



SENATE BILL No. 859

EXECUTIVE BUDGET BILL

February 15, 1996, Introduced by Senators DE GROW and STEIL and referred to the Committee on Appropriations.

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1997; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to provide for disposition of year end balances for the fiscal year ending September 30, 1997; and to provide for the disposition of fees and other income received by the various judicial branch entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 101. There is appropriated for the judicial branch subject to the
- 2 conditions set forth in this bill, for the fiscal year ending September

1 30, 1997, the following amounts from the funds identified as follows:

2 TOTAL JUDICIAL BRANCH

3 APPROPRIATIONS SUMMARY:

4 Full-time equated exempted positions . . . 1,898.0

5 GROSS APPROPRIATION \$ 216,634,500

6 Interdepartmental grant revenues:

7 Total interdepartmental grants and

8 intradepartmental transfers 337,600

9 ADJUSTED GROSS APPROPRIATION \$ 216,296,900

10 Federal revenues:

11 Total federal revenues 23,076,800

12 Special revenue funds:

13 Total local revenues 11,232,700

14 Total private revenues 1,061,900

15 Total other state restricted revenues 41,140,500

16 State general fund/general purpose \$ 139,785,000

17 JUDICIAL OPERATIONS

18 Judicial operations \$ 216,634,500

19 GROSS APPROPRIATION \$ 216,634,500

20 Appropriated from:

21 Interdepartmental grant revenues:

22 IDG-MDSP, Michigan justice training fund 337,600

23 Federal revenues:

24 DAG-FNS, state administrative match grants for

25 food stamp program 400,000

26 HHS-ACF, child support enforcement 20,498,700

27 DOJ-OJP, drug control and system improvement

28 formula grants 2,003,600

| | | |
|---|--|-------------|
| 1 | DOT-NHTSA, state community transportation fund . . | 174,500 |
| 2 | Special revenue funds: | |
| 3 | Local revenue | 11,232,700 |
| 4 | Private revenue | 1,061,900 |
| 5 | Court revenue | 15,697,900 |
| 6 | State court fund revenue | 21,655,000 |
| 7 | Fee revenue | 3,787,600 |
| 8 | State general fund/general purpose \$ | 139,785,000 |

9 **GENERAL SECTIONS**

10 Sec. 201. (1) Pursuant to section 30 of article IX of the state
 11 constitution of 1963, total state spending from state sources for
 12 fiscal year 1996-97 is estimated at \$180,925,500.00 in this bill and
 13 state spending from state sources paid to local units of government for
 14 fiscal year 1996-97 is estimated at \$121,422,000.00. The itemized
 15 statement below identifies appropriations from which spending to units
 16 of local government will occur:

17 **JUDICIAL BRANCH**

| | | | |
|----|-------------------------------|----|-------------|
| 18 | Judicial operations | \$ | 121,422,000 |
| 19 | Total judiciary | \$ | 121,422,000 |

20 (2) If it appears to the principal executive officer of a
 21 department or branch that state spending to local units of government
 22 will be less than the amount that was projected to be expended under
 23 subsection (1), the principal executive officer shall immediately give
 24 notice of the approximate shortfall to the department of management and
 25 budget.

26 Sec. 202. The expenditures and funding sources authorized under
 27 this bill are subject to the management and budget act, Act No. 431 of
 28 the Public Acts of 1984, being sections 18.1101 to 18.1594 of the

1 Michigan Compiled Laws.

2 Sec. 203. (1) In addition to the funds appropriated in section 101,
3 there is appropriated an amount not to exceed \$2,000,000.00 for federal
4 contingency funds. These funds are not available for expenditure until
5 they have been transferred to another line item in this act pursuant to
6 section 393(2) of the management and budget act, Act No. 431 of the
7 Public Acts of 1984, being section 18.1393 of the Michigan Compiled
8 Laws.

9 Sec. 204. As used in this act:

10 (a) "DAG" means the United States department of agriculture.

11 (b) "DAG-FNS" means the DAG food and nutrition service.

12 (c) "DOJ" means the United States department of justice.

13 (d) "DOJ-OJP" means the DOJ office of justice programs.

14 (e) "DOT" means the United States department of transportation.

15 (f) "DOT-NHTSA" means the DOT national highway traffic safety
16 administration.

17 (g) "HHS" means the United States department of health and human
18 services.

19 (h) "HHS-ACF" means the HHS administration for children and
20 families.

21 (i) "IDG" means interdepartmental grant.

22 (j) "MDSP" means the Michigan department of state police.

23 **JUDICIAL BRANCH**

24 Sec. 301. Amounts expended from the appropriation in section 101
25 for contributions to the Michigan judges' retirement system shall equal
26 3.5% of aggregate annual compensation as defined in section 103 of the
27 judges' retirement act of 1992, Act No. 234 of the Public Acts of 1992,
28 being section 38.2103 of the Michigan Compiled Laws. This amount
29 constitutes a portion of the publicly financed contributions to the

1 Michigan judges' retirement system.

2 Sec. 302. From funds appropriated in section 1017, if a trial judge
3 imposes a sentence upon a defendant convicted of a felony, the judge
4 shall indicate on the record, the estimated state taxpayer fiscal
5 implications that will result from the sentence. The state court
6 administrative office shall report to the senate and house
7 appropriations subcommittees on general government, the senate and
8 house fiscal agencies, and the department of management and budget by
9 April 1 on the status of compliance with this section.

10 Sec. 303. The judicial branch shall be reimbursed up to
11 \$400,000.00 per fiscal year for food stamp fraud cases heard by the
12 recorder's court that were initiated by the department of attorney
13 general pursuant to the existing contract between the family
14 independence agency, the prosecuting attorneys coordinating council,
15 and the department of attorney general. The source of this funding is
16 money earned by the department of attorney general under the agreement
17 after the allowance for reimbursement to the department of attorney
18 general for costs associated with the prosecution of food stamp fraud
19 cases. It is recognized that the federal funds are earned by the
20 department of attorney general for its documented progress on the
21 prosecution of food stamp fraud cases according to United States
22 department of agriculture regulations and that once earned by this
23 state, the funds become state funds.

24 Sec. 304. The judicial branch shall cooperate with the auditor
25 general regarding audits of the judicial branch conducted pursuant to
26 article IV, section 53 of the state constitution of 1963.

27 Sec. 305. To avoid the overexpenditure of funds appropriated under
28 this act, the supreme court beginning June 1, 1995 shall report
29 quarterly to the judiciary subcommittees of the senate and house

1 appropriations committees regarding the current status of the accounts
2 set forth in section 101 on forms prescribed by the senate and house
3 fiscal agencies and the judicial branch.

4 Sec. 306. From funds appropriated under section 101, forms
5 required to be developed by the state court administrative office
6 pursuant to section 2950b of the revised judicature act of 1961, Act
7 No. 236 of the Public Acts of 1961, being section 600.2950b of the
8 Michigan Compiled Laws, shall be provided in the quantity requested by
9 each county clerk.

10 Sec. 307. Funds appropriated in section 101 shall not be used to
11 pay for the child support enforcement system (CSES) in the state court
12 administrator's office unless the state court administrator's office
13 provides the department of management and budget and the appropriations
14 committees of the senate and the house of representatives a status
15 report that outlines all activities planned, implemented, and
16 functioning for each friend of the court participating in the CSES
17 project. In addition, this report shall be provided quarterly, due on
18 January 1, 1997, April 1, 1997, July 1, 1997, and September 30, 1997,
19 for each friend of the court office participating in the CSES.

20 Sec. 308. Funding reimbursement in fiscal year 1997 for the
21 judiciary-child support enforcement system (CSES) will be dependent
22 upon the execution of a child support interagency agreement by the
23 family independence agency-office of child support and the state court
24 administrative office. Funds received as a result of this interagency
25 agreement are appropriated upon receipt in an amount not to exceed
26 \$19,800,000.00, and may only be used for the development and
27 implementation of CSES. The family independence agency-office of child
28 support shall review and approve periodic billings submitted by the
29 state court administrative office, in accordance with the child support

1 interagency implementation agreement.

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