

# **LINE ITEM AND BOILERPLATE SUMMARY**

## **JUDICIARY**

**Fiscal Year 2002-03  
Public Act 515 of 2002  
House Bill 5648**

**As Enacted**



**Prepared and Compiled by:**

**Tim Aben, Fiscal Analyst  
Julie Stapelman, Budget Assistant**

**Mitchell E. Bean, Director**

**December 2002**

# **HOUSE FISCAL AGENCY GOVERNING COMMITTEE**

## **Representatives:**

**Marc Shulman, Chair**  
**Rick Johnson**  
**Bruce Patterson**

**A. T. Frank, Vice Chair**  
**Samuel Buzz Thomas, III**  
**Gilda Jacobs**

# **MICHIGAN HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE**

## **Representatives:**

**Marc Shulman, Chair**  
**Charles LaSata, Vice Chair**  
**Cameron Brown**  
**Sandra Caul**  
**Patricia Godchaux**  
**Mark Jansen**  
**Ron Jelinek**  
**Jerry Kooiman**  
**David Mead**  
**Mickey Mortimer**  
**Gary Newell**  
**John Pappageorge**  
**Mike Pumford**  
**Scott Shackleton**  
**Tony Stamas**

**John Stewart**  
**Laura Toy**  
**Jerry Vander Roest**  
**A. T. Frank, Minority Vice Chair**  
**Richard Brown**  
**Hansen Clarke**  
**Patricia Lockwood**  
**Steve Pestka**  
**Clarence Phillips**  
**James Plakas**  
**Triette Reeves**  
**Keith Stallworth**  
**Michael Switalski**  
**Gretchen Whitmer**

STATE OF MICHIGAN  
HOUSE OF REPRESENTATIVES



HOUSE FISCAL AGENCY

MITCHELL E. BEAN, DIRECTOR

P.O. BOX 30014  
LANSING, MICHIGAN 48909-7514  
PHONE: (517)373-8080 FAX: (517)373-5874  
[www.house.state.mi.us/hfa](http://www.house.state.mi.us/hfa)

GOVERNING COMMITTEE

MARC SHULMAN, CHAIR  
RICK JOHNSON  
BRUCE PATTERSON

A. T. FRANK, V-C  
SAMUEL BUZZ THOMAS, III  
GILDA JACOBS

December 2002

To: Members of the House of Representatives

We have prepared a Line Item Summary for each of the FY 2002-03 appropriation acts. Each Summary contains line-by-line detail, including the amount and purpose of each appropriation line and information regarding related boilerplate sections, for a specific appropriation act. Following the line item detail, we have included a section that provides a brief explanation of each boilerplate section in the appropriations bill. Please note that ~~strikeouts~~ in this report show the effects of vetoes.

This Line Item Summary explains line items in the *enacted* Judiciary Appropriations Bill, Public Act 515 of 2002. This report was prepared by Tim Aben, Fiscal Analyst, with assistance from Julie Stapelman, Budget Assistant.

If you would like to obtain a Line Item Summary for a particular budget area, please contact Jeanne Dee, Administrative Assistant, at 373-8080.

Mitchell E. Bean, Director



## TABLE OF CONTENTS

JUDICIARY .....	1
Supreme Court.....	2
Court of Appeals .....	7
Branchwide Appropriations .....	8
Justices' and Judges' Compensation.....	9
Judicial Agencies .....	11
Indigent Defense - Criminal .....	12
Indigent Civil Legal Assistance .....	14
Trial Court Operations .....	15
Grants and Reimbursements to Local Government.....	16
Early Retirement and Budgetary Savings .....	17
BOILERPLATE .....	18



## **GLOSSARY**

### **Frequently-Used State Budget Terms**

#### **Adjusted Gross**

Total net amount of all line item gross appropriations less (or minus) interdepartmental grants (IDGs) and intradepartmental transfers (IDTs)

#### **Boilerplate**

Specific language sections contained in an appropriations act which direct, limit or restrict line item expenditures, and/or require reports

#### **Budget Stabilization Fund (BSF)**

The countercyclical economic and budget stabilization fund—also known as the "rainy day" fund

#### **Federal Revenues**

Federal grant or matchable revenues dedicated to specific programs

#### **General Fund/General Purpose (GF/GP)**

The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues

#### **Gross Appropriations (Gross)**

The total of all applicable line item spending authorizations

#### **Interdepartmental Grant (IDG)**

Revenue or funds received by one state department from another state department (usually for a service the receiving department provides)

#### **Intradepartmental Transfer (IDT)**

Transfers or funds being provided from one appropriation unit to another in the same department

#### **Lapses**

Unspent/unobligated funds remaining in line item accounts at the end of the fiscal year

#### **Line Items**

Specific funding amount in an appropriations bill which establishes spending authorization for a particular program or function (may be for a single purpose or for multiple purposes)

#### **Local Revenue**

Revenues from local units of government

#### **State Restricted (Restricted Funds)**

State revenue dedicated to a specific fund; revenue which results from state mandates or initiatives; used for used for specific programs pursuant to the Constitution or statute

#### **Private Funds**

Revenues from non-government entities such as rents, royalties or interest payments, payments from hospitals, payments from individuals, and gifts and bequests

#### **School Aid Fund (SAF)**

The primary funding source for K-12 schools and Intermediate School Districts (ISDs)

#### **Work Project**

An account established to allow for certain specific unspent funds to be carried over from one fiscal year to a succeeding fiscal year or years



## JUDICIARY

*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."*

Full-time equated exempted positions	582.5	Full-time equated (FTE) positions not in the state classified service. Note: based on 2,080 hours for 1.0 FTE position
GROSS APPROPRIATION	<del>\$245,245,800</del> \$244,995,800	Total of all applicable line item appropriations.
Total interdepartmental grants and intradepartmental transfers	2,833,500	Total of all grants from other departments and transfer of funds.
ADJUSTED GROSS APPROPRIATION	<del>\$242,412,300</del> \$242,162,300	Net of gross appropriations, interdepartmental grants, and intradepartmental transfers.
Total federal revenues	3,901,000	Total federal grant or matchable revenues.
Total local revenues	2,941,800	Total revenues from local units of government.
Total private revenues	842,500	Total private grant revenues.
Total other state restricted revenues	<del>57,727,700</del> 57,477,700	State revenue dedicated to a specific fund (other than the General Fund); or revenue earmarked for a specific purpose.
GENERAL FUND/ GENERAL PURPOSE	\$176,999,300	The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.

## SECTION 102: SUPREME COURT

*The Michigan Supreme Court is the highest court in the state, hearing cases appealed from other state courts. Applications for "leave to appeal" are filed with the Supreme Court and the court decides whether to grant them. If an application is granted, the Supreme Court will hear the case; if denied, the decision of the lower court stands.*

*In addition to its judicial duties, the Supreme Court is charged with general administrative supervision of all courts in the state. This is referred to in the state constitution as "general superintending control." The Supreme Court is responsible for establishing rules for practice and procedure in all courts.*

Full-time equated exempted positions	284.0	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,080 hours for 1.0 FTE position</i>
--------------------------------------	-------	--

Supreme Court administration - 114.0 FTE positions	10,846,300	<p>Michigan's Supreme Court has a constitutional obligation to administer operation of the courts. To do so, the Supreme Court monitors the workload of all of the courts, provides guidance and assistance to those courts, promulgates court rules and rules of evidence to ensure due process of law, and meets regularly with representatives of the bench and bar and the public. The Supreme Court is assisted in fulfilling its constitutional duties by staff of the office of the Chief Justice, Justices, Commissioners, Clerk, Reporter, and Finance.</p> <p><u>Board of Law Examiners:</u> According to MCL 600.925, the Board has responsibility for "investigation and examination of all persons who apply for admission to the bar" of Michigan. Subject to the review and management of the Supreme Court, the Board conducts the annual bar exams and passes on the qualifications of all applicants to the bar. Board consists of five members appointed by the governor upon nomination by the Supreme Court.</p> <p><u>General Administration:</u> Authorizes payment of rent for all Supreme Court agencies and workers compensation costs for state judicial employees.</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Funding Source(s):</td> <td>Restricted</td> <td style="text-align: right;">513,100</td> </tr> <tr> <td></td> <td>GF/GP</td> <td style="text-align: right;">10,333,200</td> </tr> </table>	Funding Source(s):	Restricted	513,100		GF/GP	10,333,200
Funding Source(s):	Restricted	513,100						
	GF/GP	10,333,200						

*Related Boilerplate Section(s): 305*

Judicial institute - 20.0 FTE positions	3,107,000	<p>Michigan Judicial Institute provides continuing education and training to state judges and other criminal justice personnel through on-site classes, audio-visual media and publications. Programs are free of charge to eligible participants.</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Funding Source(s):</td> <td>IDG</td> <td style="text-align: right;">300,000</td> </tr> <tr> <td></td> <td>Federal</td> <td style="text-align: right;">469,500</td> </tr> <tr> <td></td> <td>Private</td> <td style="text-align: right;">52,500</td> </tr> <tr> <td></td> <td>Restricted</td> <td style="text-align: right;">65,200</td> </tr> <tr> <td></td> <td>GF/GP</td> <td style="text-align: right;">2,219,800</td> </tr> </table>	Funding Source(s):	IDG	300,000		Federal	469,500		Private	52,500		Restricted	65,200		GF/GP	2,219,800
Funding Source(s):	IDG	300,000															
	Federal	469,500															
	Private	52,500															
	Restricted	65,200															
	GF/GP	2,219,800															

*Related Boilerplate Section(s): None*

---

State court  
administrative office (SCAO) -  
80.0 FTE positions

9,987,700

SCAO provides leadership and promotes effective, efficient, equitable, uniform, and accessible court and justice system services to advance the highest quality of justice in Michigan. The office also provides:  
Administrative oversight and management or technical assistance to more than 600 judges of Michigan's 242 trial courts and trial court staff on matters relating to management of judicial functions.  
Analyses of legislative and executive branch policy in terms of administrative impact on the judiciary.  
Evaluations of court rules and legislation affecting the administration of the court.  
Proposals to change rules and statutes where appropriate.  
Collection, analysis, and distribution of management information regarding operations of trial courts to allocate judicial resources through temporary re-assignments of judges and caseload as necessary, and periodic recommendations to the Supreme Court and the Legislature regarding increases or decreases in judicial resources.

Funding Source(s):	IDG	95,000
	Federal	2,504,700
	Private	720,000
	Restricted	450,700
	GF/GP	6,217,300

*Related Boilerplate Section(s): 306, 312, 317, 318*

---

Judicial information systems  
(JIS) - 21.0 FTE positions

4,772,500

Develops, implements, and maintains automated information systems and office automation support systems internally for all Supreme Court agencies, including maintenance of a telecommunication network for state judicial agencies.

Funding Source(s):	IDG	2,015,000
	Federal	115,300
	Local	41,300
	GF/GP	2,600,900

*Related Boilerplate Section(s): None*

---

Direct trial court automation  
support - 33.0 FTE positions

2,900,500

Advises and assists trial court and judicial administrative agencies in the selection, acquisition, installation, and operation of automation technology, and provides assistance with development of applications for automated systems; provides automated caseload management and record-keeping systems for trial courts; maintains distributive systems modules for circuit, district, and probate courts; and maintains and expands automated reporting by trial courts to various state agencies.

Funding Source(s):	Local	2,900,500
--------------------	-------	-----------

*Related Boilerplate Section(s): 301*

---

Foster care review board - 12.0 FTE positions	1,253,200	Citizen's Foster Care Review Board Program, established by the Legislature, creates citizen review boards to review individual neglect/abuse cases within the foster care system to assist the court and children's services agencies in assuring prompt and permanent child placement. In 1993, 16 boards existed in 11 counties. According to a formula established by state law, additional boards should exist; however, appropriations have not been made to create all of the required boards.
		Funding Source(s): Federal 500,000 GF/GP 753,200
		<i>Related Boilerplate Section(s): None</i>
Community dispute resolution - 4.0 FTE positions	2,511,300	Created by 1988 PA 260, this program was established to provide mediation, conciliation, and other forms of voluntary dispute resolution as an alternative to the judicial process. Statewide service is available through 30 dispute resolution centers which receive grant funding through the SCAO. In 1994, courts comprised approximately one-half of the referrals to centers.
		Funding Source(s): Federal 275,000 Restricted 1,665,600 GF/GP 570,700
		<i>Related Boilerplate Section(s): 310</i>
Drug treatment courts	1,293,700	Grant program focusing on court dockets that are specially designed to address substance abuse problems among nonviolent offenders. Drug courts take a rehabilitative approach to justice that is based on intensive drug treatment, close supervision, and a demand for offender accountability. Drug courts take nonviolent drug offenders from traditional court systems and place them in programs designed to get them off drugs, reduce recidivism, and save money.
		Funding Source(s): GF/GP 1,293,700
		<i>Related Boilerplate Section(s): 311</i>
<b>GROSS APPROPRIATION</b>	<b>\$36,672,200</b>	<b>Total of all applicable line item appropriations.</b>
IDG from MDCD	95,000	Funds from Michigan Department of Career Development used to assist non-custodial parents in obtaining employment.
IDG from state police - criminal justice improvement	2,015,000	Revenue from Department of State Police to fund statewide improvement of criminal history records in the areas of accuracy, completeness, and timeliness; funded through the National Criminal History Improvement Program (NCHIP) of the Bureau of Justice Statistics (USDOJ).
IDG from state police - Michigan justice training fund	300,000	Revenue from the Department of State Police, from a \$5.00 assessment on each civil infraction (less parking violations), that is deposited in the Michigan Justice Training Fund (MJTF). This portion of the MJTF is used by the Michigan Justice Institute for court support personnel training.

DOE, special education grant	150,000	Federal Department of Education grant is administered by SCAO to local community dispute resolution centers to assist parents and school districts in resolving disputes over what is considered the most appropriate education for a child with a disability.
DOJ, enforcing underage drinking law	50,000	Michigan Judicial Institute receives funding from Department of Justice, Office of Juvenile Justice and Delinquency Prevention through Office of Highway Safety and Planning to train judges and judicial officers on enforcing underage drinking laws and "therapeutic jurisprudence." Training includes strategies to avoid the "revolving door" syndrome experienced by many courts when dealing with underage drinkers and includes information on best practices/model pre-trial and effective probation programs for youthful populations. Additionally, a small portion of the grant will be used for pilot programs to fund courts that wish to initiate alternative sanctions.
DOJ, victims assistance programs	50,000	Michigan Judicial Institute currently receives funding from the Department of Justice, Office for Victims of Crime, Office of Justice Programs through the Department of Community Health. Currently, Michigan Judicial Institute is producing and developing a Victims' Rights Manual and will be conducting multiple trainings on Victims' Rights aimed at judges, magistrates, probation officers, prosecutors and victims' advocates.
DOT, national highway safety traffic administration	215,300	Federal Department of Transportation funds are used for training programs that focus on repeat and first-time drunk driving offenders.
HHS, court improvement project	1,160,000	Federal Health and Human Services (HHS) funds provide an ongoing federal grant for improvement in court processing of child protective proceedings.
HHS, domestic violence prevention	269,500	Federal Health and Human Services revenues are earmarked for activities related to domestic violence prevention.
HHS, access and visitation grant	387,000	Federal Health and Human Services funds are used to pilot and administer programs (through SCAO) that facilitate non-custodial parents' access to their children.
HHS, TANF	50,000	Federal temporary assistance for needy families.
HHS, title IV-D child support program	907,700	As part of the federal Health and Human Services welfare revenues, this is provided to the court to implement programs related to child support collections.
HHS, title IV-E foster care program	500,000	Foster care/adoption assistance grants are made available to the foster care review board through federal Health and Human Services.
USDA, agriculture mediation grant	125,000	Federal funds from the U.S. Department of Agriculture are administered by SCAO to local community dispute resolution centers to provide mediation resolution to agricultural disputes such as agricultural credit, crop insurance, labor and/or contract disputes, and others.

Local - user fees	2,941,800	Fees assessed on computer services provided to local courts by the direct trial court automation support program in order to provide 100% of the funding for operation of the program.
Private	169,000	Non-government, non-local revenues are made available for judges and judicial personnel for training related to specific grants that are aggregated in one revenue line item.
Private - interest on lawyers trust accounts	232,700	Interest on Lawyer Trust Accounts (IOLTA) allows lawyers to deposit certain nominal and short-term trust funds into pooled "nominal orders of withdrawal" (NOW) accounts so that the interest generated on otherwise idle funds can be used for legal services for the poor and improvements in the administration of justice. All 50 states and the District of Columbia have IOLTA programs.
Private - state justice institute	370,800	State Justice Institute is authorized to award grants, cooperative agreements, and contracts to state and local courts and others for improving the quality of justice in the state courts.
Community dispute resolution fees	1,665,600	Fees were initiated by 1988 PA 260 and amended by 1993 PA 286 to provide a source of funding for mediation, conciliation, and other forms of voluntary dispute resolution services as an alternative to the judicial process. Fee revenue is distributed to dispute resolution centers as grant funding by the State Court Administrative Office.
Law exam fees	482,100	Enacted legislation authorizes the board of law examiners to collect fees from applicants for admission to the bar. Fees are to be used for compensation of board members and/or for necessary expenses incurred in the discharge of board members' duties.
Miscellaneous revenue	227,900	Revenues generated from miscellaneous functions, such as sales of publications, are required to be appropriated in order to have constitutional spending authority.
State court fund	319,000	Fund was created by 1993 PA 189 and subsequently amended by 1996 PA 374. It was initially created as a source of funding distribution to trial courts, the court of appeals (for backlog relief through FY 1996-97), indigent civil legal assistance providers, and the State Court Administrative Office (for administration).
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$28,988,800</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>

## SECTION 103: COURT OF APPEALS

*The Constitution of 1963 provides for a court of appeals whose jurisdiction is provided by law and the practice and procedure prescribed by rules of the Supreme Court. The court of appeals has 28 judges who are nominated and elected at nonpartisan elections. The court of appeals hears civil and criminal cases. Three-judge panels of the court of appeals hear cases in Lansing, Detroit, Grand Rapids, and Marquette. The panels are rotated to encourage statewide uniformity in rulings by eliminating the likelihood of conflicting legal philosophies developing in specific geographical areas. The procedure for hearing cases is similar to that followed by the Supreme Court. The decision of a panel of the court of appeals is final except in those cases where the decision is reviewed by the Supreme Court.*

Full-time equated exempted positions	230.5	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,080 hours for 1.0 FTE position</i>
Court of appeals operations - 230.5 FTE positions	17,914,100	Court of Appeals, created in 1965 pursuant to the State Constitution of 1963, consists of 28 judges, elected on a non-partisan basis, who sit as panels of three and hear appeals from each of the four districts from which they are elected. All judges serve six-year terms that are staggered by law so that not all terms in a district expire at the same time. When circumstances require, additional judges may be assigned by the Supreme Court. Criminal and civil cases brought before the court are reviewed at sessions held in Detroit, Lansing, Grand Rapids, and occasionally Marquette. Normally, the Court of Appeals acts as the last remedy prior to review by the Supreme Court.  Funding Source(s):   Restricted   1,648,800 GF/GP   16,265,300  <i>Related Boilerplate Section(s): None</i>
<b>GROSS APPROPRIATION</b>	<b>\$17,914,100</b>	<b>Total of all applicable line item appropriations.</b>
Court filing/motion fees	1,571,000	Enacted legislation authorizes the clerk of the court of appeals to collect fees upon filing and/or motion of cases. For each appeal filed, the cost is \$250.
Miscellaneous revenue	77,800	Revenues generated from miscellaneous functions, such as sale of publications, are required to be appropriated in order to have constitutional spending authority.
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$16,265,300</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>

## SECTION 104: BRANCHWIDE APPROPRIATIONS

*This appropriation unit provides funding for rent and related property management charges.*

Full-time equated exempted positions	3.0	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,080 hours for 1.0 FTE position</i>
Branchwide appropriations	9,458,100	Building occupancy charges for state-owned office space. Includes charges for janitorial and other services required for day-to-day maintenance of state office buildings. Rent payments are for leased privately-owned facilities.  Funding Source(s):      GF/GP 9,458,100  <i>Related Boilerplate Section(s): None</i>
<b>GROSS APPROPRIATION</b>	<b>\$9,458,100</b>	<b>Total of all applicable line item appropriations.</b>
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$9,458,100</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>

## SECTION 105: JUSTICES' AND JUDGES' COMPENSATION

The salaries of justices and judges are based on the level of the Supreme Court Justices' salaries, which are established by the State Officers' Compensation Commission. All other judges' salaries are established by statute as a percentage of the Supreme Court Justices' salaries. Pursuant to recent court reform legislation (1996 PAs 374 and 388), the salaries of the Justices of the Supreme Court (\$164,610) provide the base for salaries of the judges of the other courts. The judges' salaries at the Court of Appeals (\$151,441) are set at 92% of the salaries of the Justices of the Supreme Court, the salaries of Circuit and Probate Court judges (\$139,919) at 85%, and the salaries of District Court judges (\$138,272) at 84%.

Judges' salaries are paid by the state in two stages. The first is the largest portion, or state portion, in which a warrant is provided by the state directly to the judge. The remaining portion of the salary is paid by the court funding unit, which is then reimbursed for the entire amount by the state.

Full-time judges positions	615.0	Full-time judges positions.		
Supreme court justices' salaries - 7.0 judges	1,169,600	Salaries of Supreme Court justices are set by the State Officers' Compensation Commission (SOCC), which meets biennially to determine the salaries of the governor, lieutenant governor, Supreme Court justices, and members of the Legislature.	Funding Source(s):	GF/GP 1,169,600
			<i>Related Boilerplate Section(s): None</i>	
Court of appeals judges' salaries - 28.0 judges	4,304,000	State law sets the salary of Court of Appeals judges at 96% of a Supreme Court justice's salary. Supreme Court justices and Court of Appeals judges are paid entirely by the state.	Funding Source(s):	GF/GP 4,304,000
			<i>Related Boilerplate Section(s): None</i>	
District court judges' state base salaries - 258.0 judges	24,412,400	State salary share paid to District Court judges.	Funding Source(s):	GF/GP 24,412,400
			<i>Related Boilerplate Section(s): None</i>	
District court judicial salary standardization	11,796,800	Local salary share, which the state reimburses at 100%, paid to District Court judges.	Funding Source(s):	GF/GP 11,796,800
			<i>Related Boilerplate Section(s): None</i>	
Probate court judges' state base salaries - 106.0 judges	9,254,500	State salary share paid to Probate Court judges.	Funding Source(s):	Restricted 1,489,000 GF/GP 7,765,500
			<i>Related Boilerplate Section(s): 315</i>	
Probate court judicial salary standardization	4,347,100	Local salary share paid to Probate Court judges.	Funding Source(s):	Restricted 699,400 GF/GP 3,647,700
			<i>Related Boilerplate Section(s): None</i>	

Circuit court judges' state base salaries - 216.0 judges	20,658,100	State salary share paid to Circuit Court judges. Funding Source(s): Restricted 3,323,800 GF/GP 17,334,300
<i>Related Boilerplate Section(s): None</i>		
Circuit court judicial salary standardization	9,807,800	Local salary share paid to Circuit Court judges. Funding Source(s): Restricted 1,578,000 GF/GP 8,229,800
<i>Related Boilerplate Section(s): None</i>		
Judges' retirement system defined contributions	2,570,000	Employers' share of retirement costs for those judges who participate in the defined contribution retirement plan. Funding Source(s): GF/GP 2,570,000
<i>Related Boilerplate Section(s): None</i>		
OASI, social security	4,637,600	Employer's share, social security. Funding Source(s): GF/GP 4,637,600
<i>Related Boilerplate Section(s): None</i>		
<b>GROSS APPROPRIATION</b>	<b>\$92,957,900</b>	<b>Total of all applicable line item appropriations.</b>
Court fee fund	7,090,200	Fund was created in MCL 38.2227 and amended by 1996 PA 525. It receives deposits of court revenue from the Judges' Retirement System in excess of funds needed by the system for actuarial requirements. In 1996, the fund was amended to direct \$2.2 million in fund deposits to the Court Equity Fund to be distributed according to that specific formula.
<i>Related Boilerplate Section(s): 308</i>		
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$85,867,700</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>

## SECTION 106: JUDICIAL AGENCIES

*Appropriation unit consists of the Judicial Tenure Commission; it is the only remaining piece of what used to be a multi-agency unit. The ten-member Judicial Tenure Commission consists of four judges elected by the judges of the state's courts, three elected by the State Bar of Michigan, and two appointed by the governor.*

Full-time equated exempted positions	10.0	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,080 hours for 1.0 FTE position</i>
Judicial tenure commission - 10.0 FTE positions	1,014,100	Responsible for investigating complaints against judges and, where appropriate, recommending disciplinary action by the Supreme Court. A small permanent staff provides administrative and investigative support. Temporary special investigators are employed as needed. Funding Source(s): GF/GP 1,014,100  <i>Related Boilerplate Section(s): None</i>
<b>GROSS APPROPRIATION</b>	<b>\$1,014,100</b>	<b>Total of all applicable line item appropriations.</b>
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$1,014,100</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>

## SECTION 107: INDIGENT DEFENSE - CRIMINAL

*The State Appellate Defender Commission was created by 1978 PA 620 and is responsible for: development of a system of indigent appellate defense services to be provided by the State Appellate Defender and by locally-appointed private counsel, development of minimum standards for all indigent criminal defense appellate services, compilation and maintenance of a statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal appellate defense counsel for indigents, and provision of a continuing legal education training program for commission staff and roster attorneys. The commission established the State Appellate Defender Office (SADO) and the Michigan Appellate Assigned Counsel System (MAACS) to carry out these responsibilities.*

Full-time equated exempted positions	55.0	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,080 hours for 1.0 FTE position</i>												
Appellate public defender program - 47.0 FTE positions	4,891,400	<p>State Appellate Defender Office (SADO) was established in 1970 pursuant to Michigan Supreme Court Administrative Order 1970-1 to provide competent legal representation of indigent criminal defendants in post-conviction matters. Office currently operates pursuant to 1978 PA 620, and is governed by the seven-member Appellate Defender Commission.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">Funding Source(s):</td> <td style="padding-right: 20px;">Federal</td> <td style="text-align: right;">36,500</td> </tr> <tr> <td></td> <td>Private</td> <td style="text-align: right;">70,000</td> </tr> <tr> <td></td> <td>Restricted</td> <td style="text-align: right;">420,100</td> </tr> <tr> <td></td> <td>GF/GP</td> <td style="text-align: right;">4,364,800</td> </tr> </table> <p style="text-align: right;"><i>Related Boilerplate Section(s): None</i></p>	Funding Source(s):	Federal	36,500		Private	70,000		Restricted	420,100		GF/GP	4,364,800
Funding Source(s):	Federal	36,500												
	Private	70,000												
	Restricted	420,100												
	GF/GP	4,364,800												
Appellate assigned counsel administration - 8.0 FTE positions	920,400	<p>Michigan Appellate Assigned Counsel System (MAACS) was established to compile and maintain a statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal appellate defense counsel for indigents. It also monitors attorney compliance with the Minimum Standards for Indigent Criminal Appellate Defense Services and provides continuing legal education training programs to attorneys on the statewide roster. The MAACS is governed by the seven-member Appellate Defender Commission.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">Funding Source(s):</td> <td style="padding-right: 20px;">Restricted</td> <td style="text-align: right;">116,500</td> </tr> <tr> <td></td> <td>GF/GP</td> <td style="text-align: right;">803,900</td> </tr> </table> <p style="text-align: right;"><i>Related Boilerplate Section(s): None</i></p>	Funding Source(s):	Restricted	116,500		GF/GP	803,900						
Funding Source(s):	Restricted	116,500												
	GF/GP	803,900												
<b>GROSS APPROPRIATION</b>	<b>\$5,881,800</b>	<b>Total of all applicable line item appropriations</b>												
IDG from state police - Michigan justice training fund	423,500	Funds are distributed to law enforcement entities and other components of the criminal justice system for in-service training of employees.												
DOJ, assigned criminal defense	36,500	Federal Department of Justice, one-time grant will fund project attorneys who will assist hundreds of assigned counsel who need help with legal questions on a statewide basis. Assistance will be provided in person, via phone, and/or through the internet.												

Private - interest on lawyers trust accounts	70,000	Interest on Lawyer Trust Accounts (IOLTA) allows lawyers to deposit certain nominal and short-term trust funds into pooled nominal orders of withdrawal (NOW) accounts so that the interest generated on otherwise idle funds can be used for legal services for the poor and improvements in the administration of justice. All 50 states and the District of Columbia have IOLTA programs.
Miscellaneous revenue	113,100	Revenues generated from miscellaneous functions, such as sale of publications, are required to be appropriated in order to have constitutional spending authority.
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$5,168,700</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues</b>

## SECTION 108: INDIGENT CIVIL LEGAL ASSISTANCE

*As part of a package of filing fee increases in 1993, the total revenue was to be divided into a number of allocations. The first \$1.6 million was earmarked for out-state funding units and the balance divided in the following way: 76% to the court equity fund, 23% for civil indigent defense, and the final 1% to State Court Administrative Office (administration).*

Indigent civil legal assistance	<del>7,587,000</del>	Fee package known as 1993 PA 189 funds this line. Twenty-three percent of the fees collected are distributed by the State Bar Foundation to legal assistance programs throughout the state. Related boilerplate section (319) was vetoed.
<b>PARTIAL VETO</b>	7,337,000	Funding Source(s): Restricted 7,337,000
		<i>Related Boilerplate Section(s): 319</i>
<hr/>		
<b>GROSS APPROPRIATION</b>	<del>\$7,587,000</del> <b>\$7,337,000</b>	<b>Total of all applicable line item appropriations</b>
<hr/>		
State services fee fund	250,000 0	Local jurisdictions submit requests for reimbursement by State Court Administrative Office for programs, technology, and other costs related to implementation of 2002 PA 92.
<hr/>		
State court fund	7,337,000	Fund (1993 PA 189 and amended by 1996 PA 374) was initially created as a source of funding to trial courts, the court of appeals (for backlog relief through FY 1996-97), indigent civil legal assistance providers, and the State Court Administrative Office (for administration).
<hr/>		
<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$0</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues</b>
<hr/>		



## SECTION 110: GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

*This appropriation unit includes those special revenues collected and distributed pursuant to statute.*

Drunk driving caseload program	2,300,000	Drunk Driving Caseload Assistance Fund [MCL 257.62b (h); MSA 9.2325 (8e)] was created to ease trial courts' dockets and administrative pressures placed on them by the increase in drunk driving cases. Fees collected from certain drunk driving offenses are distributed to trial courts on a formula basis by the State Court Administrative Office.
		Funding Source(s): Restricted 2,300,000

*Related Boilerplate Section(s): None*

Drug caseload program	250,000	Program created to ease trial courts' dockets and administrative pressures placed on them by the increase in drug cases. Fees collected from certain drug-related offenses are distributed to trial courts on a formula basis by the State Court Administrative Office.
		Funding Source(s): Restricted 250,000

*Related Boilerplate Section(s): None*

<b>GROSS APPROPRIATION</b>	<b>\$2,550,000</b>	<b>Total of all applicable line item appropriations.</b>
----------------------------	--------------------	--

Drug fund	250,000	Created by 1993 PA 359, fund promotes timely disposition of drug offenses. Funds are disbursed to district, probate, and circuit courts annually using a caseload-based formula.
-----------	---------	--

Drunk driving fund	2,300,000	Created by 1991 PA 91, fund is used to promote the timely disposition of drunk driving offenses. Funds are disbursed to district and municipal courts annually using a caseload-based formula.
--------------------	-----------	--

<b>GENERAL FUND/ GENERAL PURPOSE</b>	<b>\$0</b>	<b>The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.</b>
--	------------	---

## SECTION 113: EARLY RETIREMENT AND BUDGETARY SAVINGS

*This appropriation unit contains the early retirement and budgetary savings to be achieved by the Department.*

Early retirement savings (891,200) Savings to be achieved from not filling all of the positions lost due to the early retirement plan for state employees enacted in 2002 PA 93 of amendments to the State Employees Retirement Act.

Funding Source(s): GF/GP (891,200)

*Related Boilerplate Section(s): 213*

Budgetary savings (927,600) Savings to be achieved from an imposed hiring freeze, efficiencies, and other savings identified by the Director of the Department and approved by the State Budget Director, equivalent to 1% of the total GF/GP from the original Executive recommendation.

Funding Source(s): GF/GP (927,600)

*Related Boilerplate Section(s): 213*

---

**GROSS APPROPRIATION (\$1,818,800) Total of all applicable line item appropriations.**

---

**GENERAL FUND/  
GENERAL PURPOSE (\$1,818,800) The state's primary operating fund; the portion of the state's General Fund that does not include restricted revenues.**

---

*Note: Total GF/GP appropriation for the Department is reduced by \$1,723,500. Savings to be achieved through the hiring freeze.*

## BOILERPLATE SECTION INFORMATION

**Sec. 201. Reporting**

Requires reporting for total state payments and total payments to locals.

**Sec. 202. Act 431**

Makes Judiciary appropriations subject to the Department of Management and Budget Act.

**Sec. 203. Definitions**

Provides definitions of acronyms.

**Sec. 206. Contingency Funds**

Authorizes contingency fund appropriations in the amount of \$500,000 for federal; \$500,000 for state restricted; \$100,000 for local; and \$100,000 for private.

**Sec. 207. Privatization**

Requires the judicial branch to submit a project plan 90 days before beginning any effort to privatize and requires an evaluation of any privatization effort be submitted to the Legislature within 30 months.

**Sec. 208. Internet Report**

Requires the judicial branch to pilot a program that places all reports on the internet.

**Sec. 209. Purchasing**

Provides for "Buy American."

**Sec. 210. Contracts**

Provides for support to deprived and depressed communities.

**Sec. 211. Contract Criteria**

Establishes criteria the judicial branch must provide in a personal services contract.

**Sec. 212. Retaining Reports**

Requires the Department to retain all reports according to federal and state guidelines.

**Sec. 301. Local Court Reimbursement**

Directs the State Court Administrative Office (SCAO) to recover costs for services rendered to local trial courts.

**Sec. 302. Expenditure Approval**

Requires Supreme Court approval of expenditures of appropriated funds.

**Sec. 303. Statutory Reimbursement**

Allocates monies for Circuit Court and Court of Claims reimbursement, pursuant to statute.

**Sec. 304. Audits**

Provides for audits of the judicial branch.

**Sec. 305. Supreme Court Financial Report**

Directs the Supreme Court to make quarterly financial reports to the appropriations subcommittees to avoid overexpenditure of funds.

**Sec. 306. Court Collections**

Directs the State Court Administrative Office to maintain, as a priority, the collection of judgments to local courts.

**Sec. 308. Judges' Salaries**

Provides that when sufficient funds are not available to pay judges' compensation from court fee fund, GF/GP shall be appropriated.

**Sec. 310. Community Dispute Resolution Program**

Defines the use of state general fund appropriation for community dispute resolution.

**Sec. 311. Drug Courts**

Defines how funds appropriated for drug courts shall be used.

**Sec. 312. Parental Rights Restoration Act Report**

Instructs the state court administrator in producing a statistical report regarding the parental rights restoration act.

**Sec. 313. Child Support Enforcement System Penalties**

Outlines penalties to be paid when counties are not in compliance with federal child support enforcement system requirements.

**Sec. 316. Judicial Technology Improvement Fund**

Establishes criteria for use of the Judicial Technology Improvement Fund.

**Sec. 317. Mental Health Courts**

Authorizes SCAO to assist locals in getting federal grants for mental health courts if federal legislation is enacted.

**Sec. 318. Child Care - Local Courts**

Requires Supreme Court to assist in local trial courts in feasibility studies to create a method of child care.

**Sec. 319. Indigent Civil Legal Assistance - VETOED**

Creates, funds, and establishes criteria for a "Debt Management Loan Program" for attorneys employed by legal services organizations.

**Sec. 320. Juvenile Justice System**

Enhances review by multiple agencies for those individuals leaving the juvenile justice system.

**Sec. 321. Information Technology**

Directs Department to communicate with Department of Information Technology regarding information technology activities.

**Sec. 322. Court Boundary Realignment Costs**

Appropriates funds in case locals request assistance as a result of the implementation of 2002 PA 92.



Mitchell E. Bean, Director
Bill Fairgrieve, Deputy Director

COMMUNITY HEALTH ..... Bill Fairgrieve, Deputy Director
Medicaid ..... Bill Fairgrieve, Senior Analyst
Mental Health-Substance Abuse ..... Margaret Alston, Senior Analyst
Public Health-Aging ..... Susan Frey, Senior Analyst

EDUCATION AND HUMAN SERVICES ..... Hank Prince, Associate Director
Higher Education ..... Hank Prince, Senior Analyst
Career Development-Consumer and Industry Services-
Michigan Strategic Fund ..... Robert Schneider, Senior Analyst
Community Colleges-Department of Education ..... Caven West, Fiscal Analyst
Family Independence Agency
Administration-Grants-Staffing ..... Myron Freeman, Senior Analyst
Child and Family Services-Juvenile Justice ..... Erin Black, Fiscal Analyst
School Aid ..... Mary Ann Cleary, Senior Analyst; Laurie Cummings, Fiscal Analyst
Transportation ..... William E. Hamilton, Senior Analyst

GENERAL GOVERNMENT ..... Al Valenzio, Associate Director
Capital Outlay-Retirement-Supplementals ..... Al Valenzio, Senior Analyst
Agriculture-Judiciary-Legislative Transfers ..... Tim Aben, Senior Analyst
Attorney General-Auditor General-Civil Rights-Executive Office-
Information Technology-Legislature-Management and Budget ..... Robin Risko, Senior Analyst
Civil Service-History, Arts, and Libraries-Lottery-State-Treasury ..... Steve Stauff, Senior Analyst
Corrections-Bill Analysis System ..... Marilyn Peterson, Senior Analyst
Clean Michigan Initiative-Environmental Quality-Federal Funds Monitoring-
Natural Resources-Natural Resources Trust Fund ..... Kirk Lindquist, Senior Analyst
Military and Veterans Affairs-State Police ..... Kyle I. Jen, Fiscal Analyst

ECONOMIC/REVENUE FORECAST-TAX ANALYSIS ..... Rebecca Ross, Senior Economist
Jim Stansell, Economist

FISCAL OVERSIGHT, AUDIT AND LITIGATION ..... Myron Freeman, Senior Analyst

MANAGEMENT SUPPORT STAFF

Office Manager ..... Sharon Risko, Administrative Assistant
Publications and Data ..... Jeanne Dee, Administrative Assistant
Community Health-Corrections-Family Independence Agency-
HFA Library ..... Tumai Burris, Budget Assistant
Career Development-Community Colleges-Consumer and Industry Services-
Education-Higher Education-Michigan Strategic Fund-School Aid-
Transportation-HFA Internet ..... Barbara Graves, Budget Assistant
Agriculture-Capital Outlay-Environmental Quality-General Government-
History, Arts, and Libraries-Judiciary-Military and Veterans Affairs-Natural Resources-
Retirement-Revenue and Tax Analysis-State Police-Supplementals-Transfers-
Bill Analysis-Daily Calendar ..... Julie Stapelman, Budget Assistant
Facilities Coordinator ..... Tina Gee, Receptionist

December 2002



**Additional copies of this report can be obtained from:**

House Fiscal Agency

P.O. Box 30014

Lansing, MI 48909-7514

(517) 373-8080

FAX (517) 373-5874

[www.house.mi.gov/hfa](http://www.house.mi.gov/hfa)