



# SENATE BILL No. 236

February 21, 2001, Introduced by Senators NORTH, GOUGEON, JOHNSON,  
MC MANUS and SMITH 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, 2002; 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, 2002, 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 . . . . 591.5

8 GROSS APPROPRIATION . . . . . \$ 247,990,200

9 Interdepartmental grant revenues:

10 Total interdepartmental grants and

11 intradepartmental transfers . . . . . 2,818,500

12 ADJUSTED GROSS APPROPRIATION . . . . . \$ 245,171,700

13 Federal revenues:

14 Total federal revenues . . . . . 3,363,200

15 Special revenue funds:

16 Total local revenues . . . . . 2,912,900

17 Total private revenues . . . . . 842,500

18 Total other state restricted revenues . . . . . 56,288,900

19 State general fund/general purpose . . . . . \$ 181,764,200

20 **Sec. 102. SUPREME COURT**

21 Full-time equated exempted positions . . . . 290.0

22 Supreme court administration--121.0 FTE

23 positions . . . . . \$ 14,972,900

24 Judicial institute--18.0 FTE positions . . . . . 3,013,900

25 State court administrative office-administration

26 81.0 FTE positions . . . . . 9,623,900

27 Judicial information systems--21.0 FTE

28 positions . . . . . 4,878,900

29 Direct trial court automation support--33.0 FTE

1	positions . . . . .	2,912,900
2	Foster care review board--12.0 FTE positions . .	1,285,200
3	Community dispute resolution--4.0 FTE	
4	positions . . . . .	2,498,700
5	Drug courts . . . . .	<u>1,200,000</u>
6	GROSS APPROPRIATION . . . . .	\$ 40,386,400
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from MDCD . . . . .	80,000
10	IDG from state police-Michigan justice training	
11	fund . . . . .	300,000
12	IDG from state police-criminal justice	
13	improvement . . . . .	2,015,000
14	Federal revenues:	
15	DOE, special education grant . . . . .	130,000
16	DOJ, enforcing underage drinking law . . . . .	50,000
17	DOJ, victims assistance program . . . . .	50,000
18	DOT, national highway safety traffic	
19	administration . . . . .	215,300
20	HHS, court improvement project . . . . .	592,200
21	HHS, title IV-D child support program . . . . .	907,700
22	HHS, title IV-E foster care program . . . . .	500,000
23	HHS-OSCE, access and visitation grant . . . . .	387,000
24	HHS, domestic violence prevention . . . . .	269,500
25	HHS, TANF . . . . .	100,000
26	USDA, agriculture mediation grant . . . . .	125,000
27	Special revenue funds:	
28	Local-user fees . . . . .	2,912,900
29	Private revenues . . . . .	169,000

1	Private-interest on lawyers trust accounts . . .	232,700
2	Private-state justice institute . . . . .	370,800
3	State court fund . . . . .	319,000
4	Community dispute resolution fees . . . . .	1,667,100
5	Law exam fees . . . . .	482,900
6	Miscellaneous restricted revenue . . . . .	227,900
7	State general fund/general purpose . . . . .	\$ 28,282,400
8	<b>Sec. 103. COURT OF APPEALS</b>	
9	Full-time equated exempted positions . . . . .	235.5
10	Court of appeals operations--235.5 FTE	
11	positions . . . . .	\$ <u>22,527,000</u>
12	GROSS APPROPRIATION . . . . .	\$ 22,527,000
13	Appropriated from:	
14	Special revenue funds:	
15	Court filing/motion fees . . . . .	1,571,000
16	Miscellaneous revenues . . . . .	77,800
17	State general fund/general purpose . . . . .	\$ 20,878,200
18	<b>Sec. 104. TRIAL COURT OPERATIONS</b>	
19	State court equity fund reimbursements . . . . .	\$ <u>77,840,400</u>
20	GROSS APPROPRIATION . . . . .	\$ 77,840,400
21	Appropriated from:	
22	Special revenue funds:	
23	Court equity fund . . . . .	36,044,000
24	State general fund/general purpose . . . . .	\$ 41,796,400
25	<b>Sec. 105. JUSTICES' AND JUDGES COMPENSATION</b>	
26	Full-time judges positions . . . . .	610.0
27	Supreme court justices' salaries--7.0 judges . .	\$ 1,144,100
28	Court of appeals judges salaries--28.0 judges .	4,210,500
29	District court judges state base salaries--259.0	

1	judges . . . . .	23,717,300
2	District court judicial salary standardization .	11,842,500
3	Probate court judges state base salaries--106.0	
4	judges . . . . .	8,855,000
5	Probate court judicial salary standardization .	4,287,100
6	Circuit court judges state base salaries--210.0	
7	judges . . . . .	19,573,400
8	Circuit court judicial salary standardization .	9,602,100
9	Judges retirement defined contribution . . . . .	2,527,300
10	Grant to the OASI, contribution fund, employers	
11	share, social security . . . . .	<u>4,403,800</u>
12	GROSS APPROPRIATION . . . . .	\$ 90,163,100
13	Appropriated from:	
14	Special revenue funds:	
15	Court fee fund . . . . .	5,899,100
16	State general fund/general purpose . . . . .	\$ 84,264,000
17	<b>Sec. 106. JUDICIAL AGENCIES</b>	
18	Full-time equated exempted positions . . . . . 10.0	
19	Judicial tenure commission--10.0 FTE positions .	\$ <u>1,161,700</u>
20	GROSS APPROPRIATION . . . . .	\$ 1,161,700
21	Appropriated from:	
22	State general fund/general purpose . . . . .	\$ 1,161,700
23	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
24	Full-time equated exempted positions . . . . . 56.0	
25	Appellate public defender program--48.0 FTE	
26	positions . . . . .	\$ 5,072,000
27	Appellate assigned counsel administration--8.0 FTE	
28	positions . . . . .	<u>952,600</u>
29	GROSS APPROPRIATION . . . . .	\$ 6,024,600

1       Appropriated from:

2   Interdepartmental grant revenues:

3       IDG from state police Michigan justice training

4       fund . . . . . 423,500

5   Federal revenues:

6       DOJ, assigned criminal defense . . . . . 36,500

7   Special revenue funds:

8       Private-interest on lawyers trust accounts . . . 70,000

9       Miscellaneous revenue . . . . . 113,100

10      State general fund/general purpose . . . . . \$ 5,381,500

11      **Sec. 108. INDIGENT DEFENSE - CIVIL**

12      Indigent civil legal assistance . . . . . \$ 7,337,000

13      GROSS APPROPRIATION . . . . . \$ 7,337,000

14      Appropriated from:

15   Special revenue funds:

16      State court fund . . . . . 7,337,000

17      State general fund/general purpose . . . . . \$ 0

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

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

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

21      GROSS APPROPRIATION . . . . . \$ 2,550,000

22      Appropriated from:

23   Special revenue funds:

24      Drunk driving fund . . . . . 2,300,000

25      Drug fund . . . . . 250,000

26      State general fund/general purpose . . . . . \$ 0

27                                   PART 2

28                                   PROVISIONS CONCERNING APPROPRIATIONS

29      GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$238,053,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$117,432,900.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

SUPREME COURT

State court administrative office -

administration . . . . .	\$ 511,900
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Drug court program . . . . .	1,200,000
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TRIAL COURT OPERATIONS

Court equity fund reimbursements . . . . .	\$ 77,840,400
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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 . . .	8,855,000
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Probate court judicial salary standardization .	4,287,100
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Circuit court judicial salary standardization .	9,602,100
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Grant to the OASI contribution fund, employees

share, social security . . . . .	743,900
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GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program . . . . .	\$2,300,000
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Drug case-flow program . . . . .	<u>250,000</u>
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TOTAL . . . . .	\$ 117,432,900
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Sec. 202. (1) The appropriations 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

1 written approval of the authorized agent of the judicial entity. If  
2 the authorized agent of the judicial entity notifies the state budget  
3 director of its approval of an expenditure or transfer, the state  
4 budget director shall immediately make the expenditure or transfer.  
5 The authorized judicial entity agent shall be designated by the chief  
6 justice of the 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) "HHS-OSCE" means the office of child support enforcement.

15 (g) "IDG" means interdepartmental grant.

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

17 (i) "OASI" means old age survivor's insurance.

18 (j) "TANF" means temporary assistance for needy families.

19 (k) "USDA" means the United States department of agriculture.

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

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

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

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



1 contingency funds.

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

9 Sec. 205. Unless otherwise specified, the department shall use  
10 the Internet to fulfill the reporting requirements of this bill. This  
11 may include transmission of reports via electronic mail to the  
12 recipients identified for each reporting requirement or it may include  
13 placement of reports on an Internet or Intranet site. Quarterly, the  
14 department shall provide to the appropriations subcommittee members,  
15 state budget office, and the fiscal agencies an electronic and paper  
16 copy listing of the reports submitted during the most recent 3-month  
17 period along with the Internet or Intranet site of each report, if  
18 any.

19 **JUDICIAL BRANCH**

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

30 (2) From funds appropriated in part 1, the direct trial court

1 automation support program of the state court administrative office  
2 shall provide to the state budget director, the senate and house  
3 appropriations committees, and the senate and house fiscal agencies  
4 before January 1 of each year, a detailed list of user service charges  
5 collected during the immediately preceding state fiscal year.

6 Sec. 302. Funds appropriated within the judicial branch shall not  
7 be expended by any component within the judicial branch without the  
8 approval of the supreme court.

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

14 Sec. 304. To avoid the overexpenditure of funds appropriated  
15 under this bill, the supreme court shall report quarterly to the state  
16 budget director and to the judiciary subcommittees of the house and  
17 senate appropriations committees regarding the status of the accounts  
18 set forth in part 1.

19 Sec. 305. (1) The chief financial officer of a funding unit for a  
20 court, in cooperation with the local court, shall provide to the state  
21 treasurer and state court administrative office by January 1, 2002  
22 audited accounts of all money due and owing the court as of September  
23 30, 2001. Where audited accounts are not available, the chief  
24 financial officer of a funding unit for a court may provide estimates  
25 as long as they are clearly marked as "estimated".

26 Sec. 306. If sufficient funds are not available from the court  
27 fee fund to pay judges' compensation, the difference between the  
28 appropriated amount from that fund for judges' compensation and the  
29 actual amount available after the amount appropriated for trial court  
30 reimbursement is made shall be appropriated from the state general

1 fund for judges' compensation.

2       Sec. 307. State general fund appropriation for community dispute  
3 resolution contained in part 1 shall be used to supplement funding for  
4 community dispute resolution centers. The supplemental funding shall  
5 be disbursed by formula to achieve a base level of \$30,000.00 for  
6 centers funded through the community dispute resolution act, 1988 PA  
7 260, MCL 691.1551 to 691.1564, with the remainder disbursed based upon  
8 performance measures as determined by the state court administrative  
9 office.

10       Sec. 308. (1) The funds appropriated in part 1 for drug courts  
11 shall be administered by the state court administrative office to  
12 implement new drug court programs or for existing drug court programs  
13 if federal funds are no longer available. A drug court shall be  
14 responsible for handling cases involving substance abusing nonviolent  
15 offenders through comprehensive supervision, testing, treatment  
16 services, and immediate sanctions and incentives. A drug court shall  
17 use all available county and state personnel involved in the  
18 disposition of cases including, but not limited to, parole and  
19 probation agents, prosecuting attorney, defense attorney, and  
20 community corrections providers.

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

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

26       (4) Beginning with the fiscal year commencing on October 1, 2001,  
27 other than a 1-time planning grant, state funding for a drug court  
28 established by a county or group of counties shall not exceed 3 years.  
29 Beginning with the fiscal year commencing on October 1, 2001, match  
30 funding requirements increase for each of the 3 years of funding to

1 insure that the community is absorbing a larger share of the costs for  
2 the drug court with each succeeding year and are established at 25%  
3 for the first year, 40% for the second year, and 50% for the third  
4 year.

5       Sec. 309. A county shall be required to pay a penalty due to the  
6 state's failure to be in compliance with federal child support  
7 enforcement system requirements if the county has not implemented the  
8 child support enforcement system and the family independence agency  
9 determines that the county is not in compliance with the child support  
10 enforcement system letter of agreement, or the county has not  
11 cooperated with the family independence agency in its implementation  
12 activities.