

Act No. 264
Public Acts of 2000
Approved by the Governor
June 29, 2000
Filed with the Secretary of State
June 29, 2000
EFFECTIVE DATE: June 29, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

**Introduced by Reps. Mortimer, Pappageorge, Byl, Kukuk, Jellema, Jelinek, Geiger, Mead, Pumford,
Caul, LaSata, Cameron Brown, Scranton, Jansen, Godchaux and Stamas**

ENROLLED HOUSE BILL No. 5279

AN ACT 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:

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, 2001, 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.....	590.5		
GROSS APPROPRIATION.....		\$	236,914,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			3,608,500
ADJUSTED GROSS APPROPRIATION.....		\$	233,305,500
Federal revenues:			
Total federal revenues			2,826,600
Special revenue funds:			
Total local revenues			2,836,100
Total private revenues.....			1,322,400
Total other state restricted revenues			56,003,600
State general fund/general purpose		\$	170,316,800

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	289.0	
Supreme court administration—121.0 FTE positions.....	\$	15,072,200
Law enforcement information network system input compliance.....		50,000
Judicial institute—18.0 FTE positions.....		2,861,800
State court administrative office - administration—80.0 FTE positions.....		8,952,700
Judicial information systems—21.0 FTE positions		5,611,200
Direct trial court automation support—33.0 FTE positions.....		2,836,100
Foster care review board—12.0 FTE positions.....		1,249,900
Community dispute resolution program—4.0 FTE positions.....		2,563,500
Drug courts.....		1,200,000
GROSS APPROPRIATION.....	\$	40,397,400

Appropriated from:

Interdepartmental grant revenues:

IDG from MDCD	80,000
IDG from state police - Michigan justice training fund.....	300,000
IDG from state police - criminal justice improvement	2,805,000

Federal revenues:

HHS, court improvement project.....	629,800
USDA, agriculture mediation grant.....	200,900
DOT, national highway safety traffic administration	215,300
DOJ, drug training conference	75,000
Federal special education grant.....	130,000
HHS, title IV-D child support program.....	419,100
HHS, title IV-E foster care review program.....	500,000
HHS-OCSE, access and visitation program	387,000
HHS, domestic violence prevention	269,500

Special revenue funds:

Local - user fees.....	2,836,100
Private	169,000
Private - interest on lawyers trust accounts.....	712,600
Private - state justice institute	370,800
State court fund	319,000
Community dispute resolution fees.....	1,656,000
Miscellaneous restricted	227,900
Law exam fees	477,200
State general fund/general purpose	\$ 27,617,200

Sec. 103. COURT OF APPEALS

Full-time equated exempted positions.....	235.5	
Operations—235.5 FTE positions.....	\$	21,372,400
GROSS APPROPRIATION.....	\$	21,372,400

Appropriated from:

Special revenue funds:

Court filing/motion fees	1,571,000
Miscellaneous revenues	77,800
State general fund/general purpose	\$ 19,723,600

Sec. 104. TRIAL COURT OPERATIONS

State court equity fund reimbursements	\$	73,840,400
Hold harmless reimbursements		4,000,000
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. 105. JUSTICES' AND JUDGES COMPENSATION

Full-time judges positions.....	610.0	
Supreme court justices' salaries—7.0 judges	\$	1,007,900
Court of appeals judges salaries—28.0 judges		3,709,100
District court judges state base salaries—259.0 judges		19,482,600
District court judicial salary standardization		11,842,500
Probate court judges state base salaries—106.0 judges		7,332,900
Probate court judicial salary standardization.....		4,287,100
Circuit court judges state base salaries—210.0 judges		16,473,100
Circuit court judicial salary standardization		9,228,000
Judges retirement - defined contribution.....		2,585,700
Grant to the OASI contribution fund, employers share, social security		4,134,700
Part-time probate judges conversion to full-time status		473,000
GROSS APPROPRIATION.....	\$	80,556,600
Appropriated from:		
Special revenue funds:		
Court fee fund		5,630,600
State general fund/general purpose	\$	74,926,000

Sec. 106. JUDICIAL AGENCIES

Full-time equated exempted positions.....	10.0	
Judicial tenure commission—10.0 FTE positions	\$	998,800
GROSS APPROPRIATION.....	\$	998,800
Appropriated from:		
State general fund/general purpose	\$	998,800

Sec. 107. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	56.0	
Appellate public defender program—48.0 FTE positions.....	\$	4,909,600
Appellate assigned counsel administration—8.0 FTE positions		951,800
GROSS APPROPRIATION.....	\$	5,861,400
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose	\$	5,254,800

Sec. 108. INDIGENT DEFENSE - CIVIL

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. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	2,300,000
Drug case-flow program.....		250,000
GROSS APPROPRIATION.....	\$	2,550,000
Appropriated from:		
Special revenue funds:		
Drunk driving fund.....		2,300,000
Drug fund		250,000
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 resources under part 1 for fiscal year 2000-2001 is \$226,320,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$115,265,800.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

SUPREME COURT

State court administrative office - administration	\$	511,900
Drug court program.....		1,200,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	73,840,400
Hold harmless fund reimbursement.....		4,000,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization	\$	11,842,500
Probate court judges' state base salaries.....		7,332,900
Probate court judicial salary standardization.....		4,287,100
Circuit court judicial salary standardization		9,228,000
Part-time probate judges conversion to full-time status		473,000

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	2,300,000
Drug case-flow program.....		250,000
TOTAL	\$	115,265,800

(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, the house and senate appropriations committees, and the house and senate fiscal agencies.

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

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

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DOE" means the United States department of education.
- (c) "DOJ" means the United States department of justice.
- (d) "DOT" means the United States department of transportation.
- (e) "FTE" means full-time equated.
- (f) "HHS" means the United States department of health and human services.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCD" means the Michigan department of career development.
- (i) "MDSP" means the Michigan department of state police.
- (j) "MFIA" means the Michigan family independence agency.
- (k) "OASI" means old age survivor's insurance.
- (l) "TANF" means temporary assistance for needy families.

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

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for state restricted contingency funds.

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

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

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

Sec. 207. At least 60 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. The judicial branch shall continue to pilot the use of 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 the Internet or Intranet, or the legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the judicial branch shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter. The option of receiving reports in printed format shall continue to be available.

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

Sec. 210. 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.

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

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

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

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

Sec. 212. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1, and shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 213. The judicial branch shall provide a report prepared by the judicial branch's internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other

activities performed in the internal audit function. The report is due first on March 1, 2001, and is due biennially thereafter beginning on May 1, 2003, and shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the chief justice.

JUDICIAL BRANCH

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

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

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

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

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

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

Sec. 306. 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. 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. 309. (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, 2001 audited accounts of all money due and owing the court as of September 30, 2000. 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, 2001. This report is a public record.

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

Sec. 311. 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. 312. 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. 315. State general fund appropriation for community dispute resolution contained in part 1 shall be used to supplement funding for community dispute resolution centers. The supplemental funding shall be disbursed by formula to achieve a base level of \$30,000.00 for centers funded through the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, with the remainder disbursed based upon performance measures as determined by the state court administrative office.

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

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

Sec. 322. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

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

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

(4) Beginning with the fiscal year commencing on October 1, 2001, other than a 1-time planning grant, state funding for a drug court established by a county or group of counties shall not exceed 3 years. Beginning with the fiscal year commencing on October 1, 2001, match funding requirements increase for each of the 3 years of funding to insure that the community is absorbing a larger share of the costs for the drug court with each succeeding year and are established at 25% for the first year, 40% for the second year, and 50% for the third year.

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

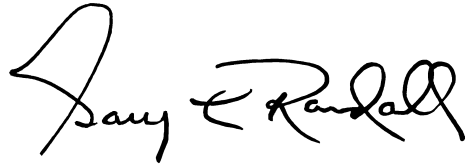
Sec. 324. A county shall be required to pay a penalty due to the state's failure to be in compliance with federal child support enforcement system requirements unless the county, friend of the court, and the family independence agency have a written agreement that outlines the county's commitment to participate in the federally required child support enforcement system and the county complies with a time line for completion established by the family independence agency. Appropriate counties, the family independence agency, and the judicial branch shall report on the progress of reaching federal standards by November 15, 2000. These groups will present an action plan as to how attainment will be reached by September 30, 2001.

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 464a of the mental health code, 1974 PA 258, MCL 330.1464a, section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, and section 16b of the code of criminal procedure, 1927 PA 175, MCL 769.16b. 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 submitted for entry 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.

Sec. 327. The audit conducted by the legislative auditor general pursuant to section 53 of article IV of the state constitution of 1963 shall include a review of trial court improvement projects.

Sec. 328. The funds appropriated in part 1 for the conversion of part-time probate judges to full-time status shall not be expended until legislation is enacted to implement the conversion. If legislation is not enacted during fiscal year 2000-2001, the funds shall lapse to the state general fund at the close of the fiscal year.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.