1984 PA 431, MCL 18.1451.

17 (2) The work will be accomplished through the efforts of state
18 employees and through contracted services.

19 (3) The project will be completed by December, 1999.

20 Sec. 314. If legislation is not enacted and effective by October 1,
21 1997 to increase court of appeals filing and motion fees, the appropria-
22 tion contained in section 101 for the court of appeals shall be reduced
23 by not more than \$425,000.00, and the FTE positions for the court of
24 appeals shall be reduced by not more than 14.

[Sec. 315. As a condition of the appropriation of funds under this
act, all appeals to the circuit court, the court of appeals, or the supreme
court must be resolved within 1 year of the date of filing.]

Sec. 316. As a condition of the appropriation of funds under this
act, a judge or justice shall not use gold leaf or letterhead stationery for
correspondence from his or her office.]