

SENATE BILL No. 1044

March 2, 2004, 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, 2005; 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, 2005, 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.....	\$	253,016,600
10	Interdepartmental grant revenues:		
11	Total interdepartmental grants and intradepartmental		
12	transfers		4,633,500
13	ADJUSTED GROSS APPROPRIATION.....	\$	248,383,100
14	Federal revenues:		
15	Total federal revenues.....		3,815,600
16	Special revenue funds:		
17	Total local revenues.....		3,298,100
18	Total private revenues.....		842,500
19	Total other state restricted revenues.....		82,333,600
20	State general fund/general purpose.....	\$	158,093,300
21	Sec. 102. SUPREME COURT		
22	Full-time equated exempted positions.....	285.0	
23	Supreme court administration--117.0 FTE positions.....	\$	10,704,000
24	Judicial institute--19.0 FTE positions.....		2,661,300
25	State court administrative office--79.0 FTE positions.		9,949,100
26	Judicial information systems--21.0 FTE positions.....		4,608,500
27	Direct trial court automation support--33.0 FTE		

1	positions	3,298,100
2	Foster care review board--12.0 FTE positions	1,207,500
3	Community dispute resolution--4.0 FTE positions	2,248,400
4	Other federal grants	275,000
5	Drug treatment courts	<u>4,635,000</u>
6	GROSS APPROPRIATION	\$ 39,586,900
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from department of community health	1,800,000
10	IDG from department of career development	95,000
11	IDG from state police - criminal justice improvement ..	2,015,000
12	IDG from state police - Michigan justice training fund	300,000
13	Federal revenues:	
14	DOJ, enforcing underage drinking law	50,000
15	DOJ, victims assistance programs	50,000
16	DOJ, drug court training and evaluation	300,000
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, domestic violence prevention	175,000
21	HHS, TANF	50,000
22	HHS, title IV-D child support program	907,700
23	HHS, title IV-E foster care program	520,600
24	Special revenue funds:	
25	Local - user fees	3,298,100
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.....	2,248,400
3	Law exam fees.....	482,100
4	Drug court fund.....	1,688,300
5	Miscellaneous revenue.....	227,900
6	Justice system fund.....	600,000
7	State court fund.....	319,000
8	State general fund/general purpose.....	\$ 21,925,000
9	Sec. 103. COURT OF APPEALS	
10	Full-time equated exempted positions.....	228.5
11	Court of appeals operations--228.5 FTE positions.....	\$ <u>17,911,800</u>
12	GROSS APPROPRIATION.....	\$ 17,911,800
13	Appropriated from:	
14	Special revenue funds:	
15	Court filing/motion fees.....	1,746,000
16	Miscellaneous revenue.....	77,800
17	State general fund/general purpose.....	\$ 16,088,000
18	Sec. 104. BRANCHWIDE APPROPRIATIONS	
19	Full-time equated exempted positions.....	4.0
20	Branchwide appropriations--4.0 FTE positions.....	\$ <u>7,077,900</u>
21	GROSS APPROPRIATION.....	\$ 7,077,900
22	Appropriated from:	
23	Special revenue funds:	
24	State general fund/general purpose.....	\$ 7,077,900
25	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
26	Full-time judges positions.....	615.0
27	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300

1	Court of appeals judges' salaries--28.0 judges	4,240,300
2	District court judges' state base salaries--259.0 judges	23,877,200
3	District court judicial salary standardization	11,796,800
4	Probate court judges' state base salaries--104.0 judges	9,030,800
5	Probate court judicial salary standardization	4,344,200
6	Circuit court judges' state base salaries--217.0 judges	20,416,900
7	Circuit court judicial salary standardization	9,910,700
8	Judges' retirement system defined contributions	2,704,100
9	OASI, social security	<u>4,689,700</u>
10	GROSS APPROPRIATION	\$ 92,163,000
11	Appropriated from:	
12	Special revenue funds:	
13	Court fee fund	7,090,200
14	State general fund/general purpose	\$ 85,072,800
15	Sec. 106. JUDICIAL AGENCIES	
16	Full-time equated exempted positions	10.0
17	Judicial tenure commission--10.0 FTE positions	\$ <u>989,000</u>
18	GROSS APPROPRIATION	\$ 989,000
19	Appropriated from:	
20	Special revenue funds:	
21	State general fund/general purpose	\$ 989,000
22	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
23	Full-time equated exempted positions	55.0
24	Appellate public defender program--47.0 FTE positions .	\$ 4,586,500
25	Appellate assigned counsel administration--8.0 FTE	
26	positions	<u>843,500</u>
27	GROSS APPROPRIATION	\$ 5,430,000

1	Appropriated from:	
2	Interdepartmental grant revenues:	
3	IDG from state police - Michigan justice training fund	423,500
4	Special revenue funds:	
5	Private - interest on lawyers trust accounts	70,000
6	Miscellaneous revenue	113,100
7	State general fund/general purpose	\$ 4,823,400
8	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
9	Indigent civil legal assistance	\$ <u>7,337,000</u>
10	GROSS APPROPRIATION	\$ 7,337,000
11	Appropriated from:	
12	Special revenue funds:	
13	State court fund	7,337,000
14	State general fund/general purpose	\$ 0
15	Sec. 109. TRIAL COURT OPERATIONS	
16	Court equity fund reimbursements	\$ 68,906,000
17	Judicial technology improvement fund	<u>4,465,000</u>
18	GROSS APPROPRIATION	\$ 73,371,000
19	Appropriated from:	
20	Special revenue funds:	
21	Court equity fund	46,788,800
22	Judicial technology improvement fund	4,465,000
23	State general fund/general purpose	\$ 22,117,200
24	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
25	Drug case-flow program	\$ 250,000
26	Drunk driving case-flow program	2,300,000
27	Juror compensation reimbursement	<u>6,600,000</u>

1	GROSS APPROPRIATION.....	\$	9,150,000
2	Appropriated from:		
3	Special revenue funds:		
4	Drug fund.....		250,000
5	Drunk driving fund.....		2,300,000
6	Juror compensation fund.....		6,600,000
7	State general fund/general purpose.....	\$	0

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 **GENERAL SECTIONS**

11 Sec. 201. Pursuant to section 30 of article IX of the state
 12 constitution of 1963, total state spending from state resources under
 13 part 1 for fiscal year 2004-2005 is \$240,426,900.00 and state spending
 14 from state resources to be paid to local units of government for fiscal
 15 year 2004-2005 is estimated at \$123,214,300.00. The itemized statement
 16 below identifies appropriations from which spending to units of local
 17 government will occur:

18 **JUDICIARY**

19 SUPREME COURT

20	State court administrative office.....	\$	511,900
21	Drug treatment courts.....		4,335,000

22 TRIAL COURT OPERATIONS

23	Court equity fund reimbursements.....	\$	68,906,000
24	Judicial technology improvement fund.....		4,465,000

25 JUSTICES' AND JUDGES' COMPENSATION

26	District court judicial salary standardization.....	\$	11,796,800
27	Probate court judges' state base salaries.....		9,030,800

1	Probate court judicial salary standardization.....	4,344,200
2	Circuit court judicial salary standardization.....	9,910,700
3	Grant to OASI contribution fund, employers share,	
4	social security	763,900
5	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
6	Drunk driving case-flow program.....	\$ 2,300,000
7	Drug case-flow program.....	250,000
8	Juror compensation reimbursement.....	<u>6,600,000</u>
9	TOTAL	\$ 123,214,300

10 Sec. 202. (1) The appropriations authorized under this bill are
 11 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
 12 18.1594.

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

21 Sec. 203. As used in this bill:

- 22 (a) "DOJ" means the United States department of justice.
- 23 (b) "DOT" means the United States department of transportation.
- 24 (c) "FTE" means full-time equated.
- 25 (d) "HHS" means the United States department of health and human
 26 services.
- 27 (e) "IDG" means interdepartmental grant.

1 (f) "OASI" means old age survivor's insurance.

2 (g) "TANF" means temporary assistance for needy families.

3 Sec. 208. Unless otherwise specified, the judicial branch shall use
4 the Internet to fulfill the reporting requirements of this bill. This
5 requirement may include transmission of reports via electronic mail to
6 the recipients identified for each reporting requirement, or it may
7 include placement of reports on an Internet or Intranet site.

8 Sec. 213. (1) In addition to the funds appropriated in part 1,
9 there is appropriated an amount not to exceed \$500,000.00 for federal
10 contingency funds. These funds are not available for expenditure until
11 they have been transferred to another line item in this bill under
12 section 393(2) of the management and budget act, 1984 PA 431, MCL
13 18.1393.

14 (2) In addition to the funds appropriated in part 1, there is
15 appropriated an amount not to exceed \$500,000.00 for state restricted
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 (3) In addition to the funds appropriated in part 1, there is
21 appropriated an amount not to exceed \$100,000.00 for local contingency
22 funds. These funds are not available for expenditure until they have
23 been transferred to another line item in this bill under section 393(2)
24 of the management and budget act, 1984 PA 431, MCL 18.1393.

25 (4) In addition to the funds appropriated in part 1, there is
26 appropriated an amount not to exceed \$100,000.00 for private
27 contingency funds. These funds are not available for expenditure until

1 they have been transferred to another line item in this bill under
2 section 393(2) of the management and budget act, 1984 PA 431, MCL
3 18.1393.

4 Sec. 214. Funds appropriated in part 1 shall not be used for the
5 purchase of foreign goods or services, or both, if competitively priced
6 and comparable quality American goods or services, or both, are
7 available. Preference should be given to goods and services or both,
8 manufactured or provided by Michigan businesses if they are
9 competitively priced and of comparable value.

10 **JUDICIAL BRANCH**

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

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

27 Sec. 302. Funds appropriated within the judicial branch shall not

1 be expended by any component within the judicial branch without the
2 approval of the supreme court.

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

8 Sec. 304. From the funds appropriated in part 1 for the judicial
9 technology improvement fund, \$1,000,000.00 shall be distributed to
10 counties to provide funds for court technology needs. These funds
11 shall be distributed by March 31, 2005, and the amount to be received
12 by a county shall be equal to \$1,000,000.00 multiplied by the
13 percentage that county receives of distributions from the court equity
14 fund for fiscal year 2005, in accordance with MCL 600.151b.

15 Sec. 306. The supreme court and the state administrative office
16 shall continue to maintain, as a priority, the assisting of local trial
17 courts in improving the collection of judgments.

18 Sec. 307. From the funds appropriated in part 1 for court of
19 appeals operations, the judiciary shall use the following revenue
20 amounts for the purpose of delay reduction:

21 (a) \$225,000.00 of additional filing fee revenue raised from the
22 increase from \$250.00 to \$375.00 in court of appeals filing fees under
23 section 321(1)(a) of the revised judicature act of 1961, 1961 PA 236,
24 MCL 600.321.

25 (b) \$87,500.00 of additional fee revenue raised from the
26 increase in court of appeals motion fees from \$75.00 to \$100.00 and
27 from the increase from \$150.00 to \$200.00 in fees for motions for

1 immediate consideration or expedited appeal, under section 321(1)(b)
2 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL
3 600.321.

4 Sec. 308. If sufficient funds are not available from the court fee
5 fund to pay judges' compensation, the difference between the
6 appropriated amount from that fund for judges' compensation and the
7 actual amount available after the amount appropriated for trial court
8 reimbursement is made shall be appropriated from the state general fund
9 for judges' compensation.

10 Sec. 310. From the funds appropriated in part 1 for drug treatment
11 court programs, at the discretion of the supreme court, the state court
12 administrative office shall contract with 1 or more independent third
13 parties for evaluation and monitoring of drug court programs funded by
14 the judiciary. The evaluation shall include measures of the impact of
15 drug court programs in changing offender criminal involvement
16 (recidivism) and substance abuse and in reducing prison admissions.
17 The evaluation of a program funded with federal Byrne funds shall be
18 consistent with any requirements contained in the federal Byrne grant
19 for that program. Evaluations required by this section shall to the
20 extent feasible compare offenders treated under the programs with other
21 offenders of similar characteristics. Not later than June 1, 2005, the
22 state court administrative office shall provide a progress report
23 regarding the status and findings of the evaluation to the senate and
24 house appropriations subcommittees on the judiciary, the senate and
25 house fiscal agencies, and the state budget director.

26 Sec. 311. (1) The funds appropriated in part 1 for drug treatment
27 courts shall be administered by the state court administrative office

1 to operate drug treatment court programs. A drug treatment court
2 program shall not receive funds for more than 5 years. A drug
3 treatment court shall be responsible for handling cases involving
4 substance abusing nonviolent offenders through comprehensive
5 supervision, testing, treatment services, and immediate sanctions and
6 incentives. A drug treatment court shall use all available county and
7 state personnel involved in the disposition of cases including, but not
8 limited to, parole and probation agents, prosecuting attorney, defense
9 attorney, and community corrections providers. The funds may be used
10 in connection with other federal, state, and local funding sources.

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

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

18 (4) For drug treatment court grants, consideration for priority
19 may be given to those courts where higher instances of substance abuse
20 cases are filed.

21 (5) The judiciary shall receive \$1,800,000.00 in Byrne formula
22 grant funding as an interdepartmental grant from the department of
23 community health to be used for expansion of drug treatment courts, to
24 assist in avoiding prison bed space growth for nonviolent offenders in
25 collaboration with the department of corrections.

26 Sec. 312. From the funds appropriated in part 1, the state court
27 administrator shall produce a statistical report regarding the

1 implementation of the parental rights restoration act, 1990 PA 211, MCL
2 722.901 to 722.908, as it pertains to minors seeking a court-issued
3 waiver of parental consent. The state court administrative office
4 shall report the total number of petitions filed and the total number
5 of petitions granted in accordance with section 208.