

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5520

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

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LINE-ITEM APPROPRIATIONS

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Sec. 101. Subject to the conditions set forth in this act, the

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amounts listed in this part are appropriated for the judicial branch

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for the fiscal year ending September 30, 2005, from the funds

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indicated in this part. The following is a summary of the

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appropriations in this part:

1 **JUDICIARY**

2 APPROPRIATION SUMMARY:

3	Full-time equated exempted positions.....	582.5	
4	GROSS APPROPRIATION.....		\$ 253,214,800
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		4,633,500
8	ADJUSTED GROSS APPROPRIATION.....		\$ 248,581,300
9	Federal revenues:		
10	Total federal revenues.....		4,015,600
11	Special revenue funds:		
12	Total local revenues.....		3,298,000
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		82,333,100
15	State general fund/general purpose.....		\$ 158,092,100
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	285.0	
18	Supreme court administration--117.0 FTE positions...		\$ 10,703,900
19	Judicial institute--19.0 FTE positions.....		2,661,200
20	State court administrative office--79.0 FTE		
21	positions.....		10,149,000
22	Judicial information systems--21.0 FTE positions....		4,608,400
23	Direct trial court automation support--33.0 FTE		
24	positions.....		3,298,000
25	Foster care review board--12.0 FTE positions.....		1,207,400
26	Community dispute resolution--4.0 FTE positions.....		2,248,300
27	Other federal grants.....		275,000

1	Drug treatment courts.....	<u>4,634,900</u>
2	GROSS APPROPRIATION..... \$	39,786,100
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from department of community health.....	1,800,000
6	IDG from department of career development.....	95,000
7	IDG from state police - criminal justice improvement	2,015,000
8	IDG from state police - Michigan justice training	
9	fund.....	300,000
10	Federal revenues:	
11	DOJ, victims assistance programs.....	50,000
12	DOJ, drug court training and evaluation.....	300,000
13	DOT, national highway safety traffic administration.	215,300
14	HHS, access and visitation grant.....	387,000
15	HHS, children's justice grant.....	200,000
16	HHS, court improvement project.....	1,160,000
17	HHS, title IV-D child support program.....	907,700
18	HHS, title IV-E foster care program.....	520,600
19	Other federal grant revenues.....	275,000
20	Special revenue funds:	
21	Local - user fees.....	3,298,000
22	Private.....	169,000
23	Private - interest on lawyers trust accounts.....	232,700
24	Private - state justice institute.....	370,800
25	Community dispute resolution fund.....	2,248,300
26	Law exam fees.....	482,100
27	Drug court fund.....	1,688,300

1	Miscellaneous revenue.....	227,900
2	Justice system fund.....	600,000
3	State court fund.....	319,000
4	State general fund/general purpose..... \$	21,924,400
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....228.5	
7	Court of appeals operations--228.5 FTE positions.... \$	<u>17,911,700</u>
8	GROSS APPROPRIATION..... \$	17,911,700
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,746,000
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose..... \$	16,087,900
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....4.0	
16	Branchwide appropriations--4.0 FTE positions..... \$	<u>7,077,800</u>
17	GROSS APPROPRIATION..... \$	7,077,800
18	Appropriated from:	
19	State general fund/general purpose..... \$	7,077,800
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions.....613.0	
22	Supreme court justices' salaries--7.0 justices..... \$	1,152,300
23	Court of appeals judges' salaries--28.0 judges.....	4,240,300
24	District court judges' state base salaries--258.0	
25	judges.....	23,877,200
26	District court judicial salary standardization.....	11,796,800
27	Probate court judges' state base salaries--103.0	

1	judges.....	9,030,800
2	Probate court judicial salary standardization.....	4,344,200
3	Circuit court judges' state base salaries--217.0	
4	judges.....	20,416,900
5	Circuit court judicial salary standardization.....	9,910,700
6	Judges' retirement system defined contributions.....	2,704,100
7	OASI, social security.....	<u>4,689,700</u>
8	GROSS APPROPRIATION..... \$	92,163,000
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund.....	7,090,200
12	State general fund/general purpose..... \$	85,072,800
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions.....10.0	
15	Judicial tenure commission--10.0 FTE positions..... \$	<u>988,900</u>
16	GROSS APPROPRIATION..... \$	988,900
17	Appropriated from:	
18	State general fund/general purpose..... \$	988,900
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions.....55.0	
21	Appellate public defender program--47.0 FTE	
22	positions..... \$	4,586,400
23	Appellate assigned counsel administration--8.0 FTE	
24	Positions.....	<u>843,400</u>
25	GROSS APPROPRIATION..... \$	5,429,800
26	Appropriated from:	
27	Interdepartmental grant revenues:	

1	IDG from state police - Michigan justice training		
2	fund.....		423,500
3	Special revenue funds:		
4	Private - interest on lawyers trust accounts.....		70,000
5	Miscellaneous revenue.....		113,100
6	State general fund/general purpose.....	\$	4,823,200
7	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
8	Indigent civil legal assistance.....	\$	<u>7,336,900</u>
9	GROSS APPROPRIATION.....	\$	7,336,900
10	Appropriated from:		
11	Special revenue funds:		
12	State court fund.....		7,336,900
13	State general fund/general purpose.....	\$	0
14	Sec. 109. TRIAL COURT OPERATIONS		
15	Court equity fund reimbursements.....	\$	68,905,900
16	Judicial technology improvement fund.....		<u>4,464,900</u>
17	GROSS APPROPRIATION.....	\$	73,370,800
18	Appropriated from:		
19	Special revenue funds:		
20	Court equity fund.....		46,788,800
21	Judicial technology improvement fund.....		4,464,900
22	State general fund/general purpose.....	\$	22,117,100
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL		
24	GOVERNMENT		
25	Drug case-flow program.....	\$	249,900
26	Drunk driving case-flow program.....		2,299,900
27	Juror compensation reimbursement.....		6,599,900

1	Transcript fee reimbursement.....	100
2	GROSS APPROPRIATION..... \$	9,149,800
3	Appropriated from:	
4	Special revenue funds:	
5	Drug fund.....	249,900
6	Drunk driving fund.....	2,299,900
7	Juror compensation fund.....	6,599,900
8	Transcript fee fund.....	100
9	State general fund/general purpose..... \$	0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

13 Sec. 201. Pursuant to section 30 of article IX of the state
14 constitution of 1963, total state spending from state resources under
15 part 1 for fiscal year 2004-2005 is \$240,425,100.00 and state spending
16 from state resources to be paid to local units of government for
17 fiscal year 2004-2005 is estimated at \$123,213,800.00. The itemized
18 statement below identifies appropriations from which spending to units
19 of local government will occur:

JUDICIARY

SUPREME COURT

22	State court administrative office..... \$	511,900
23	Drug treatment courts.....	4,334,900

TRIAL COURT OPERATIONS

25	Court equity fund reimbursements..... \$	68,905,900
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1	Judicial technology improvement fund.....		4,464,900
2	JUSTICES' AND JUDGES' COMPENSATION		
3	District court judicial salary standardization.....	\$	11,796,800
4	Probate court judges' state base salaries.....		9,030,800
5	Probate court judicial salary standardization.....		4,344,200
6	Circuit court judicial salary standardization.....		9,910,700
7	Grant to OASI contribution fund, employers share,		
8	social security.....		763,900
9	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
10	Drunk driving case-flow program.....	\$	2,299,900
11	Drug case-flow program.....		249,900
12	Juror compensation reimbursement.....		6,599,900
13	Transcript fee reimbursement.....		<u>100</u>
14	TOTAL.....	\$	123,213,800

15 Sec. 202. (1) The appropriations authorized under this act are
16 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
17 18.1594.

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

26 Sec. 203. As used in this act:

27 (a) "DOJ" means the United States department of justice.

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

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

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

5 (e) "IDG" means interdepartmental grant.

6 (f) "OASI" means old age survivor's insurance.

7 (g) "TANF" means temporary assistance for needy families.

8 Sec. 207. At least 90 days before beginning any effort to
9 privatize, the judicial branch shall submit a complete project plan to
10 the appropriate senate and house of representatives appropriations
11 subcommittees and the senate and house fiscal agencies. The plan
12 shall include the criteria under which the privatization initiative
13 will be evaluated. The evaluation shall be completed and submitted to
14 the appropriate senate and house of representatives appropriations
15 subcommittees and the senate and house fiscal agencies within 30
16 months.

17 Sec. 208. The reporting requirements of this act shall be
18 completed with the approval of, and at the direction of, the supreme
19 court. Unless otherwise specified, the judicial branch shall use the
20 Internet to fulfill the reporting requirements of this act. This may
21 include transmission of reports via electronic mail to the recipients
22 identified for each reporting requirement or it may include placement
23 of reports on an Internet or Intranet site.

24 Sec. 211. (1) The judicial branch shall provide to the senate
25 and house of representatives standing committees on appropriations and
26 the senate and house fiscal agencies a monthly report on all personal
27 service contracts awarded without competitive bidding, pricing, or

1 rate setting. The notification shall include all of the following:

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

3 (b) The duration of the contract.

4 (c) The name of the vendor.

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

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

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

10 (b) The duration of the contract.

11 (c) The name of the vendor.

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

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

17 Sec. 214. Funds appropriated in part 1 shall not be used for the
18 purchase of foreign foods or services, or both, if competitively
19 priced and comparable quality American goods or services, or both, are
20 available. Preference should be given to goods or services, or both,
21 manufactured or provided by Michigan businesses if they are
22 competitively priced and of comparable quality.

23 Sec. 215. The judiciary shall not spend any of the funds
24 appropriated in part 1 for travel outside the state of Michigan.

25 JUDICIAL BRANCH

26 Sec. 301. (1) The direct trial court automation support program

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

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

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

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

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

27 Sec. 305. To avoid the overexpenditure of funds appropriated

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

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

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

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

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

21 Sec. 308. If sufficient funds are not available from the court
22 fee fund to pay judges' compensation, the difference between the
23 appropriated amount from that fund for judges' compensation and the
24 actual amount available after the amount appropriated for trial court
25 reimbursement is made shall be appropriated from the state general
26 fund for judges' compensation.

27 Sec. 310. From the funds appropriated in part 1 for drug

1 treatment court programs, under the direction of the supreme court,
2 the state court administrative office shall contract with 1 or more
3 independent third parties for evaluation and monitoring of drug court
4 programs funded by the judiciary. The evaluation shall include
5 measures of the impact of drug court programs in changing offender
6 criminal involvement (recidivism) and substance abuse and in reducing
7 prison admissions. The evaluation of a program funded with federal
8 Byrne funds shall be consistent with any requirements contained in the
9 federal Byrne grant for that program. Evaluations required by this
10 section shall to the extent feasible compare offenders treated under
11 the programs with other offenders of similar characteristics. Not
12 later than June 1, 2005, the state court administrative office shall
13 provide a progress report regarding the status and findings of the
14 evaluation to the senate and house appropriations subcommittees on the
15 judiciary, the senate and house fiscal agencies, and the state budget
16 director.

17 Sec. 311. (1) The funds appropriated in part 1 for drug
18 treatment courts shall be administered by the state court
19 administrative office to operate drug treatment court programs. A
20 drug treatment court program shall not receive funds for more than 5
21 years. A drug treatment court shall be responsible for handling cases
22 involving substance abusing nonviolent offenders through comprehensive
23 supervision, testing, treatment services, and immediate sanctions and
24 incentives. A drug treatment court shall use all available county and
25 state personnel involved in the disposition of cases including, but
26 not limited to, parole and probation agents, prosecuting attorneys,
27 defense attorneys, and community corrections providers. The funds may

1 be used in connection with other federal, state, and local funding
2 sources.

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

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

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

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

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

27 Sec. 313. (1) The appropriation in part 1 for the judicial

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

13 (2) Funds in part 1 may be used to develop, operate, and maintain
14 the cyber court created in chapter 80 of the revised judicature act of
15 1961, 1961 PA 236, MCL 600.8001 to 600.8029.

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

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

24 Sec. 317. From the funds appropriated in part 1 for transcript
25 fee reimbursement, the judiciary shall reimburse counties for
26 additional costs incurred in the event of a statutory increase in
27 transcript fees under section 2543 of the revised judicature act of

1 1961, 1961 PA 236, MCL 600.2543.