

SENATE BILL No. 1114

February 13, 2002, Introduced by Senator North 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, 2003; 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,

1 the amounts listed in this part are appropriated for the judicial
2 branch for the fiscal year ending September 30, 2003, from the
3 funds 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 . . . 582.5

8 GROSS APPROPRIATION \$ 246,587,900

9 Interdepartmental grant revenues:

10 Total interdepartmental grants and

11 intradepartmental transfers 2,833,500

12 ADJUSTED GROSS APPROPRIATION \$ 243,754,400

13 Federal revenues:

14 Total federal revenues 3,864,500

15 Special revenue funds:

16 Total local revenues 2,941,800

17 Total private revenues 842,500

18 Total other state restricted revenues 57,287,500

19 State general fund/general purpose \$ 178,818,100

20 Sec. 102. SUPREME COURT

21 Full-time equated exempted positions . . . 286.0

22 Supreme court administration--116.0 FTE

23 positions \$ 10,974,300

24 Judicial institute--20.0 FTE positions 3,107,000

25 State court administrative office--administration

26 80.0 FTE positions 9,987,700

27 Judicial information systems--21.0 FTE

28 positions 4,772,500

1	Direct trial court automation support--33.0 FTE	
2	positions	2,900,500
3	Foster care review board--12.0 FTE positions .	1,253,200
4	Community dispute resolution--4.0 FTE	
5	positions	2,511,300
6	Drug courts	<u>1,293,700</u>
7	GROSS APPROPRIATION	\$ 36,800,200
8	Appropriated from:	
9	Interdepartmental grant revenues:	
10	IDG from MDCD	95,000
11	IDG from state police-Michigan justice training	
12	fund	300,000
13	IDG from state police-criminal justice	
14	improvement	2,015,000
15	Federal revenues:	
16	DOE, special education grant	150,000
17	DOJ, enforcing underage drinking law	50,000
18	DOJ, victims assistance programs	50,000
19	DOT, national highway safety traffic	
20	administration	215,300
21	HHS, court improvement project	1,160,000
22	HHS, title IV-D child support program	907,700
23	HHS, title IV-E foster care program	500,000
24	HHS-OSCE, access and visitation grant	387,000
25	HHS, domestic violence prevention	269,500
26	HHS, TANF	50,000
27	USDA, agriculture mediation grant	125,000
28	Special revenue funds:	

1	Local-user fees	2,941,800
2	Private revenues	169,000
3	Private-interest on lawyers trust accounts . .	232,700
4	Private-state justice institute	370,800
5	State court fund	319,000
6	Community dispute resolution fees	1,665,600
7	Law exam fees	482,100
8	Miscellaneous revenue	227,900
9	State general fund/general purpose	\$ 24,116,800
10	Sec. 103. COURT OF APPEALS	
11	Full-time equated exempted positions . .	231.5
12	Court of appeals operations--231.5 FTE	
13	positions	<u>\$ 17,980,700</u>
14	GROSS APPROPRIATION	\$ 17,980,700
15	Appropriated from:	
16	Special revenue funds:	
17	Court filing/motion fees	1,571,000
18	Miscellaneous revenue	77,800
19	State general fund/general purpose	\$ 16,331,900
20	Sec. 104. BRANCHWIDE APPROPRIATIONS	
21	Branchwide appropriations	<u>\$ 9,263,500</u>
22	GROSS APPROPRIATION	\$ 9,263,500
23	Appropriated from:	
24	State general fund/general purpose	\$ 9,263,500
25	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
26	Full-time judges' positions	615.0
27	Supreme court justices' salaries--7.0 judges .	\$ 1,169,600
28	Court of appeals judges' salaries--28.0 judges	4,304,000

1	District court judges' state base salaries--258.0	
2	judges	24,412,400
3	District court judicial salary standardization	11,796,800
4	Probate court judges' state base salaries--106.0	
5	judges	9,139,000
6	Probate court judicial salary standardization .	4,287,100
7	Circuit court judges' state base salaries--216.0	
8	judges	20,658,100
9	Circuit court judicial salary standardization .	9,807,800
10	Judges' retirement system defined contribution	2,562,400
11	OASI, social security	<u>4,630,500</u>
12	GROSS APPROPRIATION	\$ 92,767,700
13	Appropriated from:	
14	Special revenue funds:	
15	Court fee fund	6,900,000
16	State general fund/general purpose	\$ 85,867,700
17	Sec. 106. JUDICIAL AGENCIES	
18	Full-time equated exempted positions . . . 10.0	
19	Judicial tenure commission--10.0 FTE positions	<u>\$ 1,014,100</u>
20	GROSS APPROPRIATION	\$ 1,014,100
21	Appropriated from:	
22	State general fund/general purpose	\$ 1,014,100
23	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
24	Full-time equated exempted positions . . . 55.0	
25	Appellate public defender program--47.0 FTE	
26	positions	\$ 4,854,900
27	Appellate assigned counsel administration--8.0 FTE	
28	positions	<u>920,400</u>

1	GROSS APPROPRIATION	\$	5,775,300
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from state police - Michigan justice training		
5	fund		423,500
6	Special revenue funds:		
7	Private-interest on lawyers trust accounts . .		70,000
8	Miscellaneous revenue		113,100
9	State general fund/general purpose	\$	5,168,700
10	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
11	Indigent civil legal assistance	\$	<u>7,337,000</u>
12	GROSS APPROPRIATION	\$	7,337,000
13	Appropriated from:		
14	Special revenue funds:		
15	State court fund		7,337,000
16	State general fund/general purpose	\$	0
17	Sec. 109. TRIAL COURT OPERATIONS		
18	Court equity fund reimbursements	\$	71,005,700
19	Judicial technology improvement fund		<u>2,093,700</u>
20	GROSS APPROPRIATION	\$	73,099,400
21	Appropriated from:		
22	Special revenue funds:		
23	Court equity fund		36,044,000
24	State general fund/general purpose	\$	37,055,400
25	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
26	Drug case-flow program	\$	250,000
27	Drunk driving case-flow program		<u>2,300,000</u>
28	GROSS APPROPRIATION	\$	2,550,000

1 Appropriated from:

2 Special revenue funds:

3	Drug fund	250,000
4	Drunk driving fund	2,300,000
5	State general fund/general purpose \$	0

6 PART 2

7 PROVISIONS CONCERNING APPROPRIATIONS

8 **GENERAL SECTIONS**

9 Sec. 201. Pursuant to section 30 of article IX of the state
10 constitution of 1963, total state spending from state resources
11 under part 1 for fiscal year 2002-2003 is \$236,105,600.00 and
12 state spending from state resources to be paid to local units of
13 government for fiscal year 2002-2003 is \$113,195,500.00. The
14 itemized statement below identifies appropriations from which
15 spending to units of local government will occur:

16 SUPREME COURT

17 State court administrative office -

18	administration	\$	511,900
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19	Drug court program		1,293,700
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20 TRIAL COURT OPERATIONS

21	Court equity fund reimbursements	\$	71,005,700
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22	Judicial technology improvement fund		2,093,700
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23 JUSTICES' AND JUDGES' COMPENSATION

24 District court judicial salary

25	standardization	\$	11,746,800
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26	Probate court judges' state base salaries . . .		9,139,000
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27	Probate court judicial salary standardization .		4,287,100
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28	Circuit court judicial salary standardization .		9,807,800
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1	Grant to the OASI contribution fund, employers	
2	share, social security	759,800
3	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
4	Drunk driving case-flow program	\$ 2,300,000
5	Drug case-flow program	<u>250,000</u>
6	TOTAL	\$ 113,195,500

7 Sec. 202. (1) The appropriations authorized under this bill
 8 are subject to the management and budget act, 1984 PA 431, MCL
 9 18.1101 to 18.1594.

10 (2) Funds appropriated in part 1 to an entity within the
 11 judicial branch shall not be expended or transferred to another
 12 account without written approval of the authorized agent of the
 13 judicial entity. If the authorized agent of the judicial entity
 14 notifies the state budget director of its approval of an
 15 expenditure or transfer, the state budget director shall
 16 immediately make the expenditure or transfer. The authorized
 17 judicial entity agent shall be designated by the chief justice of
 18 the supreme court.

19 Sec. 203. As used in this bill:

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

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

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

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

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

27 (f) "HHS-OSCE" means the office of child support enforcement.

28 (g) "IDG" means interdepartmental grant.

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

3 (I) "OASI" means old age survivor's insurance.

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

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

6 Sec. 206. (1) In addition to the funds appropriated in part 1,
7 there is appropriated an amount not to exceed \$500,000.00 for
8 federal contingency funds.

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

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

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

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

25 Sec. 208. Unless otherwise specified, the judicial branch
26 shall use the Internet to fulfill the reporting requirements of
27 this bill. This may include transmission of reports via
28 electronic mail to the recipients identified for each reporting

1 requirement or it may include placement of reports on an Internet
2 or Intranet site.

3 **JUDICIAL BRANCH**

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

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

21 Sec. 302. Funds appropriated within the judicial branch shall
22 not be expended by any component within the judicial branch
23 without the approval of the supreme court.

24 Sec. 303. Of the amount appropriated in part 1 for the
25 judicial branch, \$325,000.00 is allocated for circuit court
26 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
27 \$186,900.00 is allocated for court of claims reimbursement under
28 section 6413 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.6413.

2 Sec. 305. To avoid the overexpenditure of funds appropriated
3 under this bill, the supreme court shall report quarterly to the
4 state budget director and to the judiciary subcommittees of the
5 house and senate appropriations committees regarding the status of
6 the accounts set forth in part 1.

7 Sec. 306. The chief financial officer of a funding unit for a
8 court, in cooperation with the local court, shall provide to the
9 state treasurer and state court administrative office by January
10 1, 2003 audited accounts of all money due and owing the court as
11 of September 30, 2002. Where audited accounts are not available,
12 the chief financial officer of a funding unit for a court may
13 provide estimates as long as they are clearly marked as
14 "estimated".

15 Sec. 308. If sufficient funds are not available from the court
16 fee fund to pay judges' compensation, the difference between the
17 appropriated amount from that fund for judges' compensation and
18 the actual amount available after the amount appropriated for
19 trial court reimbursement is made shall be appropriated from the
20 state general fund for judges' compensation.

21 Sec. 310. (1) State general fund appropriation for community
22 dispute resolution contained in part 1 shall be used to supplement
23 funding for community dispute resolution centers. The
24 supplemental funding shall be disbursed by formula to achieve a
25 base level of \$30,000.00 for centers funded through the community
26 dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564,
27 with the remainder disbursed based upon performance measures as
28 determined by the state court administrative office.

1 (2) From the funds in part 1, the chief justice is strongly
2 encouraged to distribute pamphlets of information on the community
3 dispute resolution program, especially to those entities known to
4 be points of referrals, including, but not limited to, all
5 statewide judicial conferences, all courts, local units of
6 government, legal organizations, prosecutors, attorneys, police
7 departments, colleges and universities, and state departments.

8 Sec. 311. (1) The funds appropriated in part 1 for drug courts
9 shall be administered by the state court administrative office to
10 implement new drug court programs or for existing drug court
11 programs if federal funds are no longer available. A drug court
12 shall be responsible for handling cases involving substance
13 abusing nonviolent offenders through comprehensive supervision,
14 testing, treatment services, and immediate sanctions and
15 incentives. A drug court shall use all available county and state
16 personnel involved in the disposition of cases including, but not
17 limited to, parole and probation agents, prosecuting attorney,
18 defense attorney, and community corrections providers.

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

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

26 (4) From the funds appropriated in part 1, the chief justice
27 shall allocate sufficient funds for the Michigan judicial
28 institute to provide in-state training for those identified in

1 subsection (1), including training for new drug court judges.

2 (5) For planning and implementation grants, consideration for
3 priority may be given to those courts where higher instances of
4 substance abuse cases are filed.

5 Sec. 313. A county shall be required to pay a penalty due to
6 the state's failure to be in compliance with federal child support
7 enforcement system requirements if the county has not implemented
8 the child support enforcement system and the family independence
9 agency determines that the county is not in compliance with the
10 child support enforcement system letter of agreement, or the
11 county has not cooperated with the family independence agency in
12 its implementation activities.

13 Sec. 316. (1) The appropriation in part 1 for the judicial
14 technology improvement fund shall be allocated for the development
15 of a statewide judicial information system. The supreme court,
16 working with the department of state police, department of
17 corrections, secretary of state, prosecuting attorneys association
18 of Michigan, and the department of information technology, will
19 develop a statewide telecommunications infrastructure to integrate
20 criminal justice information systems. The judicial technology
21 improvement fund shall also provide grants to local trial court
22 funding units to encourage technology innovations by local trial
23 courts that will result in enhanced public service. These
24 innovations will include, but not be limited to, electronic
25 filing, on-line payments of fines and fees, and web-based
26 instructions for completion of court documents.

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

1 (3) There is hereby appropriated to the judiciary for deposit
2 into the judicial technology improvement fund \$6,000,000
3 contingent upon the receipt of a refund from the federal
4 government related to penalties previously imposed for the child
5 support enforcement system of which up to \$1,000,000 may be
6 utilized towards development and operation of a cyber court system
7 as identified in subsection (2). The appropriation to the
8 Judiciary of refund monies related to the child support
9 enforcement system shall precede any other appropriations of such
10 resources. Notwithstanding the provision in subsection (2) any
11 child support enforcement system penalty refund resources
12 deposited in to the judicial technology improvement fund shall be
13 expended in the manner as prescribed in subsection (1). The child
14 support enforcement system refund revenue when certified as
15 available in the judicial technology improvement fund by the
16 Judiciary shall remain unallotted until such time as the state
17 budget director has reviewed and approved an allotment schedule
18 submitted by the Judiciary. Unexpended resources remaining in the
19 fund at the end of the fiscal year may be carried forward for
20 expenditure in the following year for the same purposes as
21 described in this section.