

Act No. 515
Public Acts of 2002
Approved by the Governor*
July 25, 2002
Filed with the Secretary of State
July 25, 2002
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*Item Veto

Sec. 319.
Entire Section. (Page 8)

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Godchaux, Kooiman, Toy, Shackleton, Mead, Stewart, Vander Roest, Newell, LaSata,
Pumford, Pappageorge, Cameron Brown, Mortimer, Jelinek, Jansen, Caul and Shulman**

ENROLLED HOUSE BILL No. 5648

AN ACT 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:

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, 2003, 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.....	582.5		
GROSS APPROPRIATION.....		\$	245,245,800
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			2,833,500
ADJUSTED GROSS APPROPRIATION.....		\$	242,412,300
Federal revenues:			
Total federal revenues			3,901,000
Special revenue funds:			
Total local revenues			2,941,800
Total private revenues.....			842,500
Total other state restricted revenues			57,727,700
State general fund/general purpose		\$	176,999,300

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	284.0	
Supreme court administration—114.0 FTE positions.....	\$	10,846,300
Judicial institute—20.0 FTE positions.....		3,107,000
State court administrative office—80.0 FTE positions		9,987,700
Judicial information systems—21.0 FTE positions		4,772,500
Direct trial court automation support—33.0 FTE positions.....		2,900,500
Foster care review board—12.0 FTE positions.....		1,253,200
Community dispute resolution—4.0 FTE positions		2,511,300
Drug treatment courts.....		1,293,700
GROSS APPROPRIATION.....	\$	36,672,200
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of career development.....		95,000
IDG from state police - criminal justice improvement		2,015,000
IDG from state police - Michigan justice training fund.....		300,000
Federal revenues:		
USDA, agriculture mediation grant.....		125,000
DOE, special education grant.....		150,000
DOJ, enforcing underage drinking law.....		50,000
DOJ, victims assistance programs.....		50,000
DOT, national highway safety traffic administration		215,300
HHS, access and visitation grant		387,000
HHS, court improvement project.....		1,160,000
HHS, title IV-D child support program.....		907,700
HHS, title IV-E foster care program		500,000
HHS, TANF		50,000
HHS, domestic violence prevention		269,500
Special revenue funds:		
Local - user fees.....		2,941,800
Private		169,000
Private - interest on lawyers trust accounts		232,700
Private - state justice institute		370,800
Community dispute resolution fees.....		1,665,600
Law exam fees		482,100
Miscellaneous revenue		227,900
State court fund		319,000
State general fund/general purpose	\$	23,988,800

Sec. 103. COURT OF APPEALS

Full-time equated exempted positions.....	230.5	
Court of appeals operations—230.5 FTE positions	\$	17,914,100
GROSS APPROPRIATION.....	\$	17,914,100
Appropriated from:		
Special revenue funds:		
Court filing/motion fees		1,571,000
Miscellaneous revenue		77,800
State general fund/general purpose	\$	16,265,300

Sec. 104. BRANCHWIDE APPROPRIATIONS

Full-time equated exempted positions.....	3.0	
Branchwide appropriations	\$	9,458,100
GROSS APPROPRIATION.....	\$	9,458,100
Appropriated from:		
Special revenue funds:		
State general fund/general purpose	\$	9,458,100

Sec. 105. JUSTICES' AND JUDGES' COMPENSATION

Full-time judges positions.....	615.0	
Supreme court justices' salaries—7.0 judges	\$	1,169,600

		For Fiscal Year Ending Sept. 30, 2003
Court of appeals judges' salaries—28.0 judges	\$	4,304,000
District court judges' state base salaries—258.0 judges		24,412,400
District court judicial salary standardization		11,796,800
Probate court judges' state base salaries—106.0 judges		9,254,500
Probate court judicial salary standardization		4,347,100
Circuit court judges' state base salaries—216.0 judges		20,658,100
Circuit court judicial salary standardization		9,807,800
Judges' retirement system defined contributions		2,570,000
OASI, social security		4,637,600
GROSS APPROPRIATION	\$	92,957,900
Appropriated from:		
Special revenue funds:		
Court fee fund		7,090,200
State general fund/general purpose	\$	85,867,700
Sec. 106. JUDICIAL AGENCIES		
Full-time equated exempted positions.....	10.0	
Judicial tenure commission—10.0 FTE positions	\$	1,014,100
GROSS APPROPRIATION	\$	1,014,100
Appropriated from:		
State general fund/general purpose	\$	1,014,100
Sec. 107. INDIGENT DEFENSE - CRIMINAL		
Full-time equated exempted positions.....	55.0	
Appellate public defender program—47.0 FTE positions.....	\$	4,891,400
Appellate assigned counsel administration—8.0 FTE positions		920,400
GROSS APPROPRIATION	\$	5,811,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Federal revenues:		
DOJ, assigned criminal defense		36,500
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose	\$	5,168,700
Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
Indigent civil legal assistance.....	\$	7,587,000
GROSS APPROPRIATION	\$	7,587,000
Appropriated from:		
Special revenue funds:		
State services fee fund		250,000
State court fund		7,337,000
State general fund/general purpose	\$	0
Sec. 109. TRIAL COURT OPERATIONS		
Court equity fund reimbursements	\$	71,005,700
Judicial technology improvement fund		1,943,700
Court boundary realignment costs		150,000
GROSS APPROPRIATION	\$	73,099,400
Appropriated from:		
Special revenue funds:		
Court equity fund		36,044,000
State general fund/general purpose	\$	37,055,400
Sec. 110. 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

For Fiscal Year
Ending Sept. 30,
2003

Appropriated from:		
Special revenue funds:		
Drug fund	\$	250,000
Drunk driving fund.....		2,300,000
State general fund/general purpose	\$	0

Sec. 113. EARLY RETIREMENT AND BUDGETARY SAVINGS

Early retirement savings	\$	(891,200)
Budgetary savings.....		(927,600)
GROSS APPROPRIATION	\$	(1,818,800)
Appropriated from:		
State general fund/general purpose	\$	(1,818,800)

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 \$234,727,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$113,428,100.00. 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 treatment courts.....		1,293,700

TRIAL COURT OPERATIONS

Court equity fund reimbursements	\$	71,005,700
Judicial technology improvement fund		1,943,700
Court boundary realignment costs		150,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization	\$	11,796,800
Probate court judges' state base salaries.....		9,254,500
Probate court judicial salary standardization.....		4,347,100
Circuit court judicial salary standardization		9,807,800
Grant to OASI contribution fund, employers share, social security		766,900

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	2,300,000
Drug case-flow program		250,000
TOTAL	\$	113,428,100

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) "DOE" means the United States department of education.

- (b) "DOJ" means the United States department of justice.
- (c) "DOT" means the United States department of transportation.
- (d) "FTE" means full-time equated.
- (e) "HHS" means the United States department of health and human services.
- (f) "HHS-OCSE" means the office of child support enforcement.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCD" means the Michigan department of career development.
- (i) "OASI" means old age survivor's insurance.
- (j) "TANF" means temporary assistance for needy families.
- (k) "USDA" means the United States department of agriculture.

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 90 days before beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

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

Sec. 209. (1) 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.

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

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

(2) The chief justice shall take all reasonable steps to ensure equal opportunity for all who compete for and perform contracts to provide services or supplies, or both, for the department. The chief justice shall strongly encourage firms with which the department contracts to provide equal opportunity for subcontractors to provide services or supplies, or both.

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. (1) The negative appropriation for early retirement savings in part 1 shall be satisfied by savings realized from not filling all of the positions lost due to the early retirement plan for state employees enacted in 2002 PA 93 amendments to the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69.

(2) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings from the hiring freeze imposed on the state classified civil service for the fiscal year ending September 30, 2003, efficiencies, and other savings identified by the director and approved by the state budget director.

(3) Appropriation authorization adjustments required to implement the negative appropriations for early retirement savings and budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

Sec. 308. 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. 310. (1) 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.

(2) From the funds in part 1, the chief justice is strongly encouraged to distribute pamphlets of information on the community dispute resolution program, especially to those entities known to be points of referrals, including, but not limited to, all statewide judicial conferences, all courts, local units of government, legal organizations, prosecutors, attorneys, police departments, colleges and universities, and state departments.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to implement new drug treatment court programs. A drug treatment court program shall not receive funds for more than 5 years. A drug treatment 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 treatment 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. The funds may be used in connection with other federal, state, and local funding sources.

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

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

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

Sec. 312. 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. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted in accordance with section 208 of this act.

Sec. 313. A county shall not be penalized due to the failure to comply with federal child support enforcement system requirements if the family independence agency determines that all of the following conditions are met:

(a) The county, friend of the court, and the department have a written agreement that outlines the county's commitment to participate in the system.

(b) The county and the friend of the court are fully and timely cooperating with the work plan outlined in the child support enforcement memorandum of understanding between the department and the county.

(c) The county and the friend of the court are implementing the child support enforcement system required for federal certification.

(d) The friend of the court and county prosecuting attorney's office use the statewide system upon availability to monitor and process title IV-D cases.

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

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

(3) There is hereby appropriated to the judiciary for deposit into the judicial technology improvement fund \$6,000,000.00 contingent upon the receipt of a refund from the federal government related to penalties previously imposed for the child support enforcement system of which up to \$1,000,000.00 may be utilized towards development and operation of a cyber court system as identified in subsection (2). The appropriation to the judiciary of refund money related to the child support enforcement system shall precede any other appropriations of such resources. Notwithstanding the provision in subsection (2), any child support enforcement system penalty refund resources deposited into the judicial technology improvement fund shall be expended in the manner as prescribed in subsection (1). The child support enforcement system refund revenue when certified as available in the judicial technology improvement fund by the judiciary shall remain unallotted until such time as the state budget director has reviewed and approved an allotment schedule submitted by the judiciary. Unexpended resources remaining in the fund at the end

of the fiscal year may be carried forward for expenditure in the following year for the same purposes as described in this section.

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

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

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

Sec. 319. (1) From the funds appropriated for indigent civil legal assistance in part 1, a debt management loan program is created for attorneys who are employed by legal services organizations and whose total law school debt is greater than 25% of their total family income at the time of application to this program. The total law school debt shall not exceed the total amount of law school tuition, books, fees, and other costs directly related to the law school education of the applicant.

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

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

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

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

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

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

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

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

(10) As used in this section:

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

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

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

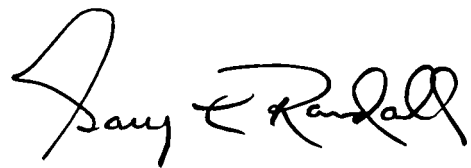
(ii) The amount of annual salary commitment from the legal services organization and, if applicable, the adjusted gross income of the spouse of the attorney as reported in his or her most recent federal income tax form.

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

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

Sec. 322. The amount appropriated in part 1 for court boundary realignment costs shall be allocated to local units of government by the state court administrative office. Local jurisdictions shall submit requests for reimbursement to the state court administrative office for programs, technology, and other costs related to the implementation of 2002 PA 92.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.