

**SUBSTITUTE FOR  
HOUSE BILL NO. 5279**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; 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 amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

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For Fiscal Year Ending  
September 30, 2001

## 1 JUDICIARY

### 2 APPROPRIATION SUMMARY:

3	Full-time equated exempted positions.....	589.5	
4	GROSS APPROPRIATION.....	\$	[236,133,900]
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		3,608,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	[232,525,400]
9	Federal revenues:		
10	Total federal revenues.....		3,103,300
11	Total local revenues.....		2,836,100
12	Total private revenues.....		1,322,400
13	Total other state restricted revenues.....		56,003,600
14	State general fund/general purpose.....	\$	[169,260,000]
15	<b>Sec. 102. SUPREME COURT</b>		
16	Full-time equated exempted positions.....	288.0	
17	Supreme court administration--120.0 FTE positions....	\$	14,965,100
18	Judicial institute--18.0 FTE positions.....		2,861,800
19	State court administrative		
20	office-administration--80.0 FTE positions.....		8,952,700
	[Law enforcement information network system input		
	compliance .....		50,000]
21	Judicial information systems--21.0 FTE positions....		5,611,200
22	Direct trial court automation support--33.0 FTE		
23	positions.....		2,836,100
24	Foster care review board--12.0 FTE positions.....		1,249,900
25	Community dispute resolution program--4.0 FTE		
26	positions.....		2,563,500

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1	Drug courts.....	<u>1,000,000</u>
2	GROSS APPROPRIATION.....	\$ [40,090,300]
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from MD CD.....	80,000
6	IDG from state police-Michigan justice training fund.	300,000
7	IDG from state police-criminal justice improvement...	2,805,000
8	Federal revenues:	
9	HHS-court improvement project.....	629,800
10	USDA-agriculture mediation grant.....	200,900
11	DOT-national highway safety traffic administration...	215,300
12	DOJ-drug training conference.....	75,000
13	Federal special education grant.....	130,000
14	HHS-title IV-D child support program.....	419,100
15	HHS-title IV-E foster care review program.....	276,700
16	HHS-OCSE-access and visitation program.....	387,000
17	HHS-temporary assistance for needy families federal	
18	funds.....	500,000
19	HHS-domestic violence prevention.....	269,500
20	Special revenue funds:	
21	Local-user fees.....	2,836,100
22	Private.....	169,000
23	Private-interest on lawyers trust accounts.....	712,600
24	Private-state justice institute.....	370,800
25	State court fund.....	319,000
26	Community dispute resolution fees.....	1,656,000

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1	Miscellaneous restricted.....		227,900
2	Law exam fees.....		477,200
3	State general fund/general purpose.....	\$	[27,033,400]
4	<b>Sec. 103. COURT OF APPEALS</b>		
5	Full-time equated exempted positions.....	235.5	
6	Operations--223.5 FTE positions.....	\$	20,422,400
7	Delay reduction--12.0 FTE positions.....		<u>950,000</u>
8	GROSS APPROPRIATION.....	\$	21,372,400
9	Appropriated from:		
10	Special revenue funds:		
11	Court filing/motion fees.....		1,571,000
12	Miscellaneous revenues.....		77,800
13	State general fund/general purpose.....	\$	19,723,600
14	<b>Sec. 104. TRIAL COURT OPERATIONS</b>		
15	State court equity fund reimbursements.....	\$	73,840,400
16	Hold harmless reimbursements.....		<u>4,000,000</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	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>		
23	Full-time judges positions.....	610.0	
24	Supreme court justices' salaries--7.0 judges.....	\$	1,007,900
25	Court of appeals judges' salaries--28.0 judges.....		3,709,100
26	District court judges' state base salaries--259.0		
27	judges.....		19,482,600

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1	District court judicial salary standardization.....	11,842,500
2	Probate court judges' state base salaries--106.0	
3	judges.....	7,332,900
4	Probate court judicial salary standardization.....	4,287,100
5	Circuit court judges' state base salaries--210.0	
6	judges.....	16,473,100
7	Circuit court judicial salary standardization.....	9,228,000
8	Judges retirement-defined contribution.....	2,585,700
9	Grant to the OASI contribution fund, employers share,	
10	social security.....	<u>4,134,700</u>
11	GROSS APPROPRIATION..... \$	80,083,600
12	Appropriated from:	
13	Special revenue funds:	
14	Court fee fund.....	5,630,600
15	State general fund/general purpose..... \$	74,453,000
16	<b>Sec. 106. JUDICIAL AGENCIES</b>	
17	Full-time equated exempted positions.....10.0	
18	Judicial tenure commission--10.0 FTE positions..... \$	<u>998,800</u>
19	GROSS APPROPRIATION..... \$	998,800
20	Appropriated from:	
21	State general fund/general purpose..... \$	998,800
22	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
23	Full-time equated exempted positions.....56.0	
24	Appellate public defender program--48.0 FTE positions \$	4,909,600
25	Appellate assigned counsel administration--8.0 FTE	
26	positions.....	<u>951,800</u>

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1	GROSS APPROPRIATION.....	\$	5,861,400
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from state police-Michigan justice training fund.		423,500
5	Special revenue funds:		
6	Private-interest on lawyers trust accounts.....		70,000
7	Miscellaneous revenue.....		113,100
8	State general fund/general purpose.....	\$	5,254,800
9	<b>Sec. 108. INDIGENT DEFENSE - CIVIL</b>		
10	Indigent civil defense.....	\$	<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	<b>Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</b>		
17	Drunk driving case-flow program.....	\$	2,300,000
18	Drug case-flow program.....		<u>250,000</u>
19	GROSS APPROPRIATION.....	\$	2,550,000
20	Appropriated from:		
21	Special revenue funds:		
22	Drunk driving fund.....		2,300,000
23	Drug fund.....		250,000
24	State general fund/general purpose.....	\$	0

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PART 2

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PROVISIONS CONCERNING APPROPRIATIONS

5 GENERAL SECTIONS

6       Sec. 201. (1) Pursuant to section 30 of article IX of the state  
7 constitution of 1963, total state spending from state sources for fiscal  
8 year 2000-2001 is estimated at [\$225,263,600.00] in this act and state  
9 spending from state sources paid to local units of government for fiscal  
10 year 2000-2001 is estimated at \$113,592,800.00. The itemized statement  
11 below identifies appropriations from which spending to units of local  
12 government will occur:

13 SUPREME COURT

14     State court administrative office - administration... \$           511,900

15 TRIAL COURT OPERATIONS

16     Court equity fund reimbursements..... \$           73,840,400

17     Hold harmless fund reimbursement.....           4,000,000

18 JUSTICES' AND JUDGES' COMPENSATION

19     District court judicial salary standardization..... \$       11,842,500

20     Probate court judges' state base salaries.....       7,332,900

21     Probate court judicial salary standardization.....   4,287,100

22     Circuit court judicial salary standardization.....   9,228,000

23 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

24     Drunk driving case-flow program..... \$           2,300,000

25     Drug case-flow program.....           250,000

26     TOTAL..... \$           113,592,800

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1       (2) If it appears to the principal executive officer of a department  
2 or branch that state spending to local units of government will be less  
3 than the amount that was projected to be expended under subsection (1),  
4 the principal executive officer shall immediately give notice of the  
5 approximate shortfall to the state budget director, the house and senate  
6 appropriations committees, and the house and senate fiscal agencies.

7       Sec. 202. (1) The expenditures and funding sources authorized under  
8 this act are subject to the management and budget act, 1984 PA 431, MCL  
9 18.1101 to 18.1594.

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

18       Sec. 203. As used in this act:

19       (a) "DAG" means the United States department of agriculture.

20       (b) "DOE" means the United States department of education.

21       (c) "DOJ" means the United States department of justice.

22       (d) "DOT" means the United States department of transportation.

23       (e) "FTE" means full-time equated.

24       (f) "HHS" means the United States department of health and human  
25 services.

26       (g) "IDG" means interdepartmental grant.



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

2 (i) "MDSP" means the Michigan department of state police.

3 (j) "MFIA" means the Michigan family independence agency.

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

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

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

9 Sec. 205. (1) The chief justice of the supreme court shall take all  
10 reasonable steps to ensure businesses in deprived and depressed communi-  
11 ties compete for and perform contracts to provide services or supplies,  
12 or both, for the judicial branch.

13 (2) The chief justice shall strongly encourage firms with which the  
14 courts of this state contract to subcontract with certified businesses in  
15 depressed and deprived communities for services or supplies, or both.

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

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

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

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

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1 (5) A transfer of contingency funds within the judicial branch shall  
2 not be made by the authorized agent of the judicial entity unless  
3 approved by both appropriations committees. If the state budget director  
4 does not approve contingency fund transfers adopted by both appropria-  
5 tions committees under this section, the state budget director shall  
6 notify the appropriations committees of his or her action within 15  
7 days.

8 Sec. 207. (1) The judicial branch shall provide to the senate and  
9 house of representatives standing committees on appropriations and the  
10 senate and house fiscal agencies a monthly report on all personal service  
11 contracts awarded without competitive bidding, pricing, or rate setting.  
12 The notification shall include all of the following:

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

14 (b) The duration of the contract.

15 (c) The name of the vendor.

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

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

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

20 (b) The duration of the contract.

21 (c) The name of the vendor.

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

23 Sec. 208. Sixty days prior to beginning any effort to privatize,  
24 the judicial branch shall submit a complete project plan to the appropri-  
25 ate house and senate appropriations subcommittees and the house and  
26 senate fiscal agencies. The plan shall include the criteria under which  
27 the privatization initiative will be evaluated. The evaluation shall be

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1 completed and submitted to the appropriate house and senate  
2 appropriations subcommittees and the house and senate fiscal agencies  
3 within 30 months.

4       Sec. 209. The judicial branch shall continue to pilot the use of  
5 the Internet to fulfill the reporting requirements in this act. This may  
6 include transmission of reports via electronic mail to the recipients  
7 identified for each reporting requirement or it may include placement of  
8 reports on the Internet or the Intranet. The house and senate appropria-  
9 tions subcommittees shall be notified in writing of the Internet/Intranet  
10 site of any such report.

11       Sec. 209a. The judicial branch shall receive and retain copies of  
12 all reports funded from appropriations in part 1, and shall follow fed-  
13 eral and state guidelines for short-term and long-term retention of these  
14 reports and records.

15       Sec. 210. The judicial branch shall provide a report prepared by  
16 the judicial branch's internal auditor for the prior fiscal year. This  
17 report shall include a listing of each audit or investigation performed  
18 by the internal auditor pursuant to sections 486(4) and 487 of the man-  
19 agement and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report  
20 shall identify the proportion of time spent on each of the statutory  
21 responsibilities listed in sections 485(4), 486(4), and 487 of the man-  
22 agement and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487,  
23 and the time spent on all other activities performed in the internal  
24 audit function. The report is due first on March 1, 2001, and is due  
25 biennially thereafter beginning on May 1, 2003, and shall be submitted to  
26 the governor, auditor general, the senate and house appropriations  
27 committees, the senate and house fiscal agencies, and the chief justice.

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**1 JUDICIAL BRANCH**

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

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

17       Sec. 302. Funds appropriated within the judicial branch shall not  
18 be expended by any component within the judicial branch without the  
19 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 judica-  
24 ture act of 1961, 1961 PA 236, MCL 600.6413.

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

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

6       Sec. 306. From funds appropriated under part 1, forms required to  
7 be developed by the state court administrative office pursuant to  
8 section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL  
9 600.2950b, shall be provided in the quantity requested by each county  
10 clerk.

11       Sec. 308. Funds appropriated in part 1 shall not be used to pay  
12 directly or by reimbursement the annual dues for membership in the state  
13 bar of Michigan of a judge, justice, or other employee of the judicial  
14 branch.

15       Sec. 309. (1) The chief financial officer of a funding unit for a  
16 court, in cooperation with the local court, shall provide to the state  
17 treasurer and state court administrative office by January 1, 2001  
18 audited accounts of all money due and owing the court as of September 30,  
19 2000. Where audited accounts are not available, the chief financial  
20 officer of a funding unit for a court may provide estimates as long as  
21 they are clearly marked as "estimated".

22       (2) The state treasurer shall report to the legislature a compila-  
23 tion of the estimated accounts receivable of all courts and cumulative  
24 totals by March 1, 2001. This report is a public record.

25       Sec. 310. The state court administrative office, from funds appro-  
26 priated in part 1, shall assist the court of appeals and trial courts in  
27 resolving 90% of all cases within 18 months of their filing date.

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1       Sec. 311. If sufficient funds are not available from the court fee  
2 fund to pay judges' compensation, the difference between the appropriated  
3 amount from that fund for judges' compensation and the actual amount  
4 available after the amount appropriated for trial court reimbursement is  
5 made shall be appropriated from the state general fund for judges'  
6 compensation.

7       Sec. 312. Funds appropriated in part 1 for indigent defense shall  
8 be used in accordance with terms and conditions of section 1485(11)(b) of  
9 the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including  
10 reference to federal prohibitions against providing legal assistance with  
11 respect to any proceeding or litigation which seeks to procure an  
12 abortion.

13       Sec. 315. State general fund appropriation for community dispute  
14 resolution contained in part 1 shall be used to supplement funding for  
15 community dispute resolution centers. The supplemental funding shall be  
16 disbursed by formula to achieve a base level of \$30,000.00 for centers  
17 funded through the community dispute resolution act, 1988 PA 260, MCL  
18 691.1551 to 691.1564, with the remainder disbursed based upon performance  
19 measures as determined by the state court administrative office.

20       Sec. 317. (1) The judicial branch shall submit to the department of  
21 management and budget, the house and senate appropriations committees,  
22 the house and senate fiscal agencies, and the house and senate standing  
23 committees having jurisdiction over technology issues quarterly reports  
24 on the judicial branch's efforts to change the judicial branch's computer  
25 software and hardware as necessary to perform properly in the year 2000  
26 and beyond. These reports shall identify actual progress in comparison  
27 to the judicial branch's approved work plan for these efforts.

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1       (2) Beginning with the report on April 1, 2001, the judicial branch  
2 shall submit to the department of management and budget, the senate and  
3 house of representatives standing committees on appropriations, the  
4 senate and house fiscal agencies, and the senate and house standing com-  
5 mittees having jurisdiction over technology issues quarterly reports  
6 identifying for the immediately preceding quarter significant problems  
7 with information systems, occurrences of information system failure as a  
8 result of noncompliance with year 2000 standards, and previously uniden-  
9 tified areas of impact. These reports shall identify systems needing  
10 corrective action and the contractual obligations of accountable  
11 parties. These reports shall give the status of the progress made in  
12 repairing and testing applications, the status of vendor-supplied solu-  
13 tions to problems, information on the activation of manual or contract  
14 processes used to correct problems, and an itemization of the additional  
15 costs incurred.

16       (3) The judicial branch may present progress billings to the depart-  
17 ment of management and budget for the costs incurred in changing computer  
18 software and hardware as necessary to perform properly in the year 2000  
19 and beyond and for costs incurred as a result of initiating corrective  
20 actions. At the time progress billings are presented for reimbursement,  
21 the judicial branch shall identify the funding sources that should sup-  
22 port the work performed, and the department of management and budget  
23 shall forward the appropriate funding.

24       Sec. 319. (1) The state auditor general shall perform an audit of  
25 the state appellate defender office to ensure program effectiveness,  
26 efficiencies, and compliance with state law.

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1       (2) As a part of the audit, the legislative auditor general shall  
2 include an analysis of the state appellate defender office salary  
3 schedule for attorneys and supervisors. The analysis shall compare sala-  
4 ries with those in the public and private sectors.

5       Sec. 322. (1) The funds appropriated in part 1 for drug courts  
6 shall be administered by the state court administrative office to imple-  
7 ment new drug court programs or for existing drug court programs if fed-  
8 eral funds are no longer available. A drug court shall be responsible  
9 for handling cases involving substance abusing nonviolent offenders  
10 through comprehensive supervision, testing, treatment services, and imme-  
11 diate sanctions and incentives. A drug court shall use all available  
12 county and state personnel involved in the disposition of cases includ-  
13 ing, but not limited to, parole and probation agents, prosecuting attor-  
14 ney, defense attorney, and community corrections providers.

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

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

20       (4) Other than a 1-time planning grant, state funding for a drug  
21 court established by a county or group of counties shall not exceed 3  
22 years. Match funding requirements increase for each of the 3 years of  
23 funding to insure that the community is absorbing a larger share of the  
24 costs for the drug court with each succeeding year and are established at  
25 25% for the first year, 40% for the second year, and 50% for the third  
26 year.



1       Sec. 323. From the funds appropriated in part 1, the state court  
2 administrator shall produce a statistical report regarding the  
3 implementation of the parental rights restoration act, 1990 PA 211, MCL  
4 722.901 to 722.908, as it pertains to minors seeking a court-issued  
5 waiver of parental consent to obtain an abortion. At a minimum, the  
6 report shall contain information from calendar years 1997 through 1999.  
7 The report shall include information from all counties on the number of  
8 petitions filed, the number of hearings held in response to petitions  
9 filed, and the number of waivers granted and denied. The state court  
10 administrator shall not seek any information regarding the identity of  
11 any minor who has petitioned the court, but shall provide aggregate data  
12 on the age of the minors petitioning the court and whether the minor  
13 resided in the county where the petition was filed. The report shall  
14 also indicate whether courts acted to report a potential child abuse to  
15 child protective services as provided in the parental rights restoration  
16 act, 1990 PA 211, MCL 722.901 to 722.908.

17       Sec. 324. A county shall be required to pay a penalty due to the  
18 state's failure to be in compliance with federal child support enforce-  
19 ment system requirements unless the county, friend of the court, and the  
20 family independence agency have a written agreement that outlines the  
21 county's commitment to participate in the federally required child sup-  
22 port enforcement system and the county complies with a time line for com-  
23 pletion established by the family independence agency. Appropriate coun-  
24 ties, the family independence agency, and the judicial branch shall  
25 report on the progress of reaching federal standards by November 15,  
26 2000. These groups will present an action plan as to how attainment will  
27 be reached by September 30, 2001.

[Sec. 325. Budgets for the attorney grievance board and attorney discipline board shall be included as a part of the presentation of the judicial budget to the legislature.]

Sec. 326. The \$50,000.00 appropriated in part 1 for the law enforcement information network system input compliance shall be provided for the state court administrative office to ensure that local courts are in compliance with section 444a, 1994 PA 340, MCL 700.444a. The funds shall not be available for expenditure until a report is submitted to the house and senate appropriations committees on judiciary and the house and senate fiscal agencies by October 15, 2000. The report shall include a plan, including a timetable, of when every court shall have entered onto the law enforcement information network, all court orders for persons determined to be legally incapacitated, persons required to undergo involuntary hospitalization or treatment, and persons adjudged not guilty by reason of insanity.]

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Final page.