

Act No. 105
Public Acts of 1997
Approved by the Governor
August 13, 1997
Filed with the Secretary of State
August 18, 1997
EFFECTIVE DATE: August 18, 1997

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senators DeGrow, Steil, Conroy and McManus

ENROLLED SENATE BILL No. 171

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; 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:

Sec. 101. There is appropriated for the judicial branch, subject to the conditions set forth in this act, for the fiscal year ending September 30, 1998, the following amounts from the funds identified as follows:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions.....	601.0		
GROSS APPROPRIATION.....		\$	207,428,400
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			2,886,700
ADJUSTED GROSS APPROPRIATION.....		\$	204,541,700
Total federal revenues			889,300
Total local revenues			1,869,200
Total private revenues.....			1,115,500
Total other state restricted revenues.....			49,152,000
State general fund/general purpose		\$	151,515,700

SUPREME COURT

Full-time equated exempted positions.....	276.0		
Supreme court administration—136.0 FTE positions.....		\$	15,217,400
State court administrative office—80.0 FTE positions			8,614,800
Judicial information systems—21.0 FTE positions			2,576,800
Direct trial court automation support—23.0 FTE positions.....			1,869,200
Foster care review board—12.0 FTE positions.....			1,155,400
Community dispute resolution—4.0 FTE positions			2,038,700
GROSS APPROPRIATION.....		\$	31,472,300

For Fiscal Year
Ending Sept. 30,
1998

Appropriated from:

Interdepartmental grant revenues:

IDG from state police - Michigan justice training fund.....	\$	80,300
IDG from state police - criminal justice improvement		1,435,000
IDG from FIA, title IV-D child support program.....		342,200
IDG from FIA, title IV-E foster care program.....		773,200

Federal revenues:

Federal highway safety planning revenue.....		70,000
HHS, court improvement project.....		439,300
DAG, agriculture mediation grant.....		320,000
Federal - special ed. grant		60,000

Local revenues:

Local - user fees.....		1,869,200
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Private revenues:

Private		418,000
Private - interest on lawyers trust accounts		667,500
Private - state justice institute		30,000

Special revenue funds:

State court fund.....		302,300
Community dispute resolution fees.....		1,628,700
Law exam fees		387,300
Miscellaneous restricted		201,000
State general fund/general purpose	\$	22,448,300

COURT OF APPEALS

Full-time equated exempted positions.....	245.5		
Court of appeals operations—223.5 FTE positions		\$	17,784,300
Delay reduction—22.0 FTE positions			1,500,000
GROSS APPROPRIATION.....		\$	19,284,300

Appropriated from:

Special revenue funds:

Court filing/motion fees.....		1,514,700
Miscellaneous revenue		75,000
State general fund/general purpose	\$	17,694,600

JUDGES SALARIES

Supreme court justices—7.0 judges	\$	868,100
Court of appeals judges—28.0 judges.....		3,208,600
District court judges state base salaries—259.0 judges		15,283,100
District court judicial salary standardization		11,842,500
Probate court judges state base salaries—107.0 judges		6,078,200
Probate court judicial salary standardization.....		4,332,800
Circuit court judges state base salaries—210.0 judges		13,715,900
Circuit court judicial salary standardization		9,228,000
Grant to the OASI contribution fund, employers share, social security		3,518,100
GROSS APPROPRIATION.....	\$	68,075,300

Appropriated from:

Court fee fund		5,300,000
State general fund/general purpose	\$	62,775,300

JUDICIAL AGENCIES

Full-time equated exempted positions.....	10.0		
Judicial tenure commission—10.0 FTE positions		\$	920,600
Grant to the legislative council for trial court assessment commission			279,900
GROSS APPROPRIATION.....		\$	1,200,500

Appropriated from:

State general fund/general purpose	\$	1,200,500
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For Fiscal Year
Ending Sept. 30,
1998

INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	69.5	
Appellate public defender program—61.5 FTE positions.....		\$ 5,141,700
Appellate assigned counsel administration—8.0 FTE positions		789,900
GROSS APPROPRIATION.....		\$ 5,931,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		256,000
Special revenue funds:		
Miscellaneous revenue		75,000
State general fund/general purpose		\$ 5,600,600

INDIGENT DEFENSE - CIVIL

Indigent civil defense.....		\$ 6,026,000
GROSS APPROPRIATION.....		\$ 6,026,000
Appropriated from:		
Special revenue funds:		
State court fund		6,026,000
State general fund/general purpose		\$ 0

TRIAL COURT OPERATIONS

Court equity fund reimbursements		\$ 57,538,400
Hold harmless fund reimbursements		16,000,000
GROSS APPROPRIATION.....		\$ 73,538,400
Appropriated from:		
Court equity fund		31,742,000
State general fund/general purpose		\$ 41,796,400

GRANTS/REIMBURSEMENTS

Drunk driving caseflow program.....		\$ 1,800,000
Drug caseflow program		100,000
GROSS APPROPRIATION.....		\$ 1,900,000
Appropriated from:		
Drunk driving fund.....		1,800,000
Drug fund.....		100,000
State general fund/general purpose		\$ 0

GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1997-98 is estimated at \$200,667,700.00 in this bill and state spending from state sources paid to local units of government for fiscal year 1997-98 is estimated at \$105,531,900.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

SUPREME COURT

State court administrative office - administration		\$ 511,900
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TRIAL COURT OPERATIONS

Court equity fund reimbursements.....		\$ 57,538,400
Hold harmless fund reimbursements		16,000,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization		\$ 11,842,500
Probate court judges' state base salaries.....		6,078,200
Probate court judicial salary standardization.....		4,332,800
Circuit court judicial salary standardization		9,228,100
TOTAL		\$ 105,531,900

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

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

(2) Funds appropriated in section 101 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the department of management and budget of its approval of an expenditure or transfer, the department of management and budget shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Sec. 204. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "FIA" means the family independence agency.
- (c) "HHS" means the United States department of health and human services.
- (d) "IDG" means interdepartmental grant.
- (e) "MDSP" means the department of state police.

Sec. 205. Funds appropriated in this act shall not be used for the purchase of foreign goods or services when competitively priced American goods and services are available.

Sec. 206. (1) The chief justice of the supreme court shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the judicial branch.

(2) The chief justice shall strongly encourage firms with which the courts of this state contract to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

JUDICIAL BRANCH

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service. A report of amounts collected in excess of funds identified as user service charges in section 101 shall be submitted to the house and senate appropriations subcommittees on judiciary and general government, respectively, 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in section 101, the direct trial court automation support program of the state court administrative office shall provide to the senate and house appropriations committees and the senate and house fiscal agencies before January 1 of each year, a detailed list of user service charges collected during the immediately preceding state fiscal year.

Sec. 303. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 304. Of the amount appropriated in section 101 for the judicial branch, branchwide appropriations, \$183,400.00 is allocated for circuit court reimbursement under 1978 PA 16, MCL 800.451 to 800.455, and \$328,500.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Sec. 305. The judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted pursuant to section 53 of article IV of the state constitution of 1963.

Sec. 306. To avoid the overexpenditure of funds appropriated under this act, the supreme court beginning June 1, 1998 shall report quarterly to the judiciary subcommittees of the senate and house appropriations committees regarding the current status of the accounts set forth in section 101 on forms prescribed by the senate and house fiscal agencies and the judicial branch.

Sec. 307. From funds appropriated under section 101, forms required to be developed by the state court administrative office pursuant to section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950b, shall be provided in the quantity requested by each county clerk.

Sec. 308. The supreme court shall continue to implement and enforce an antinepotism policy, which shall include provisions that prohibit a judge from hiring or employing a member of his or her immediate family as a court employee or in any judicial support related capacity.

Sec. 309. The state supreme court and the state court administrative office shall consider and analyze the various methods of providing necessary travel for judges, and shall then adopt as policy for all judicial agencies the most efficient and cost-effective method.

Sec. 310. Funds appropriated in section 101 shall not be used to pay directly or by reimbursement the annual dues for membership in the state bar of Michigan of a judge, justice, or other employee of the judicial branch.

Sec. 311. (1) The chief financial officer of a funding unit for a court, in cooperation with the local court, shall provide to the state treasurer and state court administrative office by January 1, 1998 audited accounts of all money due and owing the court as of September 30, 1997. Where audited accounts are not available, the chief financial officer of a funding unit for a court may provide estimates as long as they are clearly marked as "estimated".

(2) Each court funding unit, in cooperation with the local court, shall submit to the state treasurer and state court administrative office by January 1, 1998 a plan to collect its audited or estimated accounts receivable under existing provisions of law. A funding unit may file a request for an extension of time, not to exceed 30 days, with the state treasurer and the state court administrative office.

(3) The state treasurer shall report to the legislature a compilation of the estimated receivables of all courts and cumulative totals by March 1, 1998. This report is a public record.

Sec. 312. (1) From the appropriation in section 101 for supreme court administration, \$190,000.00 is appropriated for changing computer software and hardware to perform properly in the year 2000 and beyond.

(2) The supreme court shall report quarterly to the general government and judiciary subcommittees of the senate and house appropriations committees, the house and senate standing committees having jurisdiction over technology issues, and to the senate and house fiscal agencies, the year-to-date expenditures for implementing this section.

Sec. 314. (1) The appropriation in section 101 for the year 2000 shall be considered a work project as defined in section 451 of the department of management and budget act, 1984 PA 431, MCL 18.1451.

(2) The work will be accomplished through the efforts of state employees and through contracted services.

(3) The project will be completed by December, 1999.

Sec. 315. If legislation is not enacted and effective by October 1, 1997 to increase court of appeals filing and motion fees, the appropriation contained in section 101 for the court of appeals shall be reduced by not more than \$425,000.00, and the FTE positions for the court of appeals shall be reduced by not more than 10.

Sec. 316. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Sec. 317. Funds appropriated in section 101 for indigent defense shall be used in accordance with terms and conditions of section 1485(11)(b) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including reference to federal prohibitions against providing legal assistance with respect to any proceeding or litigation which seeks to procure an abortion.

Sec. 318. From the funds appropriated in section 101 for indigent defense, no funds, nor any derivative of such funds, shall be used by any legal entity in an attempt to disenfranchise, or otherwise challenge, limit, or impede, the ability of U.S. military personnel to vote by absentee ballot in any election held in this state.

Sec. 321. The state court administrative office, from funds appropriated in section 101, shall assist the court of appeals and trial courts to meet American bar association model standards on case processing, including the standard that 95% of all civil appellate cases be disposed within 12 months of filing.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Maya Rudolph

Clerk of the House of Representatives.

Approved _____

Governor.