

Act No. 155
Public Acts of 2003
Approved by the Governor
August 7, 2003
Filed with the Secretary of State
August 8, 2003
EFFECTIVE DATE: August 8, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 281

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 2004; 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, 2004, 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.....		\$	253,567,900
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			4,633,500
ADJUSTED GROSS APPROPRIATION.....		\$	248,934,400
Federal revenues:			
Total federal revenues			4,106,500
Special revenue funds:			
Total local revenues			2,898,700
Total private revenues.....			842,500
Total other state restricted revenues			79,770,300
State general fund/general purpose		\$	161,316,400

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	284.0		
Supreme court administration—114.0 FTE positions.....		\$	10,033,500
Judicial institute—20.0 FTE positions.....			2,935,700
State court administrative office—80.0 FTE positions			9,811,000

		For Fiscal Year Ending Sept. 30, 2004
Judicial information systems—21.0 FTE positions	\$	4,540,600
Direct trial court automation support—33.0 FTE positions.....		2,898,700
Foster care review board—12.0 FTE positions.....		1,167,700
Community dispute resolution—4.0 FTE positions		2,499,800
Drug treatment courts.....		4,635,000
GROSS APPROPRIATION.....	\$	38,522,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of community health		1,800,000
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:		
DOE, special education grant.....		150,000
DOJ, enforcing underage drinking law		50,000
DOJ, victims assistance programs.....		50,000
DOJ, drug court training and evaluation		300,000
DOT, national highway safety traffic administration		215,300
HHS, access and visitation grant		387,000
HHS, court improvement project		1,160,000
HHS, domestic violence prevention		175,000
HHS, TANF		50,000
HHS, title IV-D child support program.....		907,700
HHS, title IV-E foster care program		500,000
USDA, agriculture mediation grant.....		125,000
Special revenue funds:		
Local - user fees.....		2,898,700
Private		169,000
Private - interest on lawyers trust accounts		232,700
Private - state justice institute		370,800
Community dispute resolution fees		2,224,800
Law exam fees		482,100
Drug court fund		1,267,500
Miscellaneous revenue		227,900
Justice system fund.....		600,000
State court fund		319,000
State general fund/general purpose	\$	21,449,500
 Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions.....	230.5	
Court of appeals operations—230.5 FTE positions	\$	17,232,300
GROSS APPROPRIATION.....	\$	17,232,300
Appropriated from:		
Special revenue funds:		
Court filing/motion fees		1,746,000
Miscellaneous revenue		77,800
State general fund/general purpose	\$	15,408,500
 Sec. 104. BRANCHWIDE APPROPRIATIONS		
Full-time equated exempted positions.....	3.0	
Branchwide appropriations—3.0 FTE positions	\$	8,376,000
GROSS APPROPRIATION.....	\$	8,376,000
Appropriated from:		
State general fund/general purpose	\$	8,376,000
 Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
Full-time judges positions.....	616.0	
Supreme court justices' salaries—7.0 justices.....	\$	1,152,300

		For Fiscal Year Ending Sept. 30, 2004
Court of appeals judges' salaries—28.0 judges	\$	4,240,300
District court judges' state base salaries—259.0 judges		23,946,700
District court judicial salary standardization		11,831,100
Probate court judges' state base salaries—106.0 judges		9,168,500
Probate court judicial salary standardization		4,407,100
Circuit court judges' state base salaries—216.0 judges		20,346,300
Circuit court judicial salary standardization		9,876,400
Judges' retirement system defined contributions		2,557,800
OASI, social security		4,738,200
GROSS APPROPRIATION	\$	92,264,700
Appropriated from:		
Special revenue funds:		
Court fee fund		7,090,200
State general fund/general purpose	\$	85,174,500
Sec. 106. JUDICIAL AGENCIES		
Full-time equated exempted positions.....10.0		
Judicial tenure commission—10.0 FTE positions	\$	1,004,200
GROSS APPROPRIATION	\$	1,004,200
Appropriated from:		
State general fund/general purpose	\$	1,004,200
Sec. 107. INDIGENT DEFENSE - CRIMINAL		
Full-time equated exempted positions.....55.0		
Appellate public defender program—47.0 FTE positions.....	\$	4,502,000
Appellate assigned counsel administration—8.0 FTE positions		808,700
GROSS APPROPRIATION	\$	5,310,700
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	\$	4,667,600
Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
Indigent civil legal assistance.....	\$	7,337,000
GROSS APPROPRIATION	\$	7,337,000
Appropriated from:		
Special revenue funds:		
State court fund		7,337,000
State general fund/general purpose	\$	0
Sec. 109. TRIAL COURT OPERATIONS		
Court equity fund reimbursements	\$	69,906,000
Judicial technology improvement fund		4,465,000
GROSS APPROPRIATION	\$	74,371,000
Appropriated from:		
Special revenue funds:		
Court equity fund		44,669,900
Judicial technology improvement fund		4,465,000
State general fund/general purpose	\$	25,236,100
Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
Drug case-flow program	\$	250,000
Drunk driving case-flow program.....		2,300,000

		For Fiscal Year Ending Sept. 30, 2004
Juror compensation reimbursement.....	\$	6,600,000
GROSS APPROPRIATION.....	\$	9,150,000
Appropriated from:		
Special revenue funds:		
Drug fund.....		250,000
Drunk driving fund.....		2,300,000
Juror compensation fund.....		6,600,000
State general fund/general purpose	\$	0

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 2003-2004 is \$241,086,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2003-2004 is estimated at \$124,506,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

SUPREME COURT

State court administrative office - administration	\$	511,900
Drug treatment courts.....		4,335,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	69,906,000
Judicial technology improvement fund.....		4,465,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,831,100
Probate court judges' state base salaries.....		9,168,500
Probate court judicial salary standardization.....		4,407,100
Circuit court judicial salary standardization		9,876,400
Grant to OASI contribution fund, employers share, social security		855,800

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	2,300,000
Drug case-flow program.....		250,000
Juror compensation reimbursement.....		6,600,000
TOTAL	\$	124,506,800

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) "IDG" means interdepartmental grant.
- (g) "OASI" means old age survivor's insurance.
- (h) "TANF" means temporary assistance for needy families.
- (i) "USDA" means the United States department of agriculture.

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 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 American goods and services, or both, of comparable quality, 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 Michigan goods or services, or both, of comparable quality, 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.

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. 307. It is the intent of the legislature that from the funds appropriated in part 1 for court of appeals operations, the judiciary shall use the following revenue amounts for the purpose of delay reduction:

(a) \$225,000.00 of additional filing fee revenue raised from the increase from \$250.00 to \$375.00 in court of appeals filing fees under section 321(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.321.

(b) \$87,500.00 of additional fee revenue raised from the increase in court of appeals motion fees from \$75.00 to \$100.00 and from the increase from \$150.00 to \$200.00 in fees for motions for immediate consideration or expedited appeal, under section 321(1)(b) and (c) of the revised judicature act of 1961, 1961 PA 236, MCL 600.321.

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. From the funds appropriated in part 1 for drug treatment court programs, at the discretion of the supreme court, the state court administrative office shall contract with 1 or more independent third parties for evaluation and monitoring of drug court programs funded by the judiciary. The evaluation shall include measures of the impact of drug court programs in changing offender criminal involvement (recidivism) and substance abuse and in reducing prison admissions. The evaluation of a program funded with federal Byrne funds shall be consistent with any requirements contained in the federal Byrne grant for that program. Evaluations required by this section shall to the extent feasible compare offenders treated under the programs with other offenders of similar characteristics. Not later than June 1, 2004, the state court administrative office shall provide a progress report regarding the status and findings of the evaluation to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to operate 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.

(5) The judiciary shall receive \$1,800,000.00 in Byrne formula grant funding as an interdepartmental grant from the department of community health to be used for expansion of drug treatment courts, to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the department of corrections.

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.

Sec. 313. (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.

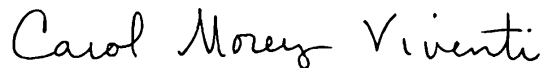
(2) Funds in part 1 may be used to develop, operate, and maintain the cyber court created in chapter 80 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8001 to 600.8029.

(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 not less than \$1,000,000.00 and not more than \$2,000,000.00 shall 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 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.

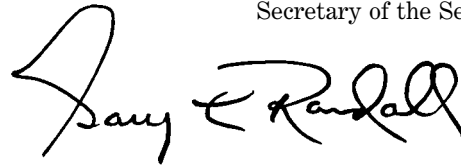
Sec. 314. If funds become available from the federal government for mental health courts, the state court administrative office shall assist those local trial courts who are interested in starting a mental health court in writing grants and any other assistance that may help them receive such funds.

Sec. 315. The judicial branch shall communicate regarding information technology activities with the department of information technology.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor