

HOUSE BILL No. 4308

February 18, 1999, Introduced by Reps. Mortimer, Mead, Toy, Kukuk, Caul, Jellema, Godchaux, Byl, Geiger, Pappageorge, LaSata, Cameron Brown, Jansen and Scranton 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, 2000; 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:

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PART 1

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LINE-ITEM APPROPRIATIONS

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Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2000, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

1 APPROPRIATION SUMMARY:

2 Full-time equated exempted positions 583.0

3 GROSS APPROPRIATION \$ 226,140,800

4 Interdepartmental grant revenues:

5 Total interdepartmental grants and intradepartmental

6 transfers 2,304,200

7 ADJUSTED GROSS APPROPRIATION \$ 223,836,600

8 Federal revenues:

9 Total federal revenues 3,124,600

10 Special revenue funds:

11 Total local revenues 2,434,000

12 Total private revenues 1,716,100

13 Total other state restricted revenues 56,070,700

14 State general fund/general purpose \$ 160,491,200

15 **Sec. 102. SUPREME COURT**

16 Full-time equated exempted positions 283.0

17 Supreme court administration--118.0 FTE positions \$ 13,973,900

18 Judicial institute--18.0 FTE positions 2,809,700

19 State court administrative office--80.0 FTE

20 positions 8,675,600

21 Judicial information systems--21.0 FTE positions . 4,182,900

22 Direct trial court automation support--30.0 FTE

23 positions 2,496,600

24 Foster care review board--12.0 FTE positions . . . 1,198,700

25 Community dispute resolution--4.0 FTE positions . 2,372,300

26 GROSS APPROPRIATION \$ 35,709,700

27 Appropriated from:

28 Interdepartmental grant revenues:

29 IDG from Michigan jobs commission 120,000

30 IDG from MDSP-criminal justice

31 improvement 1,443,900

32 IDG from MDSP-Michigan justice training

33 fund 305,500

34 Federal revenues:

35 DAG, agriculture mediation grant 472,800

1	DOE, special education grant	130,500
2	DOT, national highway safety traffic	
3	administration	217,500
4	DOJ, victims assistance program	50,000
5	HHS, access and visitation grant	404,900
6	HHS, court improvement project	619,300
7	HHS, title IV-D child support program	427,200
8	HHS, title IV-E foster care program	285,800
9	HHS-TANF	516,600
10	Special revenue funds:	
11	Local-user fees	2,434,000
12	Private revenues	429,500
13	Private-interest on lawyers trust accounts	715,800
14	Private-Michigan justice institute	500,800
15	Community dispute resolution fees	1,638,100
16	Law exam fees	477,200
17	Miscellaneous revenue	227,900
18	State court fund	319,000
19	State general fund/general purpose \$	23,973,400
20	Sec. 103. COURT OF APPEALS	
21	Full-time equated exempted positions 235.5	
22	Court of appeals operations--223.5 FTE positions . . . \$	18,754,800
23	Delay reduction--12.0 FTE positions	<u>950,000</u>
24	GROSS APPROPRIATION \$	19,704,800
25	Appropriated from:	
26	Special revenue funds:	
27	Court filing/motion fees	1,571,000
28	Miscellaneous revenue	77,800
29	State general fund/general purpose \$	18,056,000
30	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION	
31	Full-time judges positions 611.0	
32	Supreme court justices' salaries--7.0 judges . . . \$	975,100
33	Court of appeals judges' salaries--28.0 judges . . .	3,588,400
34	District court judges' state base salaries--259.0	
35	judges	18,463,700

1	District court judicial salary standardization . .	11,842,500
2	Probate court judges' state base salaries--107.0	
3	judges	7,029,100
4	Probate court judicial salary standardization . .	4,332,800
5	Circuit court judges' state base salaries--210.0	
6	judges	15,637,000
7	Circuit court judicial salary standardization . .	9,228,000
8	Judges' retirement system defined contributions .	1,800,000
9	OASI, social security	<u>4,002,600</u>
10	GROSS APPROPRIATION \$	76,899,200
11	Appropriated from:	
12	Special revenue funds:	
13	Court fee fund	6,065,600
14	State general fund/general purpose \$	70,833,600
15	Sec. 105. JUDICIAL AGENCIES	
16	Full-time equated exempted positions 10.0	
17	Judicial tenure commission--10.0 FTE positions . . \$	<u>953,700</u>
18	GROSS APPROPRIATION \$	953,700
19	Appropriated from:	
20	State general fund/general purpose \$	953,700
21	Sec. 106. INDIGENT DEFENSE - CRIMINAL	
22	Full-time equated exempted positions 54.5	
23	Appellate public defender program-46.5 FTE	
24	positions \$	4,618,400
25	Appellate assigned counsel administration--8.0 FTE	
26	positions	<u>877,600</u>
27	GROSS APPROPRIATION \$	5,496,000
28	Appropriated from:	
29	Interdepartmental grant revenues:	
30	IDG from MDSP-Michigan justice training	
31	fund	434,800
32	Special revenue funds:	
33	Private-interest on lawyers trust accounts	70,000
34	Miscellaneous revenue	113,100
35	State general fund/general purpose \$	4,878,100

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1	Court equity fund reimbursements	69,840,400
2	Hold harmless fund reimbursement	8,000,000
3	JUSTICES' AND JUDGES' COMPENSATION	
4	District court judicial salary	
5	standardization	11,842,500
6	Probate court judges' state base salaries	7,029,100
7	Probate court judicial salary standardization . .	4,332,800
8	Circuit court judicial salary standardization . .	9,228,000
9	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
10	Drunk driving caseflow program	2,000,000
11	Drug caseflow program	<u>200,000</u>
12	Total	\$ 112,984,700

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

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

21 (2) Funds appropriated in part 1 to an entity within the judicial
22 branch shall not be expended or transferred to another account without
23 written approval of the authorized agent of the judicial entity. If
24 the authorized agent of the judicial entity notifies the state budget
25 director of its approval of an expenditure or transfer, the state
26 budget director shall immediately make the expenditure or transfer.
27 The authorized judicial entity agent shall be designated by the chief
28 justice of the supreme court.

29 Sec. 203. As used in this bill:

- 30 (a) "DAG" means the United States department of agriculture.
- 31 (b) "DOE" means the United States department of education.
- 32 (c) "DOJ" means the United State department of justice.
- 33 (d) "DOT" means the United States department of transportation.
- 34 (e) "FTE" means full-time equated position.
- 35 (f) "HHS" means the United States department of health and human

1 services.

2 (g) "IDG" means interdepartmental grant.

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

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

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

6 Sec. 204. (1) In addition to the funds appropriated in part 1,
7 there is appropriated an amount not to exceed \$500,000.00 for federal
8 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 restricted
11 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 contingency
14 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 unless
20 approved by both appropriations committees. If the state budget
21 director does not approve contingency fund transfers adopted by both
22 appropriations committees under this section, the state budget director
23 shall notify the appropriations committees of his or her action within
24 15 days.

25 JUDICIAL BRANCH

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

36 (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. The judicial branch shall cooperate with the auditor
15 general regarding audits of the judicial branch conducted pursuant to
16 section 53 of article IV of the state constitution of 1963.

17 Sec. 305. To avoid the overexpenditure of funds appropriated under
18 this bill, the supreme court shall report quarterly to the state budget
19 director and to the judiciary subcommittee of the house and senate
20 appropriations committees regarding the status of the accounts set
21 forth in part 1.

22 Sec. 306. Funds appropriated in part 1 shall not be used to pay
23 directly or by reimbursement the annual dues for membership in the
24 state bar of Michigan of a judge, justice, or other employee of the
25 judicial branch.

26 Sec. 307. (1) The chief financial officer of a funding unit for a
27 court, in cooperation with the local court, shall provide to the state
28 treasurer and state court administrative office by January 1, 2000
29 audited accounts of all money due and owing the court as of September
30 30, 1999. Where audited accounts are not available, the chief
31 financial officer of a funding unit for a court may provide estimates
32 as long as they are clearly marked as "estimated".

33 (2) The state treasurer shall report to the legislature a
34 compilation of the estimated accounts receivable of all courts and
35 cumulative totals by March 1, 2000. This report is a public record.

36 Sec. 308. If sufficient funds are not available from the court fee

1 fund to pay judges' compensation, the difference between the
2 appropriated amount from that fund for judges' compensation and the
3 actual amount available after the amount appropriated for trial court
4 reimbursement is made shall be appropriated from the state general fund
5 for judges' compensation.

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