

SB 236, As Passed Senate, March 28, 2001

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.....	594.5	
4	GROSS APPROPRIATION.....	\$	250,531,200
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		2,818,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	247,712,700
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.....	\$	184,305,200
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	293.0	
18	Supreme court administration--121.0 FTE positions....	\$	14,972,900
19	Judicial institute--18.0 FTE positions.....		3,013,900
20	State court administrative office--81.0 FTE positions		9,623,900
21	Judicial information systems--21.0 FTE positions.....		4,878,900
22	Direct trial court automation support--33.0 FTE		
23	positions.....		2,912,900
24	Foster care review board--12.0 FTE positions.....		1,285,200
25	Community dispute resolution--4.0 FTE positions.....		2,498,700
26	Drug court program.....		2,200,000

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1	Guardianship ombudsman--3.0 FTE positions.....	324,000
2	Compensation study implementation costs.....	<u>850,000</u>
3	GROSS APPROPRIATION..... \$	42,560,400
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from MD CD.....	80,000
7	IDG from state police - criminal justice improvement.	2,015,000
8	IDG from state police - Michigan justice training	
9	fund.....	300,000
10	Federal revenues:	
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, court improvement project.....	592,200
16	HHS, domestic violence prevention.....	269,500
17	HHS-OSCE, access and visitation grant.....	387,000
18	HHS, TANF.....	100,000
19	HHS, title IV-D child support program.....	907,700
20	HHS, title IV-E foster care program.....	500,000
21	USDA, agriculture mediation grant.....	125,000
22	Special revenue funds:	
23	Local - user fees.....	2,912,900
24	Private.....	169,000
25	Private - interest on lawyers trust accounts.....	232,700
26	Private - state justice institute.....	370,800

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1	Community dispute resolution fees.....	1,667,100
2	Law exam fees.....	482,900
3	Miscellaneous revenue.....	227,900
4	State court fund.....	319,000
5	State general fund/general purpose..... \$	30,456,400
6	Sec. 103. COURT OF APPEALS	
7	Full-time equated exempted positions.....235.5	
8	Court of appeals operations--235.5 FTE positions..... \$	<u>22,527,000</u>
9	GROSS APPROPRIATION..... \$	22,527,000
10	Appropriated from:	
11	Special revenue funds:	
12	Court filing/motion fees.....	1,571,000
13	Miscellaneous revenue.....	77,800
14	State general fund/general purpose..... \$	20,878,200
15	Sec. 104. JUSTICES' AND JUDGES' COMPENSATION	
16	Full-time judges positions.....610.0	
17	Supreme court justices' salaries--7.0 judges..... \$	1,144,100
18	Court of appeals judges' salaries--28.0 judges.....	4,210,500
19	District court judges' state base salaries--259.0	
20	judges.....	23,717,300
21	District court judicial salary standardization.....	11,842,500
22	Probate court judges' state base salaries--106.0	
23	judges.....	8,855,000
24	Probate court judicial salary standardization.....	4,287,100
25	Circuit court judges' state base salaries--210.0	
26	judges.....	19,573,400

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1	Circuit court judicial salary standardization.....	9,602,100
2	Part-time probate judge conversion to full-time	
3	status.....	288,300
4	Judges' retirement system defined contributions.....	2,527,300
5	OASI, social security.....	<u>4,403,800</u>
6	GROSS APPROPRIATION..... \$	90,451,400
7	Appropriated from:	
8	Special revenue funds:	
9	Court fee fund.....	5,899,100
10	State general fund/general purpose..... \$	84,552,300
11	Sec. 105. JUDICIAL AGENCIES	
12	Full-time equated exempted positions.....10.0	
13	Judicial tenure commission--10.0 FTE positions..... \$	<u>1,161,700</u>
14	GROSS APPROPRIATION..... \$	1,161,700
15	Appropriated from:	
16	State general fund/general purpose..... \$	1,161,700
17	Sec. 106. INDIGENT DEFENSE - CRIMINAL	
18	Full-time equated exempted positions.....56.0	
19	Appellate public defender program--48.0 FTE positions \$	5,150,700
20	Appellate assigned counsel administration--8.0 FTE	
21	positions.....	<u>952,600</u>
22	GROSS APPROPRIATION..... \$	6,103,300
23	Appropriated from:	
24	Interdepartmental grant revenues:	
25	IDG from state police - Michigan justice training	
26	fund.....	423,500

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1	Federal revenues:		
2	DOJ, assigned criminal defense.....		36,500
3	Special revenue funds:		
4	Private - interest on lawyers trust accounts.....		70,000
5	Miscellaneous revenue.....		113,100
6	State general fund/general purpose.....	\$	5,460,200
7	Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE		
8	Indigent civil legal assistance.....	\$	<u>7,337,000</u>
9	GROSS APPROPRIATION.....	\$	7,337,000
10	Appropriated from:		
11	Special revenue funds:		
12	State court fund.....		7,337,000
13	State general fund/general purpose.....	\$	0
14	Sec. 108. TRIAL COURT OPERATIONS		
15	Court equity fund reimbursements.....	\$	74,840,400
16	Judicial technology improvement fund.....		<u>3,000,000</u>
17	GROSS APPROPRIATION.....	\$	77,840,400
18	Appropriated from:		
19	Special revenue funds:		
20	Court equity fund.....		36,044,000
21	State general fund/general purpose.....	\$	41,796,400
22	Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
23	Drunk driving case-flow program.....	\$	2,300,000
24	Drug case-flow program.....		<u>250,000</u>
25	GROSS APPROPRIATION.....	\$	2,550,000
26	Appropriated from:		

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1 Special revenue funds:

2 Drug fund.....	250,000
3 Drunk driving fund.....	2,300,000
4 State general fund/general purpose..... \$	0

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PART 2

8

PROVISIONS CONCERNING APPROPRIATIONS

9 **GENERAL SECTIONS**

10 Sec. 201. Pursuant to section 30 of article IX of the state consti-
11 tution of 1963, total state spending from state resources under part 1
12 for fiscal year 2001-2002 is \$240,594,100.00 and state spending from
13 state resources to be paid to local units of government for fiscal year
14 2001-2002 is \$118,721,200.00. The itemized statement below identifies
15 appropriations from which spending to units of local government will
16 occur:

17 SUPREME COURT

18 State court administrative office - administration... \$	511,900
19 Drug court program.....	2,200,000

20 TRIAL COURT OPERATIONS

21 Court equity fund reimbursements..... \$	74,840,400
22 Judicial technology improvement fund.....	3,000,000

23 JUSTICES' AND JUDGES' COMPENSATION

24 District court judicial salary standardization..... \$	11,842,500
25 Probate court judges' state base salaries.....	8,855,000
26 Probate court judicial salary standardization.....	4,287,100

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1	Circuit court judicial salary standardization.....	9,602,100
2	Part-time probate judges conversion to full-time	
3	status.....	288,300
4	Grant to OASI contribution fund, employers share,	
5	social security.....	743,900
6	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
7	Drunk driving case-flow program..... \$	2,300,000
8	Drug case-flow program.....	<u>250,000</u>
9	TOTAL..... \$	118,721,200

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

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

21 Sec. 203. As used in this act:

22 (a) "DOE" means the United States department of education.

23 (b) "DOJ" means the United States department of justice.

24 (c) "DOT" means the United States department of transportation.

25 (d) "FTE" means full-time equated.

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

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

2 (g) "IDG" means interdepartmental grant.

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

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

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

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

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

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

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

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

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

25 Sec. 207. At least 90 days before beginning any effort to privati-
26 ze, the judicial branch shall submit a complete project plan to the
27 appropriate senate and house of representatives appropriations

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1 subcommittees and the senate and house fiscal agencies. The plan shall
2 include the criteria under which the privatization initiative will be
3 evaluated. The evaluation shall be completed and submitted to the appro-
4 priate senate and house of representatives appropriations subcommittees
5 and the senate and house fiscal agencies within 30 months.

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

15 Sec. 209. Funds appropriated in part 1 shall not be used for the
16 purchase of foreign goods or services, or both, if competitively priced
17 and comparable quality American goods and services, or both, are
18 available.

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

26 Sec. 211. (1) The judicial branch shall provide to the senate and
27 house of representatives standing committees on appropriations and the

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1 senate and house fiscal agencies a monthly report on all personal service
2 contracts awarded without competitive bidding, pricing, or rate setting.

3 The notification shall include all of the following:

4 (a) The total dollar amount of the contract.

5 (b) The duration of the contract.

6 (c) The name of the vendor.

7 (d) The type of service to be provided.

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

10 (a) The total dollar amount of the contract.

11 (b) The duration of the contract.

12 (c) The name of the vendor.

13 (d) The type of service to be provided.

14 Sec. 212. The judicial branch shall receive and retain copies of
15 all reports funded from appropriations in part 1, and shall follow fed-
16 eral and state guidelines for short-term and long-term retention of these
17 reports and records.

18 **JUDICIAL BRANCH**

19 Sec. 301. (1) The direct trial court automation support program of
20 the state court administrative office shall recover direct and overhead
21 costs from trial courts by charging for services rendered. The fee shall
22 cover the actual costs incurred to the direct trial court automation sup-
23 port program in providing the service. A report of amounts collected in
24 excess of funds identified as user service charges in part 1 shall be
25 submitted to the state budget director and to the house and senate

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1 appropriations subcommittees on judiciary 30 days before expenditure by
2 the direct trial court automation support program.

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

9 Sec. 302. Funds appropriated within the judicial branch shall not
10 be expended by any component within the judicial branch without the
11 approval of the supreme court.

12 Sec. 303. Of the amount appropriated in part 1 for the judicial
13 branch, \$325,000.00 is allocated for circuit court reimbursement under
14 section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for
15 court of claims reimbursement under section 6413 of the revised judica-
16 ture act of 1961, 1961 PA 236, MCL 600.6413.

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

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

25 Sec. 306. (1) The chief financial officer of a funding unit for a
26 court, in cooperation with the local court, shall provide to the state
27 treasurer and state court administrative office by January 1, 2002

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1 audited accounts of all money due and owing the court as of September 30,
2 2001. Where audited accounts are not available, the chief financial
3 officer of a funding unit for a court may provide estimates as long as
4 they are clearly marked as "estimated".

5 (2) The state treasurer shall report to the legislature a compila-
6 tion of the estimated accounts receivable of all courts and cumulative
7 totals by March 1, 2002. This report is a public record.

8 Sec. 307. The state court administrative office, from funds appro-
9 priated in part 1, shall assist the court of appeals and trial courts in
10 resolving 90% of all cases within 18 months of their filing date.

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

17 Sec. 309. Funds appropriated in part 1 for indigent defense shall
18 be used in accordance with terms and conditions of section 1485(11)(b) of
19 the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including
20 reference to federal prohibitions against providing legal assistance with
21 respect to any proceeding or litigation which seeks to procure an
22 abortion.

23 Sec. 310. State general fund appropriation for community dispute
24 resolution contained in part 1 shall be used to supplement funding for
25 community dispute resolution centers. The supplemental funding shall be
26 disbursed by formula to achieve a base level of \$30,000.00 for centers
27 funded through the community dispute resolution act, 1988 PA 260, MCL

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1 691.1551 to 691.1564, with the remainder disbursed based upon performance
2 measures as determined by the state court administrative office.

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

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

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

18 Sec. 312. From the funds appropriated in part 1, the state court
19 administrator shall produce a statistical report regarding the implemen-
20 tation of the parental rights restoration act, 1990 PA 211, MCL 722.901
21 to 722.908, as it pertains to minors seeking a court-issued waiver of
22 parental consent to obtain an abortion. The report shall contain infor-
23 mation from calendar years 2000 and 2001. The report shall include
24 information from all counties on the number of petitions filed, the
25 number of hearings held in response to petitions filed, and the number of
26 waivers granted and denied. The state court administrator shall not seek
27 any information regarding the identity of any minor who has petitioned

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1 the court, but shall provide aggregate data on the age of the minors
2 petitioning the court and whether the minor resided in the county where
3 the petition was filed. The report shall also indicate whether courts
4 acted to report a potential child abuse to child protective services as
5 provided in the parental rights restoration act, 1990 PA 211, MCL 722.901
6 to 722.908.

7 Sec. 313. A county shall be required to pay a penalty due to the
8 state's failure to be in compliance with federal child support enforce-
9 ment system requirements if the county has not implemented the child sup-
10 port enforcement system and the family independence agency determines
11 that the county is not in compliance with the child support enforcement
12 system letter of agreement, or the county has not cooperated with the
13 family independence agency in its implementation activities.

14 Sec. 314. The audit conducted by the legislative auditor general
15 pursuant to section 53 of article IV of the state constitution of 1963
16 shall include a review of trial court improvement projects.

17 Sec. 315. The funds appropriated in part 1 for the conversion of
18 part-time probate judges to full-time status shall not be expended until
19 legislation is enacted to implement the conversion. If legislation is
20 not enacted during fiscal year 2001-2002, the funds shall lapse to the
21 state general fund at the close of the fiscal year.

22 Sec. 316. The appropriation in part 1 for the judicial technology
23 improvement fund shall be allocated for the development of a statewide
24 judicial information system. The supreme court, working with the depart-
25 ment of state police, department of corrections, secretary of state,
26 prosecuting attorneys association of Michigan, and the department of
27 management and budget, will develop a statewide telecommunications

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1 infrastructure to integrate criminal justice information systems. The
2 judicial technology improvement fund shall also provide grants to local
3 trial court funding units to encourage technology innovations by local
4 trial courts that will result in enhanced public service. These innova-
5 tions will include, but not be limited to, electronic filing, on-line
6 payments of fines and fees, and web-based instructions for completion of
7 court documents. The judiciary shall reimburse local court funding units
8 from the judicial technology improvement fund 50% of fees charged by
9 credit card issuers to local courts for credit card payments of court
10 fines, fees, costs, and other payments.