

Act No. 339
Public Acts of 2004
Approved by the Governor
September 28, 2004
Filed with the Secretary of State
September 28, 2004
EFFECTIVE DATE: September 28, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Rep. Shulman

ENROLLED HOUSE BILL No. 5520

AN ACT 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:

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, 2005, 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.....		\$	253,216,700
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			4,633,500
ADJUSTED GROSS APPROPRIATION.....		\$	248,583,200
Federal revenues:			
Total federal revenues			4,015,600
Special revenue funds:			
Total local revenues			3,298,100
Total private revenues.....			842,500
Total other state restricted revenues			82,333,700
State general fund/general purpose		\$	158,093,300

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	285.0	
Supreme court administration—117.0 FTE positions.....		\$ 10,704,000
Judicial institute—19.0 FTE positions.....		2,661,300
State court administrative office—79.0 FTE positions		10,149,100
Judicial information systems—21.0 FTE positions		4,608,500
Direct trial court automation support—33.0 FTE positions.....		3,298,100
Foster care review board—12.0 FTE positions.....		1,207,500
Community dispute resolution—4.0 FTE positions		2,248,400
Other federal grants.....		275,000
Drug treatment courts.....		4,635,000
GROSS APPROPRIATION.....		\$ 39,786,900

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:

DOJ, victims assistance programs.....		50,000
DOJ, drug court training and evaluation		300,000
DOT, national highway traffic safety administration		215,300
HHS, access and visitation grant		387,000
HHS, children's justice grant.....		200,000
HHS, court improvement project.....		1,160,000
HHS, title IV-D child support program.....		907,700
HHS, title IV-E foster care program		520,600
Other federal grant revenues.....		275,000

Special revenue funds:

Local - user fees.....		3,298,100
Private		169,000
Private - interest on lawyers trust accounts.....		232,700
Private - state justice institute		370,800
Community dispute resolution fund.....		2,248,400
Law exam fees		482,100
Drug court fund.....		1,688,300
Miscellaneous revenue		227,900
Justice system fund.....		600,000
State court fund.....		319,000
State general fund/general purpose		\$ 21,925,000

Sec. 103. COURT OF APPEALS

Full-time equated exempted positions.....	228.5	
Court of appeals operations—228.5 FTE positions.....		\$ 17,911,800
GROSS APPROPRIATION.....		\$ 17,911,800

Appropriated from:

Special revenue funds:

Court filing/motion fees.....		1,746,000
Miscellaneous revenue		77,800
State general fund/general purpose		\$ 16,088,000

Sec. 104. BRANCHWIDE APPROPRIATIONS

Full-time equated exempted positions.....	4.0	
Branchwide appropriations—4.0 FTE positions.....		\$ 7,077,900
GROSS APPROPRIATION.....		\$ 7,077,900

Appropriated from:

State general fund/general purpose		\$ 7,077,900
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Sec. 105. JUSTICES' AND JUDGES' COMPENSATION

Full-time judges positions.....	613.0	
Supreme court justices' salaries—7.0 judges		\$ 1,152,300
Court of appeals judges' salaries—28.0 judges		4,240,300
District court judges' state base salaries—258.0 judges		23,877,200
District court judicial salary standardization		11,796,800
Probate court judges' state base salaries—103.0 judges.....		9,030,800
Probate court judicial salary standardization.....		4,344,200
Circuit court judges' state base salaries—217.0 judges		20,416,900
Circuit court judicial salary standardization		9,910,700
Judges' retirement system defined contributions		2,704,100
OASI, social security.....		4,689,700
GROSS APPROPRIATION.....		\$ 92,163,000
Appropriated from:		
Special revenue funds:		
Court fee fund		7,090,200
State general fund/general purpose		\$ 85,072,800

Sec. 106. JUDICIAL AGENCIES

Full-time equated exempted positions.....	10.0	
Judicial tenure commission—10.0 FTE positions		\$ 989,000
GROSS APPROPRIATION.....		\$ 989,000
Appropriated from:		
State general fund/general purpose		\$ 989,000

Sec. 107. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	55.0	
Appellate public defender program—47.0 FTE positions.....		\$ 4,586,500
Appellate assigned counsel administration—8.0 FTE positions		843,500
GROSS APPROPRIATION.....		\$ 5,430,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Special revenue funds:		
Private - interest on lawyers trust accounts.....		70,000
Miscellaneous revenue		113,100
State general fund/general purpose		\$ 4,823,400

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.....		\$ 68,906,000
Judicial technology improvement		4,465,000
GROSS APPROPRIATION.....		\$ 73,371,000
Appropriated from:		
Special revenue funds:		
Court equity fund		46,788,800
Judicial technology improvement fund		4,465,000
State general fund/general purpose		\$ 22,117,200

Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drug case-flow program.....	\$	250,000
Drunk driving case-flow program.....		2,300,000
Juror compensation reimbursement.....		6,600,000
Transcript fee reimbursement		100
GROSS APPROPRIATION.....	\$	9,150,100
Appropriated from:		
Special revenue funds:		
Drug fund.....		250,000
Drunk driving fund.....		2,300,000
Juror compensation fund.....		6,600,000
Transcript fee fund.....		100
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 2004-2005 is \$240,427,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is estimated at \$123,214,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

JUDICIARY

SUPREME COURT

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

TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	68,906,000
Judicial technology improvement fund.....		4,465,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,796,800
Probate court judges' state base salaries.....		9,030,800
Probate court judicial salary standardization.....		4,344,200
Circuit court judicial salary standardization		9,910,700
Grant to OASI contribution fund, employers share, social security		763,900

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
Transcript fee reimbursement		100
TOTAL	\$	123,214,400

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) "DOJ" means the United States department of justice.
- (b) "DOT" means the United States department of transportation.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "OASI" means old age survivor's insurance.
- (g) "TANF" means temporary assistance for needy families.

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. The reporting requirements of this act shall be completed with the approval of, and at the direction of, the supreme court. 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.

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. 214. 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 or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the chief justice or his or her designee may grant an exception to allow the travel. Any exceptions granted by the chief justice or his or her designee shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, the state court administrative office shall prepare a travel report listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

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 court 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, under the direction 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, 2005, 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 attorneys, defense attorneys, 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.

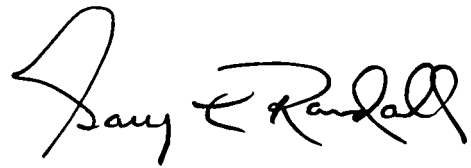
(2) Funds in part 1 may be used to develop, operate, and maintain the cyber court created in chapter 80 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8001 to 600.8029.

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.

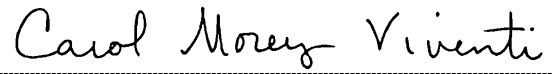
Sec. 315. The judicial branch shall communicate regarding information technology activities with the department of information technology.

Sec. 317. From the funds appropriated in part 1 for transcript fee reimbursement, the judiciary shall reimburse counties for additional costs incurred in the event of a statutory increase in transcript fees under section 2543 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2543.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor