

Act No. 335  
 Public Acts of 1998  
 Approved by the Governor  
 September 24, 1998  
 Filed with the Secretary of State  
 September 25, 1998  
 EFFECTIVE DATE: September 25, 1998

STATE OF MICHIGAN  
 89TH LEGISLATURE  
 REGULAR SESSION OF 1998

**Introduced by Reps. Godchaux, Geiger, Gilmer, Jellema, McBryde, Bankes, Johnson, Jansen and Bobier**

# ENROLLED HOUSE BILL No. 5596

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 1999; 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, 1999, 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.....	602.0		
GROSS APPROPRIATION.....		\$	215,432,400
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers .....			3,571,400
ADJUSTED GROSS APPROPRIATION.....		\$	211,861,000
Federal revenues:			
Total federal revenues .....			1,294,500
Special revenue funds:			
Total local revenues .....			1,946,500
Total private revenues.....			1,217,600
Total other state restricted revenues.....			56,058,900
State general fund/general purpose .....		\$	151,343,500

**Sec. 102. SUPREME COURT**

Full-time equated exempted positions.....	277.0		
Supreme court administration—136.0 FTE positions.....		\$	15,360,800

	For Fiscal Year Ending Sept. 30, 1999
State court administrative office—80.0 FTE positions .....	\$ 9,417,300
Judicial information systems—21.0 FTE positions .....	2,572,700
Direct trial court automation support—24.0 FTE positions.....	1,946,500
Foster care review board—12.0 FTE positions.....	1,160,400
Community dispute resolution—4.0 FTE positions .....	2,318,400
GROSS APPROPRIATION.....	\$ 32,776,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from FIA, title IV-D child support program.....	419,100
IDG from FIA, title IV-E foster care program.....	276,700
IDG from MFIA-HHS access and visitation grant .....	380,200
IDG from MFIA-TANF .....	500,000
IDG from state police - criminal justice improvement .....	1,443,900
IDG from state police - Michigan justice training fund.....	208,000
Federal revenues:	
DAG, agriculture mediation grant.....	469,900
Federal - special education grant .....	90,000
Federal highway safety planning revenue.....	115,300
HHS, court improvement project.....	619,300
Special revenue funds:	
Local - user fees.....	1,946,500
Private .....	419,000
Private - interest on lawyers trust accounts.....	668,600
Private - state justice institute .....	130,000
Community dispute resolution fees.....	1,628,400
Law exam fees .....	327,200
Miscellaneous revenue .....	216,800
State court fund.....	319,000
State general fund/general purpose .....	\$ 22,598,200
 <b>Sec. 103. COURT OF APPEALS</b>	
Full-time equated exempted positions.....	245.5
Court of appeals operations—223.5 FTE positions .....	\$ 17,879,200
Delay reduction—22.0 FTE positions.....	1,500,000
GROSS APPROPRIATION.....	\$ 19,379,200
Appropriated from:	
Special revenue funds:	
Court filing/motion fees.....	1,517,800
Miscellaneous revenue .....	75,200
State general fund/general purpose .....	\$ 17,786,200
 <b>Sec. 104. JUSTICES' AND JUDGES' COMPENSATION</b>	
Full-time judges positions.....	611.0
Supreme court justices' salaries—7.0 judges .....	\$ 893,000
Court of appeals judges' salaries—28.0 judges .....	3,286,400
District court judges' state base salaries—259.0 judges.....	15,913,300
District court judicial salary standardization .....	11,842,500
Probate court judges' state base salaries—107.0 judges.....	6,188,600
Probate court judicial salary standardization.....	4,332,800
Circuit court judges' state base salaries—210.0 judges .....	13,715,900
Circuit court judicial salary standardization .....	9,228,000
OASI, social security.....	3,654,300
GROSS APPROPRIATION.....	\$ 69,054,800
Appropriated from:	
Special revenue funds:	
Court fee fund .....	6,384,000
State general fund/general purpose .....	\$ 62,670,800

**Sec. 105. JUDICIAL AGENCIES**

Full-time equated exempted positions.....10.0		
Judicial tenure commission—10.0 FTE positions .....	\$	916,800
GROSS APPROPRIATION.....	\$	916,800
Appropriated from:		
State general fund/general purpose .....	\$	916,800

**Sec. 106. INDIGENT DEFENSE - CRIMINAL**

Full-time equated exempted positions.....69.5		
Appellate public defender program—61.5 FTE positions.....	\$	5,176,000
Appellate assigned counsel administration—8.0 FTE positions .....		852,100
GROSS APPROPRIATION.....	\$	6,028,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		343,500
Special revenue funds:		
Miscellaneous revenue .....		109,500
State general fund/general purpose .....	\$	5,575,100

**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.....	\$	65,840,400
Hold harmless fund reimbursements .....		12,000,000
GROSS APPROPRIATION.....	\$	77,840,400
Appropriated from:		
Special revenue funds:		
Court equity fund .....		36,044,000
State general fund/general purpose .....	\$	41,796,400

**Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT**

Drunk driving caseflow program.....	\$	1,900,000
Drug caseflow program .....		200,000
GROSS APPROPRIATION.....	\$	2,100,000
Appropriated from:		
Special revenue funds:		
Drug fund.....		200,000
Drunk driving fund.....		1,900,000
State general fund/general purpose .....	\$	0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-99 is estimated at \$207,402,400.00 in this act and state spending from state sources paid to local units of government for fiscal year 1998-99 is estimated at \$112,044,200.00. 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
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TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	65,840,400
Hold harmless fund reimbursement.....		12,000,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,842,500
Probate court judges' state base salaries.....		6,188,600
Probate court judicial salary standardization.....		4,332,800
Circuit court judicial salary standardization .....		9,228,000

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving caseflow program.....	\$	1,900,000
Drug caseflow program.....		200,000
TOTAL .....	\$	<u>112,044,200</u>

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Sec. 202. (1) The expenditures and funding sources 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) "DAG" means the United States department of agriculture.
- (b) "FIA" means the family independence agency.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "MDSF" means the department of state police.
- (g) "OASI" means old age survivor's insurance.
- (h) "TANF" means temporary assistance for needy families.

Sec. 204. Funds appropriated in this act shall not be used for the purchase of foreign goods or services when competitively priced American goods and services are available.

Sec. 205. (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.

(2) 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.

Sec. 206. (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. 207. Sixty days prior to beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate 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 house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.

Sec. 212. If the judicial branch enters into a personal services contract with any temporary service agency or similar contractor that hires or subcontracts with a person who retired from employment in the judicial branch under the early retirement program under section 19f of the state employees' retirement act, 1943 PA 240, MCL 38.19f, the retired state employee shall be limited to 500 hours for professional, technical, or clerical services and 250 hours for management services. This limitation does not apply to computer technology services. This provision only applies during a 24-month period after the date of retirement. This section applies to each principal executive department, agency, and the judicial branch.

## **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 and general government, respectively, 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 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. 303. 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. 304. 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. 305. 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. 306. The supreme court shall report to the judiciary subcommittee of the house appropriations committee and the general government subcommittee of the senate appropriations committee regarding the current status of the accounts set forth in part 1 if it appears that the judiciary's expenditures will exceed funds appropriated under this act.

Sec. 307. From funds appropriated under part 1, forms required to be developed by the state court administrative office pursuant to section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950b, shall be provided in the quantity requested by each county clerk.

Sec. 308. The supreme court shall continue to implement and enforce an appropriate antinepotism policy, which shall include provisions that prohibit a judge from hiring or employing a member of his or her immediate family as a court employee or in any judicial support related capacity.

Sec. 309. (1) The state supreme court and the state court administrative office shall consider and analyze the various methods of providing necessary travel for judges, and shall then adopt as policy for all judicial agencies the most efficient and cost-effective method.

- (2) This analysis and policy shall be submitted to the house and senate fiscal agencies.

Sec. 310. Funds appropriated in part 1 shall not be used to pay directly or by reimbursement the annual dues for membership in the state bar of Michigan of a judge, justice, or other employee of the judicial branch.

Sec. 311. (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, 1999 audited accounts of all money due and owing the court as of September 30, 1998. 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, 1999. This report is a public record.

Sec. 312. The state court administrative office, from funds appropriated in part 1, shall assist the court of appeals and trial courts to meet American bar association model standards on case processing, including the standard that 95% of all civil appellate cases be disposed within 12 months of filing.

Sec. 314. 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. 315. 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. 316. The legislature urges the supreme court to examine court rules and consider changes which would:

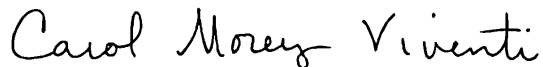
(a) Allow candidates for judge to express opinions on political issues.

(b) Allow judges to preside over cases even though they have publicly expressed political opinions on issues generally related to the case.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.