

**Summary: Conference Recommendation
FY 2002-03 Judiciary
HB 5648**

	FTEs	Gross	IDG/IDT	Federal	Local	Private	State Restricted	GF/GP
2001-02 YTD	591.5	\$241,449,900	\$2,818,500	\$3,363,200	\$2,912,900	\$842,500	\$56,288,900	\$175,223,900
Executive	582.5	246,587,900	2,833,500	3,864,500	2,941,800	842,500	57,287,500	178,818,100
House	592.5	247,762,800	2,833,500	3,901,000	2,941,800	842,500	57,537,500	179,706,500
Senate	592.5	247,669,500	2,833,500	3,901,000	2,941,800	842,500	57,537,500	179,613,200
Conference	582.5	245,245,800	2,833,500	3,901,000	2,941,800	842,500	57,727,700	176,999,300
Conference Change from YTD	(9.0)	3,795,900	15,000	537,800	28,900	0	1,438,800	1,775,400
Conference Change from EXEC.	0.0	(1,342,100)	0	36,500	0	0	440,200	(1,818,800)
Conference Change from HSE.	(10.0)	(2,517,000)	0	0	0	0	190,200	(2,707,200)
Conference Change from SEN.	(10.0)	(2,423,700)	0	0	0	0	190,200	(2,613,900)

OVERVIEW

The Constitution of the State of Michigan of 1963 provides that "the judicial power of the state is vested exclusively in one court of justice which shall be divided into the Supreme Court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by two-thirds vote of the members elected to and serving in each house."

**Major Budget Changes from FY 2002-03 EXECUTIVE
RECOMMENDATION:**

		<u>House</u>	<u>Senate</u>	<u>Conference</u>
1. Hall of Justice Security	FTEs	10.0	10.0	0.0
Adds funding of \$620,000 GF/GP for 10.0 FTEs. Transfers of	Gross	\$620,000	\$500,000	\$0
3.0 security FTEs and \$194,600 from Supreme Court and	GF/GP	\$620,000	\$500,000	\$0
Court of Appeals to make up the total recommended security				
budget for the Judiciary.				
2. Court Boundary Alignment Costs	Gross	\$0	\$150,000	\$150,000
Costs that may be related to realignment of jurisdictional	GF/GP	\$0	\$150,000	\$150,000
reorganization pursuant to PA 92, 2002.				

Major Budget Changes from FY 2002-03 EXECUTIVE**RECOMMENDATION:**

		<u>House</u>	<u>Senate</u>	<u>Conference</u>
3. Judicial Technology Improvement Fund	Gross	\$0	(\$185,000)	(\$150,000)
House recommended no changes. Senate reduced this line item to offset general funding for new items added (See items 2 and 5 above).	GF/GP	\$0	(\$185,000)	(\$150,000)
4. Judicial Salary Adjustment	Gross	\$0	\$190,200	\$190,200
Increased costs related to converting 3 part-time probate judges to full-time, pursuant to PA 92, 2002.	GF/GP	\$0	\$190,200	\$0
5. SADO - Equipment	Gross	\$227,100	\$63,700	\$0
Provides for replacement of copiers and computer systems. House recommends total payment and the Senate recommends lease.	GF/GP	\$227,100	\$63,700	\$0
6. SADO – Equipment Maintenance Contract	Gross	\$0	\$35,000	\$0
Restoration of appropriation	GF/GP	\$0	\$35,000	\$0
7. Early Retirement Savings	Gross	\$0	(\$100)	(\$891,000)
This item was recommended (Executive) as a placeholder in the Senate bill.	GF/GP	\$0	(\$100)	(\$891,000)
8. Budgetary Savings	Gross	\$0	(\$100)	(\$927,600)
1% budget savings – GF/GP	GF/GP	\$0	(\$100)	(\$927,600)

Boilerplate Points of Difference Between the House and Senate:**GENERAL SECTIONS**

Sec. 201. Payments to Locals. Lists state spending from state resources and state payments to local units of government.

House updates total state spending from state resources under part 1 and state spending from state resources to be paid to local units of government as reflected in the H-1 version. **Senate** updates total state spending and state spending from state resources to be paid to local units of government reflected in part 1 of the S-1 version. **Conference** updates total state spending and state spending from state resources to be paid to local units of government reflected in part 1 of the CR-1** version.

Sec. 213. Early Retirement. Requires that the early retirement savings associated with the 2002 program be transferred to the appropriate line item by November 15, 2002.

House does not include in substitute. **Senate** includes this new language. **Conference** includes the standard leadership language included in all conference reports.

JUDICIAL BRANCH

Sec. 308. Judges' Salaries. Appropriates funds for judges' compensation from the state general fund if sufficient funds are not available from the court fee fund and directs excess funds in the court fee fund to be deposited into the drug treatment court fund.

House adds subsection (2) requiring excess funds in the court fee fund to be deposited into the drug treatment court fund. **Senate** retains current law, without subsection (2) the House added. **Conference** includes the Senate version.

Sec. 309. Expenditure Prohibition. Prohibits using expenditures for indigent defense to provide legal assistance in any proceeding or litigation seeking to procure an abortion.

House does not include in substitute. **Senate** retains current law. **Conference** does not include.

Sec. 311. Drug Treatment Courts. Establishes guidelines for drug treatment court funding.

House includes new language for subsection (2) requiring cash/in-kind match to receive funding. **Senate** retains current law. **Conference** includes language for no matching required and limited to receiving State drug treatment court not more than 5 years.

Sec. 313. Child Support Enforcement System Penalties. Requires counties to pay a penalty if the state fails to comply with federal child support enforcement system requirements if the county is not in compliance with the letter of agreement or has not cooperated in its implementation activities.

House retains current law. **Senate** does not include in substitute. **Conference** includes the same language included in the FIA conference report (4) that relates solely to penalties.

Boilerplate Points of Difference Between the House and Senate:

Sec. 315. (Page 3) Part-Time Probate Judges. Directs use of lapse funds to fund costs of changing the status of part-time probate judges if legislation is enacted.

House does not include in substitute. **Senate** retains current law. **Conference** does not include.

Sec. 316. Judicial Technology Improvement Fund. Allocates funds to develop a statewide judicial information system.

House concurs with the executive recommendation. **Senate** limits the amount appropriated to the fund to 17.2% of the federal refund if it is less than \$34,785,700.00. **Conference** includes House version.

Sec. 322. Court Boundary Realignment Costs. Allocates funds to local units of government for reimbursing court boundary realignment costs.

House does not include in substitute. **Senate** includes this new language. **Conference** includes Senate version.

Supplemental for FY 2001-02:

None