

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 281

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2004; 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:

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PART 1

2

LINE-ITEM APPROPRIATIONS

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

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amounts listed in this part are appropriated for the judicial branch

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for the fiscal year ending September 30, 2004, from the funds

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indicated in this part. The following is a summary of the

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appropriations in this part:

1 **JUDICIARY**

2 APPROPRIATIONS SUMMARY:

3	Full-time equated exempted positions.....	582.5	
4	GROSS APPROPRIATION.....	\$	252,978,700
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		4,633,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	248,345,200
9	Federal revenues:		
10	Total federal revenues.....		4,106,500
11	Special revenue funds:		
12	Total local revenues.....		2,898,700
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		79,183,100
15	State general fund/general purpose.....	\$	161,314,400
16	<b>Sec. 102. SUPREME COURT</b>		
17	Full-time equated exempted positions.....	284.0	
18	Supreme court administration--114.0 FTE positions...	\$	10,033,400
19	Judicial institute--20.0 FTE positions.....		2,935,600
20	State court administrative office--80.0 FTE		
21	positions.....		9,210,900
22	Judicial information systems--21.0 FTE positions....		4,540,500
23	Direct trial court automation support--33.0 FTE		
24	positions.....		2,898,700
25	Foster care review board--12.0 FTE positions.....		1,167,600
26	Community dispute resolution--4.0 FTE positions.....		2,499,700
27	Drug treatment courts.....		<u>4,635,000</u>

1	GROSS APPROPRIATION.....	\$	37,921,400
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from department of community health.....		1,800,000
5	IDG from department of career development.....		95,000
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.....		150,000
12	DOJ, enforcing underage drinking law.....		50,000
13	DOJ, victims assistance programs.....		50,000
14	DOJ, drug court training and evaluation.....		300,000
15	DOT, national highway safety traffic administration.		215,300
16	HHS, access and visitation grant.....		387,000
17	HHS, court improvement project.....		1,160,000
18	HHS, title IV-D child support program.....		907,700
19	HHS, title IV-E foster care program.....		500,000
20	HHS, TANF.....		50,000
21	HHS, domestic violence prevention.....		175,000
22	Special revenue funds:		
23	Local - user fees.....		2,898,700
24	Private.....		169,000
25	Private - interest on lawyers trust accounts.....		232,700
26	Private - state justice institute.....		370,800
27	Community dispute resolution fees.....		2,224,700

1	Law exam fees.....	482,100
2	Drug court fund.....	1,267,500
3	Miscellaneous revenue.....	227,900
4	State court fund.....	319,000
5	State general fund/general purpose..... \$	21,449,000
6	<b>Sec. 103. COURT OF APPEALS</b>	
7	Full-time equated exempted positions.....230.5	
8	Court of appeals operations--230.5 FTE positions.... \$	<u>17,245,300</u>
9	GROSS APPROPRIATION..... \$	17,245,300
10	Appropriated from:	
11	Special revenue funds:	
12	Court filing/motion fees.....	1,759,000
13	Miscellaneous revenue.....	77,800
14	State general fund/general purpose..... \$	15,408,500
15	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
16	Full-time equated exempted positions.....3.0	
17	Branchwide appropriations--3.0 FTE positions..... \$	<u>8,375,900</u>
18	GROSS APPROPRIATION..... \$	8,375,900
19	Appropriated from:	
20	State general fund/general purpose..... \$	8,375,900
21	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>	
22	Full-time judges positions.....616.0	
23	Supreme court justices' salaries--7.0 judges..... \$	1,152,200
24	Court of appeals judges' salaries--28.0 judges.....	4,240,200
25	District court judges' state base salaries--259.0	
26	judges.....	23,946,600
27	District court judicial salary standardization.....	11,831,000

1	Probate court judges' state base salaries--106.0		
2	judges.....		9,168,400
3	Probate court judicial salary standardization.....		4,407,000
4	Circuit court judges' state base salaries--216.0		
5	judges.....		20,346,200
6	Circuit court judicial salary standardization.....		9,876,300
7	Judges' retirement system defined contributions.....		2,557,700
8	OASI, social security.....		<u>4,738,100</u>
9	GROSS APPROPRIATION.....	\$	92,263,700
10	Appropriated from:		
11	Special revenue funds:		
12	Court fee fund.....		7,090,200
13	State general fund/general purpose.....	\$	85,173,500
14	<b>Sec. 106. JUDICIAL AGENCIES</b>		
15	Full-time equated exempted positions.....10.0		
16	Judicial tenure commission--10.0 FTE positions.....	\$	<u>1,004,100</u>
17	GROSS APPROPRIATION.....	\$	1,004,100
18	Appropriated from:		
19	State general fund/general purpose.....	\$	1,004,100
20	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>		
21	Full-time equated exempted positions.....55.0		
22	Appellate public defender program--47.0 FTE		
23	positions.....	\$	4,501,900
24	Appellate assigned counsel administration--8.0 FTE		
25	positions.....		<u>808,600</u>
26	GROSS APPROPRIATION.....	\$	5,310,500
27	Appropriated from:		

1	Interdepartmental grant revenues:	
2	IDG from state police - Michigan justice training	
3	fund.....	423,500
4	Federal revenues:	
5	DOJ, assigned criminal defense.....	36,500
6	Special revenue funds:	
7	Private - interest on lawyers trust accounts.....	70,000
8	Miscellaneous revenue.....	113,100
9	State general fund/general purpose..... \$	4,667,400
10	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
11	Indigent civil legal assistance..... \$	<u>7,337,000</u>
12	GROSS APPROPRIATION..... \$	7,337,000
13	Appropriated from:	
14	Special revenue funds:	
15	State court fund.....	7,337,000
16	State general fund/general purpose..... \$	0
17	<b>Sec. 109. TRIAL COURT OPERATIONS</b>	
18	Court equity fund reimbursements..... \$	69,905,900
19	Judicial technology improvement fund.....	<u>4,464,900</u>
20	GROSS APPROPRIATION..... \$	74,370,800
21	Appropriated from:	
22	Special revenue funds:	
23	Court equity fund.....	44,669,900
24	Judicial technology improvement fund.....	4,464,900
25	State general fund/general purpose..... \$	25,236,000
26	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>	
27	<b>GOVERNMENT</b>	

1	Drug case-flow program.....	\$	250,000
2	Drunk driving case-flow program.....		2,300,000
3	Juror compensation reimbursement.....		<u>6,600,000</u>
4	GROSS APPROPRIATION.....	\$	9,150,000
5	Appropriated from:		
6	Special revenue funds:		
7	Drug fund.....		250,000
8	Drunk driving fund.....		2,300,000
9	Juror compensation fund.....		6,600,000
10	State general fund/general purpose.....	\$	0

11 PART 2

12 PROVISIONS CONCERNING APPROPRIATIONS

13 GENERAL SECTIONS

14 Sec. 201. Pursuant to section 30 of article IX of the state

15 constitution of 1963, total state spending from state resources under

16 part 1 for fiscal year 2003-2004 is \$240,497,500.00 and state spending

17 from state resources to be paid to local units of government for

18 fiscal year 2003-2004 is estimated at \$124,506,000.00. The itemized

19 statement below identifies appropriations from which spending to local

20 units of government will occur:

21 SUPREME COURT

22	State court administrative office - administration..	\$	511,900
23	Drug treatment courts.....		4,334,900

24 TRIAL COURT OPERATIONS

25	Court equity fund reimbursements.....	\$	69,905,900
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1	Judicial technology improvement fund.....	4,464,900
2	JUSTICES' AND JUDGES' COMPENSATION	
3	District court judicial salary standardization..... \$	11,831,000
4	Probate court judges' state base salaries.....	9,168,400
5	Probate court judicial salary standardization.....	4,407,000
6	Circuit court judicial salary standardization.....	9,876,300
7	Grant to OASI contribution fund, employers share,	
8	social security.....	855,700
9	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
10	Drunk driving case-flow program..... \$	2,300,000
11	Drug case-flow program.....	250,000
12	Juror compensation reimbursement.....	<u>6,600,000</u>
13	TOTAL..... \$	124,506,000

14       Sec. 202. (1) The appropriations authorized under this act are  
15 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to  
16 18.1594.

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

25       Sec. 203. As used in this act:

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

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



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

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

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

5 (f) "IDG" means interdepartmental grant.

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

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

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

9 Sec. 207. At least 90 days before beginning any effort to  
10 privatize, the judicial branch shall submit a complete project plan to  
11 the appropriate senate and house of representatives appropriations  
12 subcommittees and the senate and house fiscal agencies. The plan  
13 shall include the criteria under which the privatization initiative  
14 will be evaluated. The evaluation shall be completed and submitted to  
15 the appropriate senate and house of representatives appropriations  
16 subcommittees and the senate and house fiscal agencies within 30  
17 months.

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

27 Sec. 209. (1) Funds appropriated in part 1 shall not be used for

1 the purchase of foreign goods or services, or both, if competitively  
2 priced American goods and services, or both, of comparable quality,  
3 are available.

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

8 Sec. 210. (1) The chief justice of the supreme court shall take  
9 all reasonable steps to ensure businesses in deprived and depressed  
10 communities compete for and perform contracts to provide services or  
11 supplies, or both, for the judicial branch. The chief justice shall  
12 strongly encourage firms with which the courts of this state contract  
13 to subcontract with certified businesses in depressed and deprived  
14 communities for services or supplies, or both.

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

21 Sec. 211. (1) The judicial branch shall provide to the senate  
22 and house of representatives standing committees on appropriations and  
23 the senate and house fiscal agencies a monthly report on all personal  
24 service contracts awarded without competitive bidding, pricing, or  
25 rate setting. The notification shall include all of the following:

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

27 (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

1 shall provide to the state budget director, the senate and house  
2 appropriations committees, and the senate and house fiscal agencies  
3 before January 1 of each year, a detailed list of user service charges  
4 collected during the immediately preceding state fiscal year.

5       Sec. 302. Funds appropriated within the judicial branch shall  
6 not be expended by any component within the judicial branch without  
7 the approval of the supreme court.

8       Sec. 303. Of the amount appropriated in part 1 for the judicial  
9 branch, \$325,000.00 is allocated for circuit court reimbursement under  
10 section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for  
11 court of claims reimbursement under section 6413 of the revised  
12 judicature act of 1961, 1961 PA 236, MCL 600.6413.

13       Sec. 304. The judicial branch shall cooperate with the auditor  
14 general regarding audits of the judicial branch conducted pursuant to  
15 section 53 of article IV of the state constitution of 1963.

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

21       Sec. 306. The supreme court and the state administrative office  
22 shall continue to maintain, as a priority, the assisting of local  
23 trial courts in improving the collection of judgments.

24       Sec. 307. (1) It is the intent of the legislature that from the  
25 funds appropriated in part 1 for court of appeals operations, the  
26 judiciary shall use \$225,000.00 of additional filing fee revenue  
27 raised from the increase from \$250.00 to \$375.00 in court of appeals

1 filing fees under section 321 of the revised judicature act of 1961,  
2 1961 PA 236, MCL 600.321, for the purpose of delay reduction.

3 (2) Any additional revenue from increased fees collected by the  
4 court of appeals under section 231 of the revised judicature act of  
5 1961, 1961 PA 236, MCL 600.231, shall be used for the purpose of delay  
6 reduction.

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

13 Sec. 310. From the funds appropriated in part 1 for drug  
14 treatment court programs, at the discretion of the supreme court, the  
15 state court administrative office shall contract with 1 or more  
16 independent third parties for evaluation and monitoring of drug court  
17 programs funded by the judiciary. The evaluation shall include  
18 measures of the impact of drug court programs in changing offender  
19 criminal involvement (recidivism) and substance abuse and in reducing  
20 prison admissions. The evaluation of a program funded with federal  
21 Byrne funds shall be consistent with any requirements contained in the  
22 federal Byrne grant for that program. Evaluations required by this  
23 section shall to the extent feasible compare offenders treated under  
24 the programs with other offenders of similar characteristics. Not  
25 later than June 1, 2004, the state court administrative office shall  
26 provide a progress report regarding the status and findings of the  
27 evaluation to the senate and house appropriations subcommittees on the

1 judiciary, the senate and house fiscal agencies, and the state budget  
2 director.

3       Sec. 311. (1) The funds appropriated in part 1 for drug  
4 treatment courts shall be administered by the state court  
5 administrative office to operate drug treatment court programs. A  
6 drug treatment court program shall not receive funds for more than 5  
7 years. A drug treatment court shall be responsible for handling cases  
8 involving substance abusing nonviolent offenders through comprehensive  
9 supervision, testing, treatment services, and immediate sanctions and  
10 incentives. A drug treatment court shall use all available county and  
11 state personnel involved in the disposition of cases including, but  
12 not limited to, parole and probation agents, prosecuting attorney,  
13 defense attorney, and community corrections providers. The funds may  
14 be used in connection with other federal, state, and local funding  
15 sources.

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

20       (3) From the funds appropriated in part 1, the chief justice  
21 shall allocate sufficient funds for the judicial institute to provide  
22 in-state training for those identified in subsection (1), including  
23 training for new drug treatment court judges.

24       (4) For drug treatment court grants, consideration for priority  
25 may be given to those courts where higher instances of substance abuse  
26 cases are filed.

27       (5) The judiciary shall receive \$1,800,000.00 in Byrne formula

1 grant funding as an interdepartmental grant from the department of  
2 community health to be used for expansion of drug treatment courts, to  
3 assist in avoiding prison bed space growth for nonviolent offenders in  
4 collaboration with the department of corrections.

5       Sec. 312. From the funds appropriated in part 1, the state court  
6 administrator shall produce a statistical report regarding the  
7 implementation of the parental rights restoration act, 1990 PA 211,  
8 MCL 722.901 to 722.908, as it pertains to minors seeking a  
9 court-issued waiver of parental consent. The state court  
10 administrative office shall report the total number of petitions filed  
11 and the total number of petitions granted in accordance with  
12 section 208.

13       Sec. 313. (1) The appropriation in part 1 for the judicial  
14 technology improvement fund shall be allocated for the development of  
15 a statewide judicial information system. The supreme court, working  
16 with the department of state police, department of corrections,  
17 secretary of state, prosecuting attorneys association of Michigan, and  
18 the department of information technology, will develop a statewide  
19 telecommunications infrastructure to integrate criminal justice  
20 information systems. The judicial technology improvement fund shall  
21 also provide grants to local trial court funding units to encourage  
22 technology innovations by local trial courts that will result in  
23 enhanced public service. These innovations will include, but not be  
24 limited to, electronic filing, on-line payments of fines and fees, and  
25 web-based instructions for completion of court documents.

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

1       (3) There is hereby appropriated to the judiciary for deposit into  
2 the judicial technology improvement fund \$6,000,000.00 contingent upon  
3 the receipt of a refund from the federal government related to  
4 penalties previously imposed for the child support enforcement system  
5 of which not less than \$1,000,000.00 and not more than \$2,000,000.00  
6 shall be utilized towards development and operation of a cyber court  
7 system as identified in subsection (2). The appropriation to the  
8 judiciary of refund money related to the child support enforcement  
9 system shall precede any other appropriations of such resources.  
10 Notwithstanding subsection (2), any child support enforcement system  
11 penalty refund resources deposited into the judicial technology  
12 improvement fund shall be expended in the manner as prescribed in  
13 subsection (1). The child support enforcement system refund revenue  
14 when certified as available in the judicial technology improvement  
15 fund by the judiciary shall remain unallotted until such time as the  
16 state budget director has reviewed and approved an allotment schedule  
17 submitted by the judiciary. Unexpended resources remaining in the  
18 fund at the end of the fiscal year may be carried forward for  
19 expenditure in the following year for the same purposes as described  
20 in this section.

21       Sec. 314. If funds become available from the federal government  
22 for mental health courts, the state court administrative office shall  
23 assist those local trial courts who are interested in starting a  
24 mental health court in writing grants and any other assistance that  
25 may help them receive such funds.

26       Sec. 315. The judicial branch shall communicate regarding  
27 information technology activities with the department of information



1 technology.