

Act No. 126
Public Acts of 1999
Approved by the Governor*
July 21, 1999
Filed with the Secretary of State
July 23, 1999
EFFECTIVE DATE: July 23, 1999

*Item Veto

Sec. 106. INDIGENT DEFENSE - CRIMINAL

State appellate defender office	\$508,300	(Page 3)
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STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Senators North, Hoffman, Steil, McManus and Gougeon

ENROLLED SENATE BILL No. 368

AN ACT 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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, 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

APPROPRIATION SUMMARY:

Full-time equated exempted positions.....	583.0		
GROSS APPROPRIATION.....		\$	227,130,300
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			2,287,400
ADJUSTED GROSS APPROPRIATION.....		\$	224,842,900
Federal revenues:			
Total federal revenues			3,077,800
Special revenue funds:			
Total local revenues			2,496,600
Total private revenues.....			1,702,400
Total other state restricted revenues.....			56,074,900
State general fund/general purpose		\$	161,491,200

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	283.0		
Supreme court administration—118.0 FTE positions.....		\$	13,973,900
Judicial institute—18.0 FTE positions.....			2,809,700
State court administrative office—80.0 FTE positions			8,675,600

(69)††

		For Fiscal Year Ending Sept. 30, 2000
Judicial information systems—21.0 FTE positions	\$	4,182,900
Direct trial court automation support—30.0 FTE positions.....		2,496,600
Foster care review board—12.0 FTE positions		1,198,700
Community dispute resolution—4.0 FTE positions		2,444,300
GROSS APPROPRIATION.....	\$	35,781,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of career development.....		120,000
IDG from state police - criminal justice improvement		1,443,900
IDG from state police - Michigan justice training fund.....		300,000
Federal revenues:		
DAG, agriculture mediation grant.....		469,900
DOE, special education grant.....		130,000
DOJ, victims assistance programs.....		50,000
DOT, national highway safety traffic administration		215,300
HHS, access and visitation grant		387,000
HHS, court improvement project.....		629,800
HHS, title IV-D child support program.....		419,100
HHS, title IV-E foster care program		276,700
HHS-TANF		500,000
Special revenue funds:		
Local - user fees.....		2,496,600
Private		419,000
Private - interest on lawyers trust accounts.....		712,600
Private - state justice institute		500,800
Community dispute resolution fees		1,642,300
Law exam fees		477,200
Miscellaneous revenue		227,900
State court fund		319,000
State general fund/general purpose	\$	24,044,600
Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions.....	235.5	
Court of appeals operations—223.5 FTE positions	\$	18,754,800
Delay reduction—12.0 FTE positions.....		950,000
GROSS APPROPRIATION.....	\$	19,704,800
Appropriated from:		
Special revenue funds:		
Court filing/motion fees.....		1,571,000
Miscellaneous revenue		77,800
State general fund/general purpose	\$	18,056,000
Sec. 104. JUSTICES' AND JUDGES' COMPENSATION		
Full-time judges positions.....	610.0	
Supreme court justices' salaries—7.0 judges	\$	975,100
Court of appeals judges' salaries—28.0 judges		3,588,400
District court judges' state base salaries—259.0 judges.....		18,463,700
District court judicial salary standardization		11,842,500
Probate court judges' state base salaries—106.0 judges.....		7,029,100
Probate court judicial salary standardization.....		4,332,800
Circuit court judges' state base salaries—210.0 judges		15,637,000
Circuit court judicial salary standardization		9,228,000
Judges' retirement system defined contributions		2,204,900
OASI, social security.....		4,002,600
GROSS APPROPRIATION.....	\$	77,304,100
Appropriated from:		
Special revenue funds:		
Court fee fund		6,065,600
State general fund/general purpose	\$	71,238,500

Sec. 105. JUDICIAL AGENCIES

Full-time equated exempted positions.....10.0		
Judicial tenure commission—10.0 FTE positions	\$	953,700
GROSS APPROPRIATION.....	\$	953,700
Appropriated from:		
State general fund/general purpose	\$	953,700

Sec. 106. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....54.5		
Appellate public defender program—46.5 FTE positions.....	\$	4,618,400
State appellate defender office.....		508,300
Appellate assigned counsel administration—8.0 FTE positions		881,900
GROSS APPROPRIATION.....	\$	6,008,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose	\$	5,402,000

Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE

Indigent civil legal assistance.....	\$	7,337,000
GROSS APPROPRIATION.....	\$	7,337,000
Appropriated from:		
Special revenue funds:		
State court fund		7,337,000
State general fund/general purpose	\$	0

Sec. 108. TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	69,840,400
Hold harmless fund reimbursements		8,000,000
GROSS APPROPRIATION.....	\$	77,840,400
Appropriated from:		
Special revenue funds:		
Court equity fund		36,044,000
State general fund/general purpose	\$	41,796,400

Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving caseload program.....	\$	2,000,000
Drug caseload program		200,000
GROSS APPROPRIATION.....	\$	2,200,000
Appropriated from:		
Special revenue funds:		
Drug fund.....		200,000
Drunk driving fund.....		2,000,000
State general fund/general purpose	\$	0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

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 1999-2000 is estimated at \$217,566,100.00 in this act and state spending from state sources paid

to local units of government for fiscal year 1999-2000 is estimated at \$112,984,700.00. 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.....	\$	69,840,400
Hold harmless fund reimbursement.....		8,000,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,842,500
Probate court judges' state base salaries.....		7,029,100
Probate court judicial salary standardization.....		4,332,800
Circuit court judicial salary standardization		9,228,000

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving caseload program.....	\$	2,000,000
Drug caseload program		200,000
TOTAL	\$	112,984,700

(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 state budget director, the house and senate appropriations committees, and the house and senate fiscal agencies.

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

(2) Funds appropriated in part 1 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 state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DOE" means the United States department of education.
- (c) "DOJ" means the United States department of justice.
- (d) "DOT" means the United States department of transportation.
- (e) "FTE" means full-time equated.
- (f) "HHS" means the United States department of health and human services.
- (g) "IDG" means interdepartmental grant.
- (h) "MDSP" means the department of state police.
- (i) "OASI" means old age survivor's insurance.
- (j) "TANF" means temporary assistance for needy families.

Sec. 204. 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. 205. (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.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for federal contingency funds.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for state restricted contingency funds.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds.

(5) A transfer of contingency funds within the judicial branch shall not be made by the authorized agent of the judicial entity unless approved by both appropriations committees. If the state budget director does not approve contingency fund transfers adopted by both appropriations committees under this section, the state budget director shall notify the appropriations committees of his or her action within 15 days.

Sec. 207. (1) The judicial branch shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the judicial branch shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

Sec. 208. Sixty days prior to beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.

Sec. 209. All reports required by this act shall be made available to the public primarily through internet access, unless a printed version is requested. The judiciary shall provide electronic notification to all legislative offices for specific reports requested by the legislature.

Sec. 209a. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1, and shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 210. The judicial branch shall provide a report prepared by the judicial branch's internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The report is due first on March 1, 2000, and is due biennially thereafter beginning on May 1, 2002, and shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the chief justice.

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 part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, 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. 302. 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. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Sec. 304. 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. 305. To avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to the state budget director and to the judiciary subcommittees of the house and senate appropriations committees regarding the status of the accounts set forth in part 1.

Sec. 306. From funds appropriated under part 1, 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. 307. The supreme court shall continue to implement and enforce an appropriate 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. 308. Funds appropriated in part 1 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. 309. (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, 2000 audited accounts of all money due and owing the court as of September 30, 1999. 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) The state treasurer shall report to the legislature a compilation of the estimated accounts receivable of all courts and cumulative totals by March 1, 2000. This report is a public record.

Sec. 310. The state court administrative office, from funds appropriated in part 1, shall assist the court of appeals and trial courts to meet American bar association model standards on case processing.

Sec. 311. 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. 312. Funds appropriated in part 1 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. 315. The additional state general fund appropriation for community dispute resolution contained in part 1 shall be used to supplement funding for community dispute resolution centers. The supplemental funding shall be disbursed to bring each center funded through the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, to a minimum funding level of \$15,000.00.

Sec. 317. (1) The judicial branch shall submit to the department of management and budget, the house and senate appropriations committees, the house and senate fiscal agencies, and the house and senate standing committees having jurisdiction over technology issues quarterly reports on the judicial branch's efforts to change the judicial branch's computer software and hardware as necessary to perform properly in the year 2000 and beyond. These reports shall identify actual progress in comparison to the judicial branch's approved work plan for these efforts.

(2) Beginning with the report on April 1, 2000, the judicial branch shall submit to the department of management and budget, the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the senate and house standing committees having jurisdiction over technology issues quarterly reports identifying for the immediately preceding quarter significant problems with information systems, occurrences of information system failure as a result of noncompliance with year 2000 standards, and previously unidentified areas of impact. These reports shall identify systems needing corrective action and the contractual obligations of accountable parties. These reports shall give the status of the progress made in repairing and testing applications, the status of vendor-supplied solutions to problems, information on the activation of manual or contract processes used to correct problems, and an itemization of the additional costs incurred.

(3) The judicial branch may present progress billings to the department of management and budget for the costs incurred in changing computer software and hardware as necessary to perform properly in the year 2000 and beyond and for costs incurred as a result of initiating corrective actions. At the time progress billings are presented for reimbursement, the judicial branch shall identify the funding sources that should support the work performed, and the department of management and budget shall forward the appropriate funding.

Sec. 319. (1) The state auditor general shall perform an audit of the state appellate defender office to ensure program effectiveness, efficiencies, and compliance with state law.

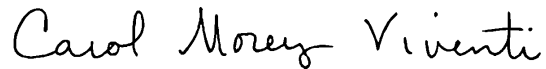
(2) As a part of the audit, the legislative auditor general shall include an analysis of the state appellate defender office salary schedule for attorneys and supervisors. The analysis shall compare salaries with those in the public and private sectors.

Sec. 321. The legislature urges the supreme court to examine court rules and consider changes which would:

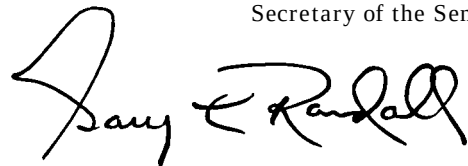
(a) Allow candidates for judge to express opinions on political issues.

(b) Allow judges to preside over cases even though they have publicly expressed political opinions in issues generally related to the case.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.