

SUBSTITUTE FOR
HOUSE BILL NO. 5648

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; 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:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. Subject to the conditions set forth in this act, the
4 amounts listed in this part are appropriated for the judicial branch for
5 the fiscal year ending September 30, 2003, from the funds indicated in
6 this part. The following is a summary of the appropriations in this
7 part:

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For Fiscal Year Ending
September 30, 2003

1 JUDICIARY

2 APPROPRIATION SUMMARY:

3	Full-time equated exempted positions.....	592.5	
4	GROSS APPROPRIATION.....	\$	247,762,800
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		2,833,500
8	ADJUSTED GROSS APPROPRIATION.....	\$	244,929,300
9	Federal revenues:		
10	Total federal revenues.....		3,901,000
11	Special revenue funds:		
12	Total local revenues.....		2,941,800
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		57,537,500
15	State general fund/general purpose.....	\$	179,706,500
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	284.0	
18	Supreme court administration--114.0 FTE positions....	\$	10,846,300
19	Judicial institute--20.0 FTE positions.....		3,107,000
20	State court administrative office--80.0 FTE positions		9,987,700
21	Judicial information systems--21.0 FTE positions.....		4,772,500
22	Direct trial court automation support--33.0 FTE		
23	positions.....		2,941,800
24	Foster care review board--12.0 FTE positions.....		1,253,200
25	Community dispute resolution--4.0 FTE positions.....		2,511,300
26	Drug treatment courts.....		<u>1,293,700</u>

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1	GROSS APPROPRIATION.....	\$	36,713,500
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from department of career development.....		95,000
5	IDG from state police - criminal justice improvement.		2,015,000
6	IDG from state police - Michigan justice training		
7	fund.....		300,000
8	Federal revenues:		
9	USDA, agriculture mediation grant.....		125,000
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, title IV-D child support program.....		907,700
17	HHS, title IV-E foster care program.....		500,000
18	HHS, TANF.....		50,000
19	HHS, domestic violence prevention.....		269,500
20	Special revenue funds:		
21	Local - user fees.....		2,941,800
22	Private.....		169,000
23	Private - interest on lawyers' trust accounts.....		232,700
24	Private - state justice institute.....		370,800
25	Community dispute resolution fees.....		1,665,600
26	Law exam fees.....		482,100

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1	Miscellaneous revenue.....	227,900
2	State court fund.....	319,000
3	State general fund/general purpose..... \$	24,030,100
4	Sec. 103. COURT OF APPEALS	
5	Full-time equated exempted positions.....230.5	
6	Court of appeals operations--230.5 FTE positions..... \$	<u>17,914,100</u>
7	GROSS APPROPRIATION..... \$	17,914,100
8	Appropriated from:	
9	Special revenue funds:	
10	Court filing/motion fees.....	1,571,000
11	Miscellaneous revenue.....	77,800
12	State general fund/general purpose..... \$	16,265,300
13	Sec. 104. BRANCHWIDE APPROPRIATIONS	
14	Full-time equated exempted positions.....13.0	
15	Branchwide appropriations..... \$	9,754,100
16	Worker's compensation.....	<u>324,000</u>
17	GROSS APPROPRIATION..... \$	10,078,100
18	Appropriated from:	
19	Special revenue funds:	
20	State general fund/general purpose..... \$	10,078,100
21	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
22	Full-time judges positions.....610.0	
23	Supreme court justices' salaries--7.0 judges..... \$	1,169,600
24	Court of appeals judges' salaries--28.0 judges.....	4,304,000
25	District court judges' state base salaries--258.0	
26	judges.....	24,412,400

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1	District court judicial salary standardization.....	11,796,800
2	Probate court judges' state base salaries--106.0	
3	judges.....	9,139,000
4	Probate court judicial salary standardization.....	4,287,100
5	Circuit court judges' state base salaries--216.0	
6	judges.....	20,658,100
7	Circuit court judicial salary standardization.....	9,807,800
8	Judges' retirement system defined contributions.....	2,562,400
9	OASI, social security.....	<u>4,630,500</u>
10	GROSS APPROPRIATION..... \$	92,767,700
11	Appropriated from:	
12	Special revenue funds:	
13	Court fee fund.....	6,900,000
14	State general fund/general purpose..... \$	85,867,700
15	Sec. 106. JUDICIAL AGENCIES	
16	Full-time equated exempted positions.....10.0	
17	Judicial tenure commission--10.0 FTE positions..... \$	<u>1,014,100</u>
18	GROSS APPROPRIATION..... \$	1,014,100
19	Appropriated from:	
20	State general fund/general purpose..... \$	1,014,100
21	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
22	Full-time equated exempted positions.....55.0	
23	Appellate public defender program--47.0 FTE positions \$	5,118,500
24	Appellate assigned counsel administration--8.0 FTE	
25	positions.....	<u>920,400</u>
26	GROSS APPROPRIATION..... \$	6,038,900

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1	Appropriated from:		
2	Interdepartmental grant revenues:		
3	IDG from state police - Michigan justice training		
4	fund.....		423,500
5	Federal revenues:		
6	DOJ, assigned criminal defense.....		36,500
7	Special revenue funds:		
8	Private - interest on lawyers' trust accounts.....		70,000
9	Miscellaneous revenue.....		113,100
10	State general fund/general purpose.....	\$	5,395,800
11	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
12	Indigent civil legal assistance.....	\$	<u>7,587,000</u>
13	GROSS APPROPRIATION.....	\$	7,587,000
14	Appropriated from:		
15	Special revenue funds:		
16	State services fee fund.....		250,000
17	State court fund.....		7,337,000
18	State general fund/general purpose.....	\$	0
19	Sec. 109. TRIAL COURT OPERATIONS		
20	Court equity fund reimbursements.....	\$	71,005,700
21	Judicial technology improvement fund.....		<u>2,093,700</u>
22	GROSS APPROPRIATION.....	\$	73,099,400
23	Appropriated from:		
24	Special revenue funds:		
25	Court equity fund.....		36,044,000
26	State general fund/general purpose.....	\$	37,055,400

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Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	2,300,000
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Drug case-flow program.....	<u>250,000</u>
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GROSS APPROPRIATION.....	\$	2,550,000
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Appropriated from:

Special revenue funds:

Drug fund.....	250,000
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Drunk driving fund.....	2,300,000
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State general fund/general purpose.....	\$	0
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PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. 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 2002-2003 is \$237,244,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$112,945,600.00. 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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Drug court program.....	1,293,700
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TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	71,005,700
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1	Judicial technology improvement fund.....	2,093,700
2	JUSTICES' AND JUDGES' COMPENSATION	
3	District court judicial salary standardization..... \$	11,796,800
4	Probate court judges' state base salaries.....	8,855,000
5	Probate court judicial salary standardization.....	4,287,100
6	Circuit court judicial salary standardization.....	9,807,800
7	Grant to OASI contribution fund, employers share,	
8	social security.....	743,900
9	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
10	Drunk driving case-flow program..... \$	2,300,000
11	Drug case-flow program.....	<u>250,000</u>
12	TOTAL..... \$	112,945,600

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

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

24 Sec. 203. As used in this act:

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

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

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

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

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

5 (f) "HHS-OCSE" means the office of child support enforcement.

6 (g) "IDG" means interdepartmental grant.

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

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

9 (j) "TANF" means temporary assistance for needy families.

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

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

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

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

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

22 (5) A transfer of contingency funds within the judicial branch shall
23 not be made by the authorized agent of the judicial entity unless
24 approved by both appropriations committees. If the state budget director
25 does not approve contingency fund transfers adopted by both appropria-
26 tions committees under this section, the state budget director shall

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1 notify the appropriations committees of his or her action within 15
2 days.

3 Sec. 207. At least 90 days before beginning any effort to privat-
4 ize, the judicial branch shall submit a complete project plan to the
5 appropriate senate and house of representatives appropriations subcommit-
6 tees and the senate and house fiscal agencies. The plan shall include
7 the criteria under which the privatization initiative will be evaluated.
8 The evaluation shall be completed and submitted to the appropriate senate
9 and house of representatives appropriations subcommittees and the senate
10 and house fiscal agencies within 30 months.

11 Sec. 208. Unless otherwise specified, the judicial branch shall use
12 the internet to fulfill the reporting requirements of this act. This may
13 include transmission of reports via electronic mail to the recipients
14 identified for each reporting requirement or it may include placement of
15 reports on an internet or intranet site. Quarterly, the judicial branch
16 shall provide to the appropriations subcommittees members, state budget
17 office, and the fiscal agencies an electronic and paper copy listing of
18 the reports submitted during the most recent 3-month period along with
19 the internet or intranet site of each report, if any.

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

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

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1 Sec. 210. (1) The chief justice of the supreme court shall take all
2 reasonable steps to ensure businesses in deprived and depressed
3 communities compete for and perform contracts to provide services or sup-
4 plies, or both, for the judicial branch. The chief justice shall
5 strongly encourage firms with which the courts of this state contract to
6 subcontract with certified businesses in depressed and deprived communi-
7 ties for services or supplies, or both.

8 (2) The chief justice shall take all reasonable steps to ensure
9 equal opportunity for all who compete for and perform contracts to pro-
10 vide services or supplies, or both, for the department. The chief jus-
11 tice shall strongly encourage firms with which the department contracts
12 to provide equal opportunity for subcontractors to provide services or
13 supplies, or both.

14 Sec. 211. (1) The judicial branch shall provide to the senate and
15 house of representatives standing committees on appropriations and the
16 senate and house fiscal agencies a monthly report on all personal service
17 contracts awarded without competitive bidding, pricing, or rate setting.
18 The notification shall include 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 (2) For personal service contracts of \$100,000.00 or more, the judi-
24 cial branch shall provide a monthly report on all of the following:

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

26 (b) The duration of the contract.

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1 (c) The name of the vendor.

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

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

7 **JUDICIAL BRANCH**

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

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

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

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

6 Sec. 304. The judicial branch shall cooperate with the auditor gen-
7 eral regarding audits of the judicial branch conducted pursuant to sec-
8 tion 53 of article IV of the state constitution of 1963.

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

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

17 Sec. 308. (1) If sufficient funds are not available from the court
18 fee fund to pay judges' compensation, the difference between the appro-
19 priated amount from that fund for judges' compensation and the actual
20 amount available after the amount appropriated for trial court reimburse-
21 ment is made shall be appropriated from the state general fund for
22 judges' compensation.

23 (2) Excess funds collected in the court fee fund above what is
24 appropriated shall be deposited into the drug treatment court fund.

25 Sec. 310. (1) State general fund appropriation for community dis-
26 pute resolution contained in part 1 shall be used to supplement funding
27 for community dispute resolution centers. The supplemental funding shall

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1 be disbursed by formula to achieve a base level of \$30,000.00 for centers
2 funded through the community dispute resolution act, 1988 PA 260,
3 MCL 691.1551 to 691.1564, with the remainder disbursed based upon per-
4 formance measures as determined by the state court administrative
5 office.

6 (2) From the funds in part 1, the chief justice is strongly encour-
7 aged to distribute pamphlets of information on the community dispute res-
8 olution program, especially to those entities known to be points of
9 referrals, including, but not limited to, all statewide judicial confer-
10 ences, all courts, local units of government, legal organizations, prose-
11 cutors, attorneys, police departments, colleges and universities, and
12 state departments.

13 Sec. 311. (1) The funds appropriated in part 1 for drug courts
14 shall be administered by the state court administrative office to imple-
15 ment new drug court programs or for existing drug court programs if fed-
16 eral funds are no longer available. A drug court shall be responsible
17 for handling cases involving substance abusing nonviolent offenders
18 through comprehensive supervision, testing, treatment services, and imme-
19 diate sanctions and incentives. A drug court shall use all available
20 county and state personnel involved in the disposition of cases includ-
21 ing, but not limited to, parole and probation agents, prosecuting attor-
22 ney, defense attorney, and community corrections providers.

23 (2) The funds may be used in connection with other federal, state,
24 and local funding sources. Drug treatment court programs are required to
25 provide a minimum 25% cash/in-kind match to receive funding. Increasing
26 local match amounts will be required for each additional year of state
27 funding received. Drug treatment court programs are encouraged to use

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1 drug court funding to match other sources of federal, state, and local
2 funding to maximize funding for their program and/or to expand the capac-
3 ity of their drug court program. For the first year, the match may be
4 waived.

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

8 (4) From the funds appropriated in part 1, the chief justice shall
9 allocate sufficient funds for the Michigan justice institute to provide
10 in-state training for those identified in subsection (1), including
11 training for new drug court judges.

12 (5) For planning and implementation grants, consideration for prior-
13 ity may be given to those courts where higher instances of substance
14 abuse cases are filed.

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

22 Sec. 313. A county shall be required to pay a penalty due to the
23 state's failure to be in compliance with federal child support enforce-
24 ment system requirements if the county has not implemented the child sup-
25 port enforcement system and the family independence agency determines
26 that the county is not in compliance with the child support enforcement

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1 system letter of agreement, or the county has not cooperated with the
2 family independence agency in its implementation activities.

3 Sec. 316. (1) The appropriation in part 1 for the judicial technol-
4 ogy improvement fund shall be allocated for the development of a state-
5 wide judicial information system. The supreme court, working with the
6 department of state police, department of corrections, secretary of
7 state, prosecuting attorneys association of Michigan, and the department
8 of information technology, will develop a statewide telecommunications
9 infrastructure to integrate criminal justice information systems. The
10 judicial technology improvement fund shall also provide grants to local
11 trial court funding units to encourage technology innovations by local
12 trial courts that will result in enhanced public service. These innova-
13 tions will include, but not be limited to, electronic filing, on-line
14 payments of fines and fees, and web-based instructions for completion of
15 court documents.

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

18 (3) There is hereby appropriated to the judiciary for deposit into
19 the judicial technology improvement fund \$6,000,000.00 contingent upon
20 the receipt of a refund from the federal government related to penalties
21 previously imposed for the child support enforcement system of which up
22 to \$1,000,000.00 may be utilized towards development and operation of a
23 cyber court system as identified in subsection (2). The appropriation to
24 the judiciary of refund money related to the child support enforcement
25 system shall precede any other appropriations of such resources.
26 Notwithstanding the provision in subsection (2), any child support
27 enforcement system penalty refund resources deposited into the judicial

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1 technology improvement fund shall be expended in the manner as prescribed
2 in subsection (1). The child support enforcement system refund revenue
3 when certified as available in the judicial technology improvement fund
4 by the judiciary shall remain unallotted until such time as the state
5 budget director has reviewed and approved an allotment schedule submitted
6 by the judiciary. Unexpended resources remaining in the fund at the end
7 of the fiscal year may be carried forward for expenditure in the follow-
8 ing year for the same purposes as described in this section.

9 Sec. 317. If funds become available from the federal government for
10 mental health courts, the state court administrative office shall assist
11 those local trial courts who are interested in starting a mental health
12 court in writing grants and any other assistance that may help them
13 receive such funds.

14 Sec. 318. The supreme court shall assist local trial courts with
15 feasibility studies to create child care for parents who must appear in
16 civil or criminal courts in order to improve the administration of jus-
17 tice in at least the following ways:

- 18 (a) Reducing child related disruptions and delays.
19 (b) Protecting safety of young children brought to courthouses.
20 (c) Assisting with court-involved families.
21 (d) Reducing the incidence of failure to appear caused by the
22 inability of witnesses to find child care.

23 Sec. 319. (1) From the funds appropriated for indigent civil legal
24 assistance in part 1, a debt management loan program is created for
25 attorneys who are employed by legal services organizations and whose
26 total law school debt is greater than 25% of their total family income at
27 the time of application to this program. The total law school debt shall

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1 not exceed the total amount of law school tuition, books, fees, and other
2 costs directly related to the law school education of the applicant.

3 (2) To qualify for a loan, an applicant must be employed by or
4 present a letter with a promise of employment with a legal services
5 organization.

6 (3) For each dollar in state funds received by the attorney, the
7 attorney must produce a dollar-for-dollar match, to be paid toward reduc-
8 tion of the total law school debt, from any other source, including funds
9 from the attorney.

10 (4) An attorney may receive funds under this program for not more
11 than the total law school debt outstanding on the date of application.

12 (5) The debt management loan program shall be administered by Wayne
13 State University at no cost to the state.

14 (6) A legal services organization that employs an attorney who
15 receives funds under this program shall certify the amounts of annual
16 salary, total law school debt as of the date of initial application for
17 the loan, and match to Wayne State University.

18 (7) The legislature encourages the state bar of Michigan or any
19 other interested partners to seek additional funds for deposit into the
20 debt management loan program fund.

21 (8) Unexpended funds from the debt management loan program shall not
22 lapse but shall be carried forward for the same purpose in the subsequent
23 year.

24 (9) The state court administrative office shall provide to the house
25 and senate judiciary subcommittees on appropriations a report on this
26 fund in accordance with section 208 of this act.

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1 (10) As used in this section:

2 (a) "Legal services organization" means an organization that is
3 eligible to receive filing fees from the state bar foundation and pro-
4 vides legal services to the poor in this state as its primary mission.

5 (b) "Total family income" means the greater of either of the
6 following:

7 (i) The attorney's adjusted gross income as reported on his or her
8 most recent federal income tax form or, if applicable, the combined
9 adjusted gross income of the attorney and the spouse of the attorney as
10 reported in his or her most recent federal income tax form.

11 (ii) The amount of annual salary commitment from the legal services
12 organization and, if applicable, the adjusted gross income of the spouse
13 of the attorney as reported in his or her most recent federal income tax
14 form.

15 Sec. 320. The judicial branch shall work cooperatively with the
16 family independence agency and the departments of community health and
17 career development to coordinate and improve the delivery of mental
18 health and substance abuse treatment and education and training services
19 to individuals leaving the juvenile justice system, especially those who
20 leave the juvenile justice system because of their age, who are identi-
21 fied as continuing to pose a serious risk to themselves or others. The
22 judicial branch shall provide information from this collaborative effort
23 as requested.

[Sec. 321. The judicial branch shall communicate regarding
information technology activities with the department of information
technology.]