

**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 APPROPRIATION SUMMARY:

3	Full-time equated exempted positions.....	582.5	
4	GROSS APPROPRIATION.....	\$	252,580,500
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		4,633,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	247,947,000
9	Federal revenues:		
10	Total federal revenues.....		3,806,500
11	Special revenue funds:		
12	Total local revenues.....		2,898,700
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		79,082,900
15	State general fund/general purpose.....	\$	161,316,400
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	284.0	
18	Supreme court administration--114.0 FTE positions...	\$	10,033,500
19	Judicial institute--20.0 FTE positions.....		2,935,700
20	State court administrative office--80.0 FTE		
21	positions.....		9,211,000
22	Judicial information systems--21.0 FTE positions....		4,540,600
23	Direct trial court automation support--33.0 FTE		
24	positions.....		2,898,700
25	Foster care review board--12.0 FTE positions.....		1,167,700
26	Community dispute resolution--4.0 FTE positions.....		2,499,800
27	Drug treatment courts.....		<u>4,335,000</u>

1	GROSS APPROPRIATION.....	\$	37,622,000
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	DOE, special education grant.....		150,000
11	DOJ, enforcing underage drinking law.....		50,000
12	DOJ, victims assistance programs.....		50,000
13	DOT, national highway safety traffic administration.		215,300
14	HHS, access and visitation grant.....		387,000
15	HHS, court improvement project.....		1,160,000
16	HHS, domestic violence prevention.....		175,000
17	HHS, TANF.....		50,000
18	HHS, title IV-D child support program.....		907,700
19	HHS, title IV-E foster care program.....		500,000
20	USDA, agriculture mediation grant.....		125,000
21	Special revenue funds:		
22	Local - user fees.....		2,898,700
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.....		2,224,800
27	Law exam fees.....		482,100

1	Drug court fund.....	1,267,500
2	Miscellaneous revenue.....	227,900
3	State court fund.....	319,000
4	State general fund/general purpose..... \$	21,449,500
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....230.5	
7	Court of appeals operations--230.5 FTE positions.... \$	<u>17,144,800</u>
8	GROSS APPROPRIATION..... \$	17,144,800
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,658,500
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose..... \$	15,408,500
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....3.0	
16	Branchwide appropriations--3.0 FTE positions..... \$	<u>8,376,000</u>
17	GROSS APPROPRIATION..... \$	8,376,000
18	Appropriated from:	
19	State general fund/general purpose..... \$	8,376,000
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions.....616.0	
22	Supreme court justices' salaries--7.0 justices..... \$	1,152,300
23	Court of appeals judges' salaries--28.0 judges.....	4,240,300
24	District court judges' state base salaries--259.0	
25	judges.....	23,946,700
26	District court judicial salary standardization.....	11,831,100
27	Probate court judges' state base salaries--106.0	

1	judges.....	9,168,500
2	Probate court judicial salary standardization.....	4,407,100
3	Circuit court judges' state base salaries--216.0	
4	judges.....	20,346,300
5	Circuit court judicial salary standardization.....	9,876,400
6	Judges' retirement system defined contributions.....	2,557,800
7	OASI, social security.....	<u>4,738,200</u>
8	GROSS APPROPRIATION..... \$	92,264,700
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund.....	7,090,200
12	State general fund/general purpose..... \$	85,174,500
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions.....10.0	
15	Judicial tenure commission--10.0 FTE positions..... \$	<u>1,004,200</u>
16	GROSS APPROPRIATION..... \$	1,004,200
17	Appropriated from:	
18	State general fund/general purpose..... \$	1,004,200
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions.....55.0	
21	Appellate public defender program--47.0 FTE	
22	positions..... \$	4,502,000
23	Appellate assigned counsel administration--8.0 FTE	
24	positions.....	<u>808,700</u>
25	GROSS APPROPRIATION..... \$	5,310,700
26	Appropriated from:	
27	Interdepartmental grant revenues:	

1	IDG from state police - Michigan justice training		
2	fund.....		423,500
3	Federal revenues:		
4	DOJ, assigned criminal defense.....		36,500
5	Special revenue funds:		
6	Private - interest on lawyers trust accounts.....		70,000
7	Miscellaneous revenue.....		113,100
8	State general fund/general purpose.....	\$	4,667,600
9	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
10	Indigent civil legal assistance.....	\$	<u>7,337,000</u>
11	GROSS APPROPRIATION.....	\$	7,337,000
12	Appropriated from:		
13	Special revenue funds:		
14	State court fund.....		7,337,000
15	State general fund/general purpose.....	\$	0
16	Sec. 109. TRIAL COURT OPERATIONS		
17	Court equity fund reimbursements.....	\$	69,906,000
18	Judicial technology improvement fund.....		<u>4,465,000</u>
19	GROSS APPROPRIATION.....	\$	74,371,000
20	Appropriated from:		
21	Special revenue funds:		
22	Court equity fund.....		44,669,900
23	Judicial technology improvement fund.....		4,465,000
24	State general fund/general purpose.....	\$	25,236,100
25	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL		
26	GOVERNMENT		
27	Drug case-flow program.....	\$	250,000

1	Drunk driving case-flow program.....	2,300,000
2	Juror compensation reimbursement.....	6,600,000
3	Transcript fee reimbursement.....	<u>100</u>
4	GROSS APPROPRIATION..... \$	9,150,100
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	Transcript fee fund.....	100
11	State general fund/general purpose..... \$	0

12 PART 2

13 PROVISIONS CONCERNING APPROPRIATIONS

14 GENERAL SECTIONS

15 Sec. 201. Pursuant to section 30 of article IX of the state
 16 constitution of 1963, total state spending from state resources under
 17 part 1 for fiscal year 2003-2004 is \$240,399,300.00 and state spending
 18 from state resources to be paid to local units of government for
 19 fiscal year 2003-2004 is estimated at \$124,506,900.00. The itemized
 20 statement below identifies appropriations from which spending to local
 21 units of government will occur:

22 SUPREME COURT

23	State court administrative office - administration.. \$	511,900
24	Drug treatment courts.....	4,335,000

25 TRIAL COURT OPERATIONS

1	Court equity fund reimbursements.....	\$	69,906,000
2	Judicial technology improvement fund.....		4,465,000
3	JUSTICES' AND JUDGES' COMPENSATION		
4	District court judicial salary standardization.....	\$	11,831,100
5	Probate court judges' state base salaries.....		9,168,500
6	Probate court judicial salary standardization.....		4,407,100
7	Circuit court judicial salary standardization.....		9,876,400
8	Grant to OASI contribution fund, employers share,		
9	social security.....		855,800
10	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
11	Drunk driving case-flow program.....	\$	2,300,000
12	Drug case-flow program.....		250,000
13	Juror compensation reimbursement.....		6,600,000
14	Transcript fee reimbursement.....		<u>100</u>
15	TOTAL.....	\$	124,506,900

16 Sec. 202. (1) The appropriations authorized under this act are
 17 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
 18 18.1594.

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

27 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) "IDG" means interdepartmental grant.

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

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

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

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 listing of the reports submitted during the most recent 3-month period

1 along with the Internet or Intranet site of each report, if any.

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

6 (2) Funds appropriated in part 1 shall not be used for the
7 purchase of out-of-state goods or services, or both, if competitively
8 Priced Michigan goods or services, or both, of comparable quality, are
9 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.>>

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

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

16 (b) The duration of the contract.

17 (c) The name of the vendor.

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

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

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

23 (b) The duration of the contract.

24 (c) The name of the vendor.

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

26 JUDICIAL BRANCH

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

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

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

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

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

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

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

9 Sec. 307. (1) It is the intent of the legislature that from the
10 funds appropriated in part 1 for court of appeals operations, the
11 judiciary shall use \$225,000.00 of additional filing fee revenue
12 raised from the increase from \$250.00 to \$375.00 in court of appeals
13 filing fees under section 321 of the revised judicature act of 1961,
14 1961 PA 236, MCL 600.321, for the purpose of delay reduction.

15 (2) Any additional revenue from increased fees collected by the
16 court of appeals under section 231 of the revised judicature act of
17 1961, 1961 PA 236, MCL 600.231, shall be used for the purpose of delay
18 reduction.

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

25 Sec. 310. From the funds appropriated in part 1 for drug
26 treatment court programs, at the discretion of the supreme court, the
27 state court administrative office shall contract with 1 or more

1 independent third parties for evaluation and monitoring of drug court
2 programs funded by the judiciary. The evaluation shall include
3 measures of the impact of drug court programs in changing offender
4 criminal involvement (recidivism) and substance abuse and in reducing
5 prison admissions. The evaluation of a program funded with federal
6 Byrne funds shall be consistent with any requirements contained in the
7 federal Byrne grant for that program. Evaluations required by this
8 section shall to the extent feasible compare offenders treated under
9 the programs with other offenders of similar characteristics. Not
10 later than June 1, 2004, the state court administrative office shall
11 provide a progress report regarding the status and findings of the
12 evaluation to the senate and house appropriations subcommittees on the
13 judiciary, the senate and house fiscal agencies, and the state budget
14 director.

15 Sec. 311. (1) The funds appropriated in part 1 for drug
16 treatment courts shall be administered by the state court
17 administrative office to operate drug treatment court programs. A
18 drug treatment court program shall not receive funds for more than 5
19 years. A drug treatment court shall be responsible for handling cases
20 involving substance abusing nonviolent offenders through comprehensive
21 supervision, testing, treatment services, and immediate sanctions and
22 incentives. A drug treatment court shall use all available county and
23 state personnel involved in the disposition of cases including, but
24 not limited to, parole and probation agents, prosecuting attorney,
25 defense attorney, and community corrections providers. The funds may
26 be used in connection with other federal, state, and local funding
27 sources.

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

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

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

12 (5) The judiciary shall receive \$1,800,000.00 in Byrne formula
13 grant funding as an interdepartmental grant from the department of
14 community health to be used for expansion of drug treatment courts, to
15 assist in avoiding prison bed space growth for nonviolent offenders in
16 collaboration with the department of corrections.

17 Sec. 312. From the funds appropriated in part 1, the state court
18 administrator shall produce a statistical report regarding the
19 implementation of the parental rights restoration act, 1990 PA 211,
20 MCL 722.901 to 722.908, as it pertains to minors seeking a
21 court-issued waiver of parental consent. The state court
22 administrative office shall report the total number of petitions filed
23 and the total number of petitions granted in accordance with
24 section 208.

25 Sec. 313. (1) The appropriation in part 1 for the judicial
26 technology improvement fund shall be allocated for the development of
27 a statewide judicial information system. The supreme court, working

1 with the department of state police, department of corrections,
2 secretary of state, prosecuting attorneys association of Michigan, and
3 the department of information technology, will develop a statewide
4 telecommunications infrastructure to integrate criminal justice
5 information systems. The judicial technology improvement fund shall
6 also provide grants to local trial court funding units to encourage
7 technology innovations by local trial courts that will result in
8 enhanced public service. These innovations will include, but not be
9 limited to, electronic filing, on-line payments of fines and fees, and
10 web-based instructions for completion of court documents.

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

13 (3) There is hereby appropriated to the judiciary for deposit into
14 the judicial technology improvement fund \$6,000,000.00 contingent upon
15 the receipt of a refund from the federal government related to
16 penalties previously imposed for the child support enforcement system
17 of which up to \$1,000,000.00 may be utilized towards development and
18 operation of a cyber court system as identified in subsection (2).
19 The appropriation to the judiciary of refund money related to the
20 child support enforcement system shall precede any other
21 appropriations of such resources. Notwithstanding subsection (2), any
22 child support enforcement system penalty refund resources deposited
23 into the judicial technology improvement fund shall be expended in the
24 manner as prescribed in subsection (1). The child support enforcement
25 system refund revenue when certified as available in the judicial
26 technology improvement fund by the judiciary shall remain unallotted
27 until such time as the state budget director has reviewed and approved

1 an allotment schedule submitted by the judiciary. Unexpended
2 resources remaining in the fund at the end of the fiscal year may be
3 carried forward for expenditure in the following year for the same
4 purposes as described in this section.

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

10 Sec. 315. The judicial branch shall communicate regarding
11 information technology activities with the department of information
12 technology.