[No. 335]

(HB 5596)

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 1999; 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

Appropriations; judicial branch.

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, 1999, from the funds indicated in this part. The following is a summary of the appropriations in this part:

# **JUDICIARY**

APPROPRIATION SUMMARY:

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Full-time equated exempted positions602.0		
GROSS APPROPRIATION	\$	215,432,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental		
transfers		3,571,400
ADJUSTED GROSS APPROPRIATION	\$	211,861,000
Federal revenues:		
Total federal revenues		1,294,500
Special revenue funds:		
Total local revenues		1,946,500
Total private revenues		1,217,600
Total other state restricted revenues		56,058,900
State general fund/general purpose	\$	151,343,500
Cuprores sount		
Supreme court.		
Sec. 102. SUPREME COURT		
Full-time equated exempted positions277.0		
Supreme court administration—136.0 FTE positions	\$	15,360,800
State court administrative office—80.0 FTE positions		9,417,300
Judicial information systems—21.0 FTE positions		2,572,700
Direct trial court automation support—24.0 FTE positions		1,946,500
Foster care review board—12.0 FTE positions		1,160,400
Community dispute resolution—4.0 FTE positions	_	2,318,400
GROSS APPROPRIATION	\$	32,776,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG from FIA, title IV-D child support program		419,100
IDG from FIA, title IV-E foster care program		276,700

# 1998 PUBLIC AND LOCAL ACTS

		For Fiscal Year Ending Sept. 30, 1999
IDG from MFIA-HHS access and visitation grant	\$	380,200
IDG from MFIA-TANF	•	500,000
IDG from state police - criminal justice improvement		1,443,900
IDG from state police - Michigan justice training fundFederal revenues:		208,000
DAG, agriculture mediation grant		469,900
Federal - special education grant		90,000
Federal highway safety planning revenue		115,300
HHS, court improvement project		619,300
Local - user fees		1,946,500
Private		419,000
Private - interest on lawyers trust accounts		668,600
Private - state justice institute		130,000
Community dispute resolution fees		1,628,400
Law exam fees		327,200
Miscellaneous revenue		216,800
State court fund		319,000
State general fund/general purpose	\$	22,598,200
Court of appeals. Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions245.5		
Court of appeals operations—223.5 FTE positions	\$	17,879,200
Delay reduction—22.0 FTE positions		1,500,000
GROSS APPROPRIATION	\$	19,379,200
Appropriated from:		
Special revenue funds:		
Court filing/motion fees		1,517,800
Miscellaneous revenue		75,200
State general fund/general purpose	\$	17,786,200
Justices' and judges' compensation.		
Sec. 104. JUSTICES' AND JUDGES' COMPENSATION		
Full-time judges positions611.0		
Supreme court justices' salaries—7.0 judges	\$	893,000
Court of appeals judges' salaries—28.0 judges		3,286,400
District court judges' state base salaries—259.0 judges		15,913,300
District court judicial salary standardization		11,842,500
Probate court judges' state base salaries—107.0 judges		6,188,600
Probate court judicial salary standardization		4,332,800
Circuit court judges' state base salaries—210.0 judges		13,715,900
Circuit court judicial salary standardization		9,228,000
OASI, social security		3,654,300
GROSS APPROPRIATION	\$	69,054,800
Appropriated from:		
Special revenue funds:		0.001.05
Court fee fund	<u>,</u>	6,384,000
State general fund/general purpose	\$	62,670,800

Judicial agencies.  Sec. 105. JUDICIAL AGENCIES  Full-time equated exempted positions
Sec. 105. JUDICIAL AGENCIES Full-time equated exempted positions
Full-time equated exempted positions
Judicial tenure commission—10.0 FTE positions \$ 916,800 GROSS APPROPRIATION \$ 916,800 Appropriated from:  State general fund/general purpose \$ 916,800 Indigent defense - criminal.  Sec. 106. INDIGENT DEFENSE - CRIMINAL
GROSS APPROPRIATION
Appropriated from: State general fund/general purpose
State general fund/general purpose
Sec. 106. INDIGENT DEFENSE - CRIMINAL
Sec. 106. INDIGENT DEFENSE - CRIMINAL
Appellate public defender program—61.5 FTE positions\$ 5,176,000
Appellate assigned counsel administration—8.0 FTE positions 852,100
GROSS APPROPRIATION\$ 6,028,100
Appropriated from:
Interdepartmental grant revenues:
IDG from state police - Michigan justice training fund
Special revenue funds:
Miscellaneous revenue
State general fund/general purpose
Indigent civil legal assistance.
Sec. 107. INDIGENT CIVIL LEGAL
ASSISTANCE
Indigent civil legal assistance
GROSS APPROPRIATION\$ 7,337,000
Appropriated from:
Special revenue funds:
State court fund
State general fund/general purpose\$
Trial court operations.
Sec. 108. TRIAL COURT OPERATIONS
Court equity fund reimbursements\$ 65,840,400
Hold harmless fund reimbursements
GROSS APPROPRIATION\$ 77,840,400
Appropriated from:
Special revenue funds:
Court equity fund
State general fund/general purpose
Grants and reimbursements to local government.
Sec. 109. GRANTS AND REIMBURSEMENTS TO
LOCAL GOVERNMENT
Drunk driving caseflow program\$ 1,900,000
Drug caseflow program
GROSS APPROPRIATION\$ 2,100,000

	For Fiscal Year Ending Sept. 30, 1999
Appropriated from:	
Special revenue funds:	
Drug fund	\$ 200,000
Drunk driving fund	1,900,000
State general fund/general purpose	\$ 0

# PART 2

#### PROVISIONS CONCERNING APPROPRIATIONS

## **GENERAL SECTIONS**

CLIDDEME COLIDT

Total state spending; payments to local units of government; notice of approximate shortfall.

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-99 is estimated at \$207,402,400.00 in this act and state spending from state sources paid to local units of government for fiscal year 1998-99 is estimated at \$112,044,200.00. 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
TRIAL COURT OPERATIONS		
Court equity fund reimbursements	\$	65,840,400
Hold harmless fund reimbursement		12,000,000
JUSTICES' AND JUDGES' COMPENSATION		
District court judicial salary standardization	\$	11,842,500
Probate court judges' state base salaries		6,188,600
Probate court judicial salary standardization		4,332,800
Circuit court judicial salary standardization		9,228,000
GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	,	
Drunk driving caseflow program	\$	1,900,000
Drug caseflow program		200,000
TOTAL.		112.044.200

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Expenditures and funding sources subject to §§18.1101 to 18.1594; approval of expenditure or transfer required.

Sec. 202. (1) The expenditures and funding sources authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

# 1998 PUBLIC AND LOCAL ACTS

(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.

#### Definitions.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "FIA" means the family independence agency.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "MDSP" means the department of state police.
- (g) "OASI" means old age survivor's insurance.
- (h) "TANF" means temporary assistance for needy families.

Purchase of foreign goods or services.

Sec. 204. Funds appropriated in this act shall not be used for the purchase of foreign goods or services when competitively priced American goods and services are available.

Businesses in deprived and depressed communities; contracts to provide services or supplies; subcontracts.

Sec. 205. (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.

(2) 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.

Personal service contracts; monthly report.

Sec. 206. (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.

Privatization; project plan.

Sec. 207. Sixty days prior to beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate 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 house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.

Personal services contract with temporary service agency hiring retired state employee.

Sec. 212. If the judicial branch enters into a personal services contract with any temporary service agency or similar contractor that hires or subcontracts with a person who retired from employment in the judicial branch under the early retirement program under section 19f of the state employees' retirement act, 1943 PA 240, MCL 38.19f, the retired state employee shall be limited to 500 hours for professional, technical, or clerical services and 250 hours for management services. This limitation does not apply to computer technology services. This provision only applies during a 24-month period after the date of retirement. This section applies to each principal executive department, agency, and the judicial branch.

## JUDICIAL BRANCH

Direct trial court automation support program; recovery of costs from trial courts; service charges; list.

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 and general government, respectively, 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 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.

Expenditures; approval required.

Sec. 303. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Circuit court reimbursement under §800.453; court of claims reimbursement under §600.6413.

Sec. 304. 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.

Judicial branch audits.

Sec. 305. 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.

Status of accounts; report.

Sec. 306. The supreme court shall report to the judiciary subcommittee of the house appropriations committee and the general government subcommittee of the senate appropriations committee regarding the current status of the accounts set forth in part 1 if it appears that the judiciary's expenditures will exceed funds appropriated under this act.

Forms; development; quantity.

Sec. 307. From funds appropriated under part 1, forms required to be developed by the state court administrative office pursuant to section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950b, shall be provided in the quantity requested by each county clerk.

Antinepotism policy.

Sec. 308. The supreme court shall continue to implement and enforce an appropriate antinepotism policy, which shall include provisions that prohibit a judge from hiring or employing a member of his or her immediate family as a court employee or in any judicial support related capacity.

Travel; analysis and policy.

Sec. 309. (1) The state supreme court and the state court administrative office shall consider and analyze the various methods of providing necessary travel for judges, and shall then adopt as policy for all judicial agencies the most efficient and cost-effective method.

(2) This analysis and policy shall be submitted to the house and senate fiscal agencies.

Membership dues in Michigan state bar; payment or reimbursement prohibited.

Sec. 310. Funds appropriated in part 1 shall not be used to pay directly or by reimbursement the annual dues for membership in the state bar of Michigan of a judge, justice, or other employee of the judicial branch.

Estimated accounts receivable; report.

Sec. 311. (1) The chief financial officer of a funding unit for a court, in cooperation with the local court, shall provide to the state treasurer and state court administrative office by January 1, 1999 audited accounts of all money due and owing the court as of September 30, 1998. Where audited accounts are not available, the chief financial officer of a funding unit for a court may provide estimates as long as they are clearly marked as "estimated".

(2) The state treasurer shall report to the legislature a compilation of the estimated accounts receivable of all courts and cumulative totals by March 1, 1999. This report is a public record.

Case processing; American bar association model standards.

Sec. 312. The state court administrative office, from funds appropriated in part 1, shall assist the court of appeals and trial courts to meet American bar association model standards on case processing, including the standard that 95% of all civil appellate cases be disposed within 12 months of filing.

Judges' compensation; insufficient funds available from court fee fund.

Sec. 314. 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.

Indigent defense; use of funds.

Sec. 315. Funds appropriated in part 1 for indigent defense shall be used in accordance with terms and conditions of section 1485(11)(b) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including reference to federal prohibitions against providing legal assistance with respect to any proceeding or litigation which seeks to procure an abortion.

Court rules; changes.

Sec. 316. The legislature urges the supreme court to examine court rules and consider changes which would:

- (a) Allow candidates for judge to express opinions on political issues.
- (b) Allow judges to preside over cases even though they have publicly expressed political opinions on issues generally related to the case.

This act is ordered to take immediate effect.

Approved September 24, 1998.

Filed with Secretary of State September 25, 1998.