

Act No. 55
Public Acts of 2001
Approved by the Governor
July 20, 2001
Filed with the Secretary of State
July 23, 2001
EFFECTIVE DATE: July 23, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Senators North, Gougeon, Johnson, McManus and Smith

ENROLLED SENATE BILL No. 236

AN ACT 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:

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, 2002, 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.....	591.5		
GROSS APPROPRIATION.....		\$	246,040,200
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			2,818,500
ADJUSTED GROSS APPROPRIATION.....		\$	243,221,700
Federal revenues:			
Total federal revenues			3,363,200
Special revenue funds:			
Total local revenues			2,912,900
Total private revenues.....			842,500
Total other state restricted revenues			56,288,900
State general fund/general purpose		\$	179,814,200

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	290.0		
Supreme court administration—121.0 FTE positions.....		\$	14,610,900
Judicial institute—18.0 FTE positions.....			2,960,700
State court administrative office—81.0 FTE positions			9,464,000
Judicial information systems—21.0 FTE positions			4,810,100
Direct trial court automation support—33.0 FTE positions.....			2,912,900

		For Fiscal Year Ending Sept. 30, 2002
Foster care review board—12.0 FTE positions.....	\$	1,265,500
Community dispute resolution—4.0 FTE positions		2,498,700
Drug court program.....		1,700,000
GROSS APPROPRIATION.....	\$	40,222,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDCD.....		80,000
IDG from state police - criminal justice improvement		2,015,000
IDG from state police - Michigan justice training fund.....		300,000
Federal revenues:		
DOE, special education grant.....		130,000
DOJ, enforcing underage drinking law.....		50,000
DOJ, victims assistance programs.....		50,000
DOT, national highway safety traffic administration		215,300
HHS, court improvement project.....		592,200
HHS, domestic violence prevention		269,500
HHS-OCSE, access and visitation grant.....		387,000
HHS, TANF		100,000
HHS, title IV-D child support program.....		907,700
HHS, title IV-E foster care program		500,000
USDA, agriculture mediation grant.....		125,000
Special revenue funds:		
Local - user fees.....		2,912,900
Private		169,000
Private - interest on lawyers trust accounts.....		232,700
Private - state justice institute		370,800
Community dispute resolution fees.....		1,667,100
Law exam fees		482,900
Miscellaneous revenue		227,900
State court fund		319,000
State general fund/general purpose	\$	28,118,800
Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions.....		235.5
Court of appeals operations—235.5 FTE positions	\$	22,004,400
GROSS APPROPRIATION.....	\$	22,004,400
Appropriated from:		
Special revenue funds:		
Court filing/motion fees.....		1,571,000
Miscellaneous revenue		77,800
State general fund/general purpose	\$	20,355,600
Sec. 104. JUSTICES' AND JUDGES' COMPENSATION		
Full-time judges positions.....		610.0
Supreme court justices' salaries—7.0 judges	\$	1,144,100
Court of appeals judges' salaries—28.0 judges		4,210,500
District court judges' state base salaries—259.0 judges		23,717,300
District court judicial salary standardization		11,842,500
Probate court judges' state base salaries—106.0 judges.....		8,855,000
Probate court judicial salary standardization.....		4,287,100
Circuit court judges' state base salaries—210.0 judges		19,573,400
Circuit court judicial salary standardization		9,602,100
Judges' retirement system defined contributions		2,527,300
OASI, social security.....		4,403,800
GROSS APPROPRIATION.....	\$	90,163,100
Appropriated from:		
Special revenue funds:		
Court fee fund		5,899,100
State general fund/general purpose	\$	84,264,000

Sec. 105. JUDICIAL AGENCIES

Full-time equated exempted positions.....	10.0	
Judicial tenure commission—10.0 FTE positions		\$ 1,132,600
GROSS APPROPRIATION		\$ 1,132,600
Appropriated from:		
State general fund/general purpose		\$ 1,132,600

Sec. 106. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	56.0	
Appellate public defender program—48.0 FTE positions.....		\$ 4,958,200
Appellate assigned counsel administration—8.0 FTE positions		931,700
GROSS APPROPRIATION		\$ 5,889,900
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Federal revenues:		
DOJ, assigned criminal defense		36,500
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose		\$ 5,246,800

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		\$ 73,840,400
Judicial technology improvement fund		2,900,000
GROSS APPROPRIATION		\$ 76,740,400
Appropriated from:		
Special revenue funds:		
Court equity fund		36,044,000
State general fund/general purpose		\$ 40,696,400

Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....		\$ 2,300,000
Drug case-flow program		250,000
GROSS APPROPRIATION		\$ 2,550,000
Appropriated from:		
Special revenue funds:		
Drug fund		250,000
Drunk driving fund.....		2,300,000
State general fund/general purpose		\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$236,103,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$116,832,900.00. 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
Drug court program		1,700,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements	\$	73,840,400
Judicial technology improvement fund		2,900,000

JUSTICES' AND JUDGES' COMPENSATION

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

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program	\$	2,300,000
Drug case-flow program		250,000
TOTAL	\$	116,832,900

Sec. 202. (1) The appropriations 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) "DOE" means the United States department of education.
- (b) "DOJ" means the United States department of justice.
- (c) "DOT" means the United States department of transportation.
- (d) "FTE" means full-time equated.
- (e) "HHS" means the United States department of health and human services.
- (f) "HHS-OCSE" means the office of child support enforcement.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCD" means the Michigan department of career development.
- (i) "OASI" means old age survivor's insurance.
- (j) "TANF" means temporary assistance for needy families.
- (k) "USDA" means the United States department of agriculture.

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. At least 90 days before beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house 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 senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

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

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

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

Sec. 210. (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. 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.

(2) The chief justice shall take all reasonable steps to ensure equal opportunity for all who compete for and perform contracts to provide services or supplies, or both, for the department. The chief justice shall strongly encourage firms with which the department contracts to provide equal opportunity for subcontractors to provide services or supplies, or both.

Sec. 211. (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. 212. 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.

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. (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, 2002 audited accounts of all money due and owing the court as of September 30, 2001. 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, 2002. This report is a public record.

Sec. 308. 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. 309. 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. 310. (1) 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 by formula to achieve a base level of \$30,000.00 for centers funded through the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, with the remainder disbursed based upon performance measures as determined by the state court administrative office.

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

Sec. 311. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

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

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

(4) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the Michigan justice institute to provide in-state training for those identified in subsection (1), including training for new drug court judges.

(5) For planning and implementation grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent to obtain an abortion. The report shall contain information from calendar years 2000 and 2001. The report shall include information from all counties on the number of petitions filed, the number of hearings held in response to petitions filed, and the number of waivers granted and denied. The state court administrator shall not seek any information regarding the identity of any minor who has petitioned the court, but shall provide aggregate data on the age of the minors petitioning the court and whether the minor resided in the county where the petition was filed. The report shall also indicate whether courts acted to report a potential child abuse to child protective services as provided in the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908.

Sec. 313. A county shall be required to pay a penalty due to the state's failure to be in compliance with federal child support enforcement system requirements if the county has not implemented the child support enforcement system and

the family independence agency determines that the county is not in compliance with the child support enforcement system letter of agreement, or the county has not cooperated with the family independence agency in its implementation activities.

Sec. 315. If legislation is enacted to change the status and compensation of part-time probate judges, projected lapse funds from appropriations in part 1 shall be used to fully fund costs related to that statutory change prior to the transfer of funds to other lines within the judicial budget.

Sec. 316. (1) The appropriation in part 1 for the judicial technology improvement fund shall be allocated for the development of a statewide judicial information system. The supreme court, working with the department of state police, department of corrections, secretary of state, prosecuting attorneys association of Michigan, and the department of management and budget, will develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The judicial technology improvement fund shall also provide grants to local trial court funding units to encourage technology innovations by local trial courts that will result in enhanced public service. These innovations will include, but not be limited to, electronic filing, on-line payments of fines and fees, and web-based instructions for completion of court documents. The judiciary may reimburse local court funding units, from the judicial technology improvement fund, 50% of the fees charged by credit card issuers to local courts for credit card payments of court fines, fees, costs, and other payments.

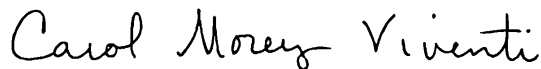
(2) Funds in part 1 may be used to develop, operate, and maintain a cyber court system.

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

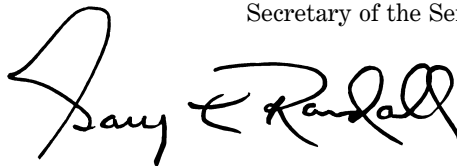
Sec. 318. The supreme court shall assist local trial courts with feasibility studies to create child care for parents who must appear in civil or criminal courts in order to improve the administration of justice in at least the following ways:

- (a) Reducing child related disruptions and delays.
- (b) Protecting safety of young children brought to courthouses.
- (c) Assisting with court-involved families.
- (d) Reducing the incidence of failure to appear caused by the inability of witnesses to find child care.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.