

**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.....		\$ 253,216,600
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		4,633,500
8	ADJUSTED GROSS APPROPRIATION.....		\$ 248,583,100
9	Federal revenues:		
10	Total federal revenues.....		4,015,600
11	Special revenue funds:		
12	Total local revenues.....		3,298,100
13	Total private revenues.....		842,500
14	Total other state restricted revenues.....		82,333,600
15	State general fund/general purpose.....		\$ 158,093,300
16	Sec. 102. SUPREME COURT		
17	Full-time equated exempted positions.....	285.0	
18	Supreme court administration--117.0 FTE positions...		\$ 10,704,000
19	Judicial institute--19.0 FTE positions.....		2,661,300
20	State court administrative office--79.0 FTE		
21	positions.....		10,149,100
22	Judicial information systems--21.0 FTE positions....		4,608,500
23	Direct trial court automation support--33.0 FTE		
24	positions.....		3,298,100
25	Foster care review board--12.0 FTE positions.....		1,207,500
26	Community dispute resolution--4.0 FTE positions.....		2,248,400
27	Other federal grants.....		275,000

1	Drug treatment courts.....	<u>4,635,000</u>
2	GROSS APPROPRIATION..... \$	39,786,900
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 traffic safety 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.....	3,298,100
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.....	2,248,400
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..... \$	21,925,000
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....228.5	
7	Court of appeals operations--228.5 FTE positions.... \$	<u>17,911,800</u>
8	GROSS APPROPRIATION..... \$	17,911,800
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..... \$	16,088,000
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....4.0	
16	Branchwide appropriations--4.0 FTE positions..... \$	<u>7,077,900</u>
17	GROSS APPROPRIATION..... \$	7,077,900
18	Appropriated from:	
19	State general fund/general purpose..... \$	7,077,900
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions.....614.0	
22	Supreme court justices' salaries--7.0 judges..... \$	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--104.0	

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>989,000</u>
16	GROSS APPROPRIATION..... \$	989,000
17	Appropriated from:	
18	State general fund/general purpose..... \$	989,000
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions.....55.0	
21	Appellate public defender program--47.0 FTE	
22	positions..... \$	4,586,500
23	Appellate assigned counsel administration--8.0 FTE	
24	positions.....	<u>843,500</u>
25	GROSS APPROPRIATION..... \$	5,430,000
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.....	\$	4,823,400
7	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
8	Indigent civil legal assistance.....	\$	<u>7,337,000</u>
9	GROSS APPROPRIATION.....	\$	7,337,000
10	Appropriated from:		
11	Special revenue funds:		
12	State court fund.....		7,337,000
13	State general fund/general purpose.....	\$	0
14	Sec. 109. TRIAL COURT OPERATIONS		
15	Court equity fund reimbursements.....	\$	68,906,000
16	Judicial technology improvement.....		<u>4,465,000</u>
17	GROSS APPROPRIATION.....	\$	73,371,000
18	Appropriated from:		
19	Special revenue funds:		
20	Court equity fund.....		46,788,800
21	Judicial technology improvement fund.....		4,465,000
22	State general fund/general purpose.....	\$	22,117,200
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL		
24	GOVERNMENT		
25	Drug case-flow program.....	\$	250,000
26	Drunk driving case-flow program.....		2,300,000
27	Juror compensation reimbursement.....		<u>6,600,000</u>

1	Probate court judicial salary standardization...	4,344,200
2	Circuit court judicial salary standardization...	9,910,700
3	Grant to OASI contribution fund, employers	
4	share, social security.....	763,900
5	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
6	Drunk driving case-flow program..... \$	2,300,000
7	Drug case-flow program.....	250,000
8	Juror compensation reimbursement.....	<u>6,600,000</u>
9	TOTAL..... \$	123,214,300

10 Sec. 202. (1) The appropriations authorized under this act are
 11 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
 12 18.1594.

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

21 Sec. 203. As used in this act:

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

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

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

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

27 (e) "IDG" means interdepartmental grant.

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

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

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

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

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

26 (2) The chief justice shall take all reasonable steps to ensure
27 equal opportunity for all who compete for and perform contracts to

1 provide services or supplies, or both, for the department. The chief
2 justice shall strongly encourage firms with which the department
3 contracts to provide equal opportunity for subcontractors to provide
4 services or supplies, or both.

5 Sec. 211. (1) The judicial branch shall provide to the senate
6 and house of representatives standing committees on appropriations and
7 the senate and house fiscal agencies a monthly report on all personal
8 service contracts awarded without competitive bidding, pricing, or
9 rate setting. The notification shall include all of the following:

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

11 (b) The duration of the contract.

12 (c) The name of the vendor.

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

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

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

18 (b) The duration of the contract.

19 (c) The name of the vendor.

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

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

25 Sec. 213. (1) In addition to the funds appropriated in part 1,
26 there is appropriated an amount not to exceed \$500,000.00 for federal
27 contingency funds. These funds are not available for expenditure

1 until they have been transferred to another line item in this act
2 under section 393(2) of the management and budget act, 1984 PA 431,
3 MCL 18.1393.

4 (2) In addition to the funds appropriated in part 1, there is
5 appropriated an amount not to exceed \$500,000.00 for state restricted
6 contingency funds. These funds are not available for expenditure
7 until they have been transferred to another line item in this act
8 under section 393(2) of the management and budget act, 1984 PA 431,
9 MCL 18.1393.

10 (3) In addition to the funds appropriated in part 1, there is
11 appropriated an amount not to exceed \$100,000.00 for local contingency
12 funds. These funds are not available for expenditure until they have
13 been transferred to another line item in this act under section 393(2)
14 of the management and budget act, 1984 PA 431, MCL 18.1393.

15 (4) In addition to the funds appropriated in part 1, there is
16 appropriated an amount not to exceed \$100,000.00 for private
17 contingency funds. These funds are not available for expenditure
18 until they have been transferred to another line item in this act
19 under section 393(2) of the management and budget act, 1984 PA 431,
20 MCL 18.1393.

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

1 JUDICIAL BRANCH

2 Sec. 301. (1) The direct trial court automation support program
3 of the state court administrative office shall recover direct and
4 overhead costs from trial courts by charging for services rendered.
5 The fee shall cover the actual costs incurred to the direct trial
6 court automation support program in providing the service. A report
7 of amounts collected in excess of funds identified as user service
8 charges in part 1 shall be submitted to the state budget director and
9 to the house and senate appropriations subcommittees on judiciary 30
10 days before expenditure by the direct trial court automation support
11 program.

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

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

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

26 Sec. 304. The judicial branch shall cooperate with the auditor
27 general regarding audits of the judicial branch conducted pursuant to

1 section 53 of article IV of the state constitution of 1963.

2 Sec. 305. To avoid the overexpenditure of funds appropriated
3 under this act, the supreme court shall report quarterly to the state
4 budget director and to the judiciary subcommittees of the house and
5 senate appropriations committees regarding the status of the accounts
6 set forth in part 1.

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

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

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

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

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

1 fund for judges' compensation.

2 Sec. 310. From the funds appropriated in part 1 for drug
3 treatment court programs, under the direction of the supreme court,
4 the state court administrative office shall contract with 1 or more
5 independent third parties for evaluation and monitoring of drug court
6 programs funded by the judiciary. The evaluation shall include
7 measures of the impact of drug court programs in changing offender
8 criminal involvement (recidivism) and substance abuse and in reducing
9 prison admissions. The evaluation of a program funded with federal
10 Byrne funds shall be consistent with any requirements contained in the
11 federal Byrne grant for that program. Evaluations required by this
12 section shall to the extent feasible compare offenders treated under
13 the programs with other offenders of similar characteristics. Not
14 later than June 1, 2005, the state court administrative office shall
15 provide a progress report regarding the status and findings of the
16 evaluation to the senate and house appropriations subcommittees on the
17 judiciary, the senate and house fiscal agencies, and the state budget
18 director.

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

1 not limited to, parole and probation agents, prosecuting attorneys,
2 defense attorneys, and community corrections providers. The funds may
3 be used in connection with other federal, state, and local funding
4 sources.

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

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

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

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

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

1 section 208.

2 Sec. 313. (1) The appropriation in part 1 for the judicial
3 technology improvement fund shall be allocated for the development of
4 a statewide judicial information system. The supreme court, working
5 with the department of state police, department of corrections,
6 secretary of state, prosecuting attorneys association of Michigan, and
7 the department of information technology, will develop a statewide
8 telecommunications infrastructure to integrate criminal justice
9 information systems. The judicial technology improvement fund shall
10 also provide grants to local trial court funding units to encourage
11 technology innovations by local trial courts that will result in
12 enhanced public service. These innovations will include, but not be
13 limited to, electronic filing, on-line payments of fines and fees, and
14 web-based instructions for completion of court documents.

15 (2) Funds in part 1 may be used to develop, operate, and maintain
16 the cyber court created in chapter 80 of the revised judicature act of
17 1961, 1961 PA 236, MCL 600.8001 to 600.8029.

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

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

26 Sec. 316. From the funds appropriated in part 1 for the judicial
27 technology improvement fund, \$1,000,000.00 shall be distributed to

1 counties to provide funds for court technology needs. These funds
2 shall be distributed by March 31, 2005, and the amount to be received
3 by a county shall be equal to \$1,000,000.00 multiplied by the
4 percentage that county receives of distributions from the court equity
5 fund for fiscal year 2005, in accordance with MCL 600.151b.