

SENATE BILL NO. 918

EXECUTIVE BUDGET BILL

February 24, 1998, Introduced by Senators DE GROW, STEIL,
GOUGEON and MC MANUS and referred to the Committee on
Appropriations.

A bill to make appropriations for the judicial branch for the
fiscal year ending September 30, 1999; 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
2 to the conditions set forth in this bill, for the fiscal year ending
3 September 30, 1999, the following amounts from the funds identified
4 as follows:

5 JUDICIARY

6 APPROPRIATION SUMMARY:

1	Full-time equated exempted positions	601.0	
2	GROSS APPROPRIATION		\$ 211,266,800
3	Interdepartmental grant revenues:		
4	Total interdepartmental grants and		
5	intradepartmental transfers		3,424,700
6	ADJUSTED GROSS APPROPRIATION		\$ 207,842,100
7	Federal revenues:		
8	Total federal revenues		1,294,500
9	Special revenue funds:		
10	Total local revenues		1,867,600
11	Total private revenues		1,217,600
12	Total other state restricted revenues		51,636,600
13	State general fund/general purpose		\$ 151,825,800
14	SUPREME COURT		
15	Full-time equated exempted positions	276.0	
16	Supreme court administration--136.0 FTE		
17	positions		\$ 15,404,800
18	State court administrative office--80.0 FTE		
19	positions		9,557,300
20	Judicial information systems--21.0 FTE		
21	positions		2,572,700
22	Direct trial court automation support--23.0 FTE		
23	positions		1,867,600
24	Foster care review board--12.0 FTE positions		1,160,400
25	Community dispute resolution--4.0 FTE		
26	positions		<u>2,318,400</u>
27	GROSS APPROPRIATION		\$ 32,881,200
28	Appropriated from:		
29	Interdepartmental grant revenues:		
30	IDG from MDSP-Michigan justice training		
31	fund		150,300
32	IDG from MDSP-criminal justice		
33	improvement		1,443,900
34	IDG from MFIA-title IV-D child support		

1	program	419,100
2	IDG from MFIA-HHS access and visitation grant . .	380,200
3	IDG from MFIA-title IV-E foster care program . .	276,700
4	IDG from MFIA-TANF	500,000
5	Federal revenues:	
6	Federal highway safety planning revenue	115,300
7	HHS, court improvement project	619,300
8	DAG, agriculture mediation grant	469,900
9	Federal-special education grant	90,000
10	Special revenue funds:	
11	Local-user fees	1,867,600
12	Private	419,000
13	Private-interest on lawyers trust accounts . . .	668,600
14	Private-state justice institute	130,000
15	State court fund	310,700
16	Community dispute resolution fees	1,628,400
17	Miscellaneous restricted	216,800
18	Law exam fees	387,200
19	State general fund/general purpose \$	22,788,200
20	COURT OF APPEALS	
21	Full-time equated exempted positions 245.5	
22	Court of Appeals operations--223.5 FTE positions \$	18,171,500
23	Delay reduction--22.0 FTE positions	<u>1,500,000</u>
24	GROSS APPROPRIATION \$	19,671,500
25	Appropriated from:	
26	Special revenue funds:	
27	Court filing/motion fees	1,517,800
28	Miscellaneous revenue	75,200
29	State general fund/general purpose \$	18,078,500
30	JUSTICES' AND JUDGES' COMPENSATION	
31	Full-time judges positions 611.0	
32	Supreme court justices' salaries--7.0 judges . . \$	893,000
33	Court of appeals judges' salaries--28.0 judges .	3,286,400
34	District court judges' state base salaries--	

1	259.0 judges	15,913,300
2	District court judicial salary standardization .	11,842,500
3	Probate court judges' state base salaries--	
4	107.0 judges	6,188,600
5	Probate court judicial salary standardization . .	4,332,800
6	Circuit court judges' state base salaries--	
7	210.0 judges	13,715,900
8	Circuit court judicial salary standardization . .	9,228,000
9	Judges retirement system defined contributions .	476,000
10	OASI, social security	<u>3,654,300</u>
11	GROSS APPROPRIATION	\$ 69,530,800
12	Appropriated from:	
13	Special revenue funds:	
14	Court fee fund	6,860,000
15	State general fund/general purpose	\$ 62,670,800
16	JUDICIAL AGENCIES	
17	Full-time equated exempted positions 10.0	
18	Judicial tenure commission--10.0 FTE positions .	\$ <u>916,800</u>
19	GROSS APPROPRIATION	\$ 916,800
20	Appropriated from:	
21	State general fund/general purpose	\$ 916,800
22	INDIGENT DEFENSE - CRIMINAL	
23	Full-time equated exempted positions 69.5	
24	Appellate public defender program--61.5 FTE	
25	positions	\$ 5,147,000
26	Appellate assigned counsel administration--	
27	8.0 FTE positions	<u>792,100</u>
28	GROSS APPROPRIATION	\$ 5,939,100
29	Appropriated from:	
30	Interdepartmental grant revenues:	
31	IDG from MDSP-Michigan justice training fund . .	254,500
32	Special revenue funds:	
33	Miscellaneous revenue	109,500
34	State general fund/general purpose	\$ 5,575,100

1	INDIGENT CIVIL LEGAL ASSISTANCE		
2	Indigent civil legal assistance	\$	<u>6,187,000</u>
3	GROSS APPROPRIATION	\$	6,187,000
4	Appropriated from:		
5	Special revenue funds:		
6	State court fund		6,187,000
7	State general fund/general purpose	\$	0
8	TRIAL COURT OPERATIONS		
9	Court equity fund reimbursements	\$	62,040,400
10	Hold harmless fund reimbursements		<u>12,000,000</u>
11	GROSS APPROPRIATION	\$	74,040,400
12	Appropriated from:		
13	Special revenue funds:		
14	Court equity fund		32,244,000
15	State general fund/general purpose	\$	41,796,400
16	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
17	Drunk driving caseflow program	\$	1,900,000
18	Drug caseflow program		<u>200,000</u>
19	GROSS APPROPRIATION	\$	2,100,000
20	Appropriated from:		
21	Special revenue funds:		
22	Drunk driving fund		1,900,000
23	Drug caseflow program		200,000
24	State general fund/general purpose	\$	0

25 **GENERAL SECTIONS**

26 Sec. 201. (1) Pursuant to section 30 of article IX of the state
 27 constitution of 1963, total state spending from state sources for
 28 fiscal year 1998-99 is estimated at \$203,462,400.00 in this bill and
 29 state spending from state sources paid to local units of government
 30 for fiscal year 1998-99 is estimated at \$108,244,200.00. The
 31 itemized statement below identifies appropriations from which
 32 spending to units of local government will occur:

33 JUDICIARY

34 SUPREME COURT

1	State court administrative office	\$	511,900
2	TRIAL COURT OPERATIONS		
3	Court equity fund reimbursements		62,040,400
4	Hold harmless fund reimbursements		12,000,000
5	JUSTICES' AND JUDGES' COMPENSATION		
6	District court judicial salary standardization		11,842,500
7	Probate court judges' state base salaries		6,188,600
8	Probate court judicial salary standardization		4,332,800
9	Circuit court judicial salary standardization		9,228,000
10	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
11	Drunk driving caseflow program		1,900,000
12	Drug caseflow program		<u>200,000</u>
13	Total	\$	108,244,200

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

20 Sec. 202. (1) The expenditures and funding sources authorized
 21 under this bill are subject to the management and budget act, 1984 PA
 22 431, MCL 18.1101 to 18.1594.

23 (2) Funds appropriated in section 101 to an entity within the
 24 judicial branch shall not be expended or transferred to another
 25 account without written approval of the authorized agent of the
 26 judicial entity. If the authorized agent of the judicial entity
 27 notifies the state budget director of its approval of an expenditure
 28 or transfer, the state budget director shall immediately make the
 29 expenditure or transfer. The authorized judicial entity agent shall
 30 be designated by the chief justice of the supreme court.

31 Sec. 204. As used in this bill:

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

33 (b) "FTE" means full-time equated position.

34 (c) "HHS" means the United States department of health and human

1 services.

2 (d) "IDG" means interdepartmental grant.

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

4 (f) "MFIA" means the Michigan family independence agency.

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

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

7 **JUDICIAL BRANCH**

8 Sec. 301. (1) The direct trial court automation support program
9 of the state court administrative office shall recover direct and
10 overhead costs from trial courts by charging for services rendered.
11 The fee shall cover the actual costs incurred to the direct trial
12 court automation support program in providing the service. A report
13 of amounts collected in excess of funds identified as user service
14 charges in section 101 shall be submitted to the state budget
15 director and to the house and senate appropriations subcommittees on
16 judiciary and general government, respectively, 30 days before
17 expenditure by the direct trial court automation support program.

18

19 (2) From funds appropriated in section 101, the direct trial
20 court
21 automation support program of the state court administrative office
22 shall provide to the state budget director, the senate and house
23 appropriations committees and the senate and house fiscal agencies
24 before January 1 of each year, a detailed list of user service
25 charges collected during the immediately preceding state fiscal year.

26

27 Sec. 302. Funds appropriated within the judicial branch shall
28 not be expended by any component within the judicial branch without
29 the approval of the supreme court.

30 Sec. 303. Of the amount appropriated in section 101 for the
31 judicial branch, branchwide appropriations, \$183,400.00 is allocated
32 for circuit court reimbursement under 1978 PA 16, MCL 800.451 to
33 800.455, and \$328,500.00 is allocated for court of claims
34 reimbursement under section 6413 of the revised judicature act of
35 1961, 1961 PA 236, MCL 600.6413.

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

4 Sec. 305. To avoid the overexpenditure of funds appropriated
5 under this bill, the supreme court beginning January 1, 1998 shall
6 report quarterly to the state budget director and to the judiciary
7 subcommittees of the senate and house appropriations committees
8 regarding the current status of the accounts set forth in section 101
9 on forms prescribed by the senate and house fiscal agencies and the
10 judicial branch.

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

16 Sec. 307. Funds appropriated in section 101 shall not be used to
17 pay directly or by reimbursement the annual dues for membership in
18 the state bar of Michigan of a judge, justice, or other employee of
19 the judicial branch.

20 Sec. 308. (1) The chief financial officer of a funding unit for
21 a court, in cooperation with the local court, shall provide to the
22 state treasurer and state court administrative office by January 1,
23 1999 audited accounts of all money due and owing the court as of
24 September 30, 1998. Where audited accounts are not available, the
25 chief financial officer of a funding unit for a court may provide
26 estimates as long as they are clearly marked as "estimated".

27 (2) The state treasurer shall report to the legislature a
28 compilation of the estimated accounts receivables of all courts and
29 cumulative totals by March 1, 1999. This report is a public record.

30 Sec. 309. (1) From
31 the appropriation in section 101 for the court of appeals and the
32 state court administrative office, \$482,300.00 is appropriated for
33 changing computer software and hardware to perform properly in the
34 year 2000 and beyond.

35 (2) The supreme court shall report quarterly to the state budget

1 director, the general government and judiciary subcommittees of the
2 senate and house appropriations committees, the house and senate
3 standing committees having jurisdiction over technology issues, and
4 to the senate and house fiscal agencies, the year-to-date
5 expenditures for implementing this section.

6 (3) The appropriation in section 101 for the year 2000 shall be
7 considered a work project as defined in section 451 of the management
8 and budget act, 1984 PA 431, MCL 18.1451.

9 (4) The work will be accomplished through the efforts of state
10 employees and through contracted services.

11 (5) The project will be completed by December 1999.

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

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