

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 236**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; 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:**

1

PART 1

2

LINE-ITEM APPROPRIATIONS

3

Sec. 101. Subject to the conditions set forth in this act, the  
4 amounts listed in this part are appropriated for the judicial branch for  
5 the fiscal year ending September 30, 2002, from the funds indicated in  
6 this part. The following is a summary of the appropriations in this  
7 part:

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For Fiscal Year Ending  
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**1 JUDICIARY**

**2 APPROPRIATION SUMMARY:**

3	Full-time equated exempted positions.....	591.0	
4	GROSS APPROPRIATION.....	\$	249,915,800
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		2,818,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	247,097,300
9	Federal revenues:		
10	Total federal revenues.....		3,363,200
11	Special revenue funds:		
12	Total local revenues.....		2,912,900
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		56,288,900
15	State general fund/general purpose.....	\$	183,689,800
16	<b>Sec. 102. SUPREME COURT</b>		
17	Full-time equated exempted positions.....	289.5	
18	Supreme court administration--121.0 FTE positions....	\$	14,867,200
19	Judicial institute--18.0 FTE positions.....		2,996,400
20	State court administrative office--80.5 FTE positions		9,531,900
21	Judicial information systems--21.0 FTE positions.....		4,859,600
22	Direct trial court automation support--33.0 FTE		
23	positions.....		2,912,900
24	Foster care review board--12.0 FTE positions.....		1,273,400
25	Community dispute resolution--4.0 FTE positions.....		2,498,800
26	Drug court program.....		3,000,000

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1	Compensation study implementation costs.....	<u>425,000</u>
2	GROSS APPROPRIATION..... \$	42,365,200
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from department of career development.....	80,000
6	IDG from state police - criminal justice improvement.	2,015,000
7	IDG from state police - Michigan justice training	
8	fund.....	300,000
9	Federal revenues:	
10	USDA, agriculture mediation grant.....	125,000
11	DOE, special education grant.....	130,000
12	DOJ, enforcing underage drinking law.....	50,000
13	DOJ, victims assistance programs.....	50,000
14	DOT, national highway safety traffic administration..	215,300
15	HHS, access and visitation grant.....	387,000
16	HHS, court improvement project.....	592,200
17	HHS, title IV-D child support program.....	907,700
18	HHS, title IV-E foster care program.....	500,000
19	HHS, TANF.....	100,000
20	HHS, domestic violence prevention.....	269,500
21	Special revenue funds:	
22	Local - user fees.....	2,912,900
23	Private.....	169,000
24	Private - interest on lawyers trust accounts.....	232,700
25	Private - state justice institute.....	370,800
26	Community dispute resolution fees.....	1,667,100

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1	Law exam fees.....	482,900
2	Miscellaneous revenue.....	227,900
3	State court fund.....	319,000
4	State general fund/general purpose..... \$	30,261,200
5	<b>Sec. 103. COURT OF APPEALS</b>	
6	Full-time equated exempted positions.....235.5	
7	Court of appeals operations--235.5 FTE positions..... \$	<u>22,332,000</u>
8	GROSS APPROPRIATION..... \$	22,332,000
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,571,000
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose..... \$	20,683,200
14	<b>Sec. 104. JUSTICES' AND JUDGES' COMPENSATION</b>	
15	Full-time judges positions.....610.0	
16	Supreme court justices' salaries--7.0 judges..... \$	1,144,100
17	Court of appeals judges' salaries--28.0 judges.....	4,210,500
18	District court judges' state base salaries--259.0	
19	judges.....	23,717,300
20	District court judicial salary standardization.....	11,842,500
21	Probate court judges' state base salaries--106.0	
22	judges.....	8,855,000
23	Probate court judicial salary standardization.....	4,287,100
24	Circuit court judges' state base salaries--210.0	
25	judges.....	19,573,400
26	Circuit court judicial salary standardization.....	9,602,100

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1	Judges' retirement system defined contributions.....	2,527,300
2	OASI, social security.....	<u>4,403,800</u>
3	GROSS APPROPRIATION..... \$	90,163,100
4	Appropriated from:	
5	Special revenue funds:	
6	Court fee fund.....	5,899,100
7	State general fund/general purpose..... \$	84,264,000
8	<b>Sec. 105. JUDICIAL AGENCIES</b>	
9	Full-time equated exempted positions.....10.0	
10	Judicial tenure commission--10.0 FTE positions..... \$	<u>1,152,700</u>
11	GROSS APPROPRIATION..... \$	1,152,700
12	Appropriated from:	
13	State general fund/general purpose..... \$	1,152,700
14	<b>Sec. 106. INDIGENT DEFENSE - CRIMINAL</b>	
15	Full-time equated exempted positions.....56.0	
16	Appellate public defender program--48.0 FTE positions \$	5,029,800
17	Appellate assigned counsel administration--* FTE	
18	positions.....	<u>945,600</u>
19	GROSS APPROPRIATION..... \$	5,975,400
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG from state police - Michigan justice training	
23	fund.....	423,500
24	Federal revenues:	
25	DOJ, assigned criminal defense.....	36,500
26	Special revenue funds:	

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1	Private - interest on lawyers trust accounts.....	70,000
2	Miscellaneous revenue.....	113,100
3	State general fund/general purpose..... \$	5,332,300
4	<b>Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
5	Indigent civil legal assistance..... \$	7,337,000
6	Legal aid education loan assistance fund.....	<u>200,000</u>
7	GROSS APPROPRIATION..... \$	7,537,000
8	Appropriated from:	
9	Special revenue funds:	
10	State court fund.....	7,337,000
11	State general fund/general purpose..... \$	200,000
12	<b>Sec. 108. TRIAL COURT OPERATIONS</b>	
13	Court equity fund reimbursements..... \$	74,340,400
14	Judicial technology improvement fund.....	<u>3,500,000</u>
15	GROSS APPROPRIATION..... \$	77,840,400
16	Appropriated from:	
17	Special revenue funds:	
18	Court equity fund.....	36,044,000
19	State general fund/general purpose..... \$	41,796,400
20	<b>Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</b>	
21	Drunk driving case-flow program..... \$	2,300,000
22	Drug case-flow program.....	<u>250,000</u>
23	GROSS APPROPRIATION..... \$	2,550,000
24	Appropriated from:	
25	Special revenue funds:	
26	Drug fund.....	250,000

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1	Drunk driving fund.....	2,300,000
2	State general fund/general purpose..... \$	0

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PART 2

6

PROVISIONS CONCERNING APPROPRIATIONS

7 **GENERAL SECTIONS**

8       Sec. 201. (1) Pursuant to section 30 of article IX of the state  
9 constitution of 1963, total state spending from state resources under  
10 part 1 for fiscal year 2001-2002 is \$241,663,700.00 and state spending  
11 from state resources to be paid to local units of government for fiscal  
12 year 2001-2002 is \$119,232,900.00. The itemized statement below identi-  
13 fies appropriations from which spending to units of local government will  
14 occur:

15 SUPREME COURT

16	State court administrative office - administration... \$	511,900
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17	Drug court program.....	3,000,000
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18 TRIAL COURT OPERATIONS

19	Court equity fund reimbursements..... \$	74,340,000
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20	Judicial technology improvement fund.....	3,500,000
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21 JUSTICES' AND JUDGES' COMPENSATION

22	District court judicial salary standardization..... \$	11,842,500
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23	Probate court judges' state base salaries.....	8,855,000
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24	Probate court judicial salary standardization.....	4,287,100
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25	Circuit court judicial salary standardization.....	9,602,100
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26	Grant to OASI contribution fund, employers share,	
27	social security.....	743,900

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1 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

2	Drunk driving case-flow program.....	\$	2,300,000
3	Drug case-flow program.....		<u>250,000</u>
4	TOTAL.....	\$	119,232,900

5 (2) If it appears to the principal executive officer of a department  
6 or branch that state spending to local units of government will be less  
7 than the amount that was projected to be expended under subsection (1),  
8 the principal executive officer shall immediately give notice of the  
9 approximate shortfall to the state budget director, the house and senate  
10 appropriations committees, and the house and senate fiscal agencies.

11 Sec. 202. (1) The appropriations authorized under this act are  
12 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to  
13 18.1594.

14 (2) Funds appropriated in part 1 to an entity within the judicial  
15 branch shall not be expended or transferred to another account without  
16 written approval of the authorized agent of the judicial entity. If the  
17 authorized agent of the judicial entity notifies the state budget direc-  
18 tor of its approval of an expenditure or transfer, the state budget  
19 director shall immediately make the expenditure or transfer. The autho-  
20 rized judicial entity agent shall be designated by the chief justice of  
21 the supreme court.

22 Sec. 203. As used in this act:

- 23 (a) "DOE" means the United States department of education.  
24 (b) "DOJ" means the United States department of justice.  
25 (c) "DOT" means the United States department of transportation.  
26 (d) "FTE" means full-time equated.



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1 (e) "HHS" means the United States department of health and human  
2 services.

3 (f) "HHS-OSCE" means the office of child support enforcement.

4 (g) "IDG" means interdepartmental grant.

5 (h) "MDCD" means the Michigan department of career development.

6 (i) "OASI" means old age survivor's insurance.

7 (j) "TANF" means temporary assistance for needy families.

8 (k) "USDA" means the United States department of agriculture.

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

12 (2) In addition to the funds appropriated in part 1, there is appro-  
13 priated an amount not to exceed \$500,000.00 for state restricted contin-  
14 gency funds.

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

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

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

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1       Sec. 208. Unless otherwise specified, the judicial branch shall use  
2 the Internet to fulfill the reporting requirements of this act. This may  
3 include transmission of reports via electronic mail to the recipients  
4 identified for each reporting requirement or it may include placement of  
5 reports on an Internet or Intranet site. Quarterly, the judicial branch  
6 shall provide to the appropriations subcommittees members, state budget  
7 office, and the fiscal agencies an electronic and paper copy listing of  
8 the reports submitted during the most recent 3-month period along with  
9 the Internet or Intranet site of each report, if any.

10       Sec. 209. (1) Funds appropriated in part 1 shall not be used for  
11 the purchase of foreign goods or services, or both, if competitively  
12 priced and comparable quality American goods and services, or both, are  
13 available.

14       (2) Funds appropriated in part 1 shall not be used for the purchase  
15 of out-of-state goods or services, or both, if competitively priced and  
16 comparable quality Michigan goods or services, or both, are available.

17       Sec. 210. (1) The chief justice of the supreme court shall take all  
18 reasonable steps to ensure businesses in deprived and depressed communi-  
19 ties compete for and perform contracts to provide services or supplies,  
20 or both, for the judicial branch. The chief justice shall strongly  
21 encourage firms with which the courts of this state contract to subcon-  
22 tract with certified businesses in depressed and deprived communities for  
23 services or supplies, or both.

24       (2) The chief justice shall take all reasonable steps to ensure  
25 equal opportunity for all who compete for and perform contracts to pro-  
26 vide services or supplies, or both, for the department. The chief  
27 justice shall strongly encourage firms with which the department

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1 contracts to provide equal opportunity for subcontractors to provide  
2 services or supplies, or both.

**3 JUDICIAL BRANCH**

4       Sec. 301. (1) The direct trial court automation support program of  
5 the state court administrative office shall recover direct and overhead  
6 costs from trial courts by charging for services rendered. The fee shall  
7 cover the actual costs incurred to the direct trial court automation sup-  
8 port program in providing the service. A report of amounts collected in  
9 excess of funds identified as user service charges in part 1 shall be  
10 submitted to the state budget director and to the house and senate appro-  
11 priations subcommittees on judiciary 30 days before expenditure by the  
12 direct trial court automation support program.

13       (2) From funds appropriated in part 1, the direct trial court auto-  
14 mation support program of the state court administrative office shall  
15 provide to the state budget director, the senate and house appropriations  
16 committees, and the senate and house fiscal agencies before January 1 of  
17 each year, a detailed list of user service charges collected during the  
18 immediately preceding state fiscal year.

19       Sec. 302. Funds appropriated within the judicial branch shall not  
20 be expended by any component within the judicial branch without the  
21 approval of the supreme court.

22       Sec. 303. Of the amount appropriated in part 1 for the judicial  
23 branch, \$325,000.00 is allocated for circuit court reimbursement under  
24 section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for

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1 court of claims reimbursement under section 6413 of the revised  
2 judicature act of 1961, 1961 PA 236, MCL 600.6413.

3 Sec. 304. The judicial branch shall cooperate with the auditor gen-  
4 eral regarding audits of the judicial branch conducted pursuant to sec-  
5 tion 53 of article IV of the state constitution of 1963.

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

11 Sec. 305a. Funds appropriated in part 1 shall not be used to pay  
12 directly or by reimbursement the annual dues for membership in the state  
13 bar of Michigan of a judge, justice, or other employee of the judicial  
14 branch.

15 Sec. 308. If sufficient funds are not available from the court fee  
16 fund to pay judges' compensation, the difference between the appropriated  
17 amount from that fund for judges' compensation and the actual amount  
18 available after the amount appropriated for trial court reimbursement is  
19 made shall be appropriated from the state general fund for judges'  
20 compensation.

21 Sec. 310. (1) State general fund appropriation for community dis-  
22 pute resolution contained in part 1 shall be used to supplement funding  
23 for community dispute resolution centers. The supplemental funding shall  
24 be disbursed by formula to achieve a base level of \$30,000.00 for centers  
25 funded through the community dispute resolution act, 1988 PA 260, MCL  
26 691.1551 to 691.1564, with the remainder disbursed based upon performance  
27 measures as determined by the state court administrative office.

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1       (2) From the funds in part 1, the chief justice is strongly  
2 encouraged to distribute pamphlets of information on the community dis-  
3 pute resolution program, especially to those entities known to be points  
4 of referrals, including, but not limited to, all statewide judicial con-  
5 ferences, all courts, local units of government, legal organizations,  
6 prosecutors, attorneys, police departments, colleges and universities,  
7 and state departments.

8       Sec. 311. (1) The funds appropriated in part 1 for drug courts  
9 shall be administered by the state court administrative office to imple-  
10 ment new drug court programs or for existing drug court programs if fed-  
11 eral funds are no longer available. A drug court shall be responsible  
12 for handling cases involving substance abusing nonviolent offenders  
13 through comprehensive supervision, testing, treatment services, and imme-  
14 diate sanctions and incentives. A drug court shall use all available  
15 county and state personnel involved in the disposition of cases includ-  
16 ing, but not limited to, parole and probation agents, prosecuting attor-  
17 ney, defense attorney, and community corrections providers.

18       (2) The funds may be used in connection with federal funds, and  
19 local units of government are encouraged to match state funding.

20       (3) Local units of government are encouraged to refer to federal  
21 drug court guidelines to prepare proposals. However, federal agency  
22 approvals are not required for funding under this section.

23       (4) From the funds appropriated in part 1, the chief justice shall  
24 allocate sufficient funds for the Michigan justice institute to provide  
25 in-state training for those identified in subsection (1).

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1       (5) For planning and implementation grants, priority shall be given  
2 to those courts where higher instances of substance abuse cases are  
3 filed.

4       Sec. 316. (1) The appropriation in part 1 for the judicial technol-  
5 ogy improvement fund shall be allocated for the development of a state-  
6 wide judicial information system. The supreme court, working with the  
7 department of state police, department of corrections, secretary of  
8 state, prosecuting attorneys association of Michigan, and the department  
9 of management and budget, will develop a statewide telecommunications  
10 infrastructure to integrate criminal justice information systems. The  
11 judicial technology improvement fund shall also provide grants to local  
12 trial court funding units to encourage technology innovations by local  
13 trial courts that will result in enhanced public service. These innova-  
14 tions will include, but not be limited to, electronic filing, on-line  
15 payments of fines and fees, and web-based instructions for completion of  
16 court documents.

17       (2) Funds in part 1 may be used to develop, operate, and maintain a  
18 cyber court system.

19       Sec. 317. If funds become available from the federal government for  
20 mental health courts, the state court administrative office shall assist  
21 those local trial courts who are interested in starting a mental health  
22 court in writing grants and any other assistance that may help them  
23 receive such funds.

24       Sec. 318. The supreme court shall assist local trial courts that  
25 are currently part of the demonstration projects with feasibility studies  
26 to create child care for parents who must appear in civil or criminal

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1 courts in order to improve the administration of justice in at least the  
2 following ways:

3 (a) Reducing child related disruptions and delays.

4 (b) Protecting safety of young children brought to courthouses.

5 (c) Assisting with court-involved families.

6 (d) Reducing the incidence of failure to appear caused by the  
7 inability of witnesses to find child care.

8 Sec. 319. Within 2 weeks after the date on which the state offi-  
9 cially closes its financial accounts for the last completed fiscal year,  
10 the judiciary shall provide a report to the house appropriations subcom-  
11 mittee on judiciary and the senate subcommittee on general government  
12 listing the revenue generated, expenditures charge to and the fiscal  
13 year-end balances for each state restricted fund appropriated in part 1.