

**SUBSTITUTE FOR
SENATE BILL NO. 275**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; 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:

1 **PART 1**

2 **LINE-ITEM APPROPRIATIONS**

3 Sec. 101. Subject to the conditions set forth in this act, the
4 amounts listed in this part are appropriated for the judicial

branch for the fiscal year ending September 30, 2006, 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..... 509.0

GROSS APPROPRIATION.....	\$	253,464,500
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Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers		2,563,500
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ADJUSTED GROSS APPROPRIATION.....	\$	250,901,000
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Federal revenues:

Total federal revenues		3,909,000
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Special revenue funds:

Total local revenues		3,334,800
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Total private revenues		842,500
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Total other state restricted revenues		87,004,400
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State general fund/general purpose	\$	155,810,300
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Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 235.0

Supreme court administration--97.0 FTE positions	\$	10,821,700
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Judicial institute--16.0 FTE positions		2,682,100
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State court administrative office--62.0 FTE positions		10,279,200
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Judicial information systems--18.0 FTE positions		2,501,700
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Direct trial court automation support--26.0 FTE

positions		3,334,800
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Foster care review board--12.0 FTE positions		1,221,500
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1	Community dispute resolution--4.0 FTE positions	2,253,200
2	Other federal grants	275,000
3	Drug treatment courts	<u>4,735,000</u>
4	GROSS APPROPRIATION	\$ 38,104,200
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG from department of community health	1,800,000
8	IDG from department of career development	40,000
9	IDG from state police - Michigan justice training 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 ..	100,000
14	HHS, access and visitation grant	387,000
15	HHS, children's justice grant	202,700
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	526,600
19	Other federal grant revenues	275,000
20	Special revenue funds:	
21	Local - user fees	3,334,800
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	2,253,200
26	Law exam fees	482,100
27	Drug court fund	1,920,500

1	Miscellaneous revenue	227,900
2	Justice system fund	700,000
3	State court fund	339,000
4	State general fund/general purpose	\$ 22,025,200
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions	212.0
7	Court of appeals operations--212.0 FTE positions	\$ <u>18,225,100</u>
8	GROSS APPROPRIATION	\$ 18,225,100
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees	1,808,500
12	Miscellaneous revenue	77,800
13	State general fund/general purpose	\$ 16,338,800
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions	4.0
16	Branchwide appropriations--4.0 FTE positions	\$ <u>8,034,900</u>
17	GROSS APPROPRIATION	\$ 8,034,900
18	Appropriated from:	
19	State general fund/general purpose	\$ 8,034,900
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	9,108,600
2	Probate court judicial salary standardization	4,389,800
3	Circuit court judges' state base salaries--217.0	
4	judges	20,440,400
5	Circuit court judicial salary standardization	9,922,100
6	Judges' retirement system defined contributions	2,919,200
7	OASI, social security	<u>4,733,900</u>
8	GROSS APPROPRIATION	\$ 92,580,600
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	7,090,200
12	State general fund/general purpose	\$ 85,490,400
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions 8.0	
15	Judicial tenure commission--8.0 FTE positions	\$ <u>1,030,800</u>
16	GROSS APPROPRIATION	\$ 1,030,800
17	Appropriated from:	
18	State general fund/general purpose	\$ 1,030,800
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions 50.0	
21	Appellate public defender program--42.0 FTE positions	\$ 4,676,500
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>854,300</u>
24	GROSS APPROPRIATION	\$ 5,530,800
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	423,500

1	Special revenue funds:	
2	Private - interest on lawyers trust accounts	70,000
3	Miscellaneous revenue	113,100
4	State general fund/general purpose	\$ 4,924,200
5	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
6	Indigent civil legal assistance	\$ <u>7,937,000</u>
7	GROSS APPROPRIATION	\$ 7,937,000
8	Appropriated from:	
9	Special revenue funds:	
10	State court fund	7,937,000
11	State general fund/general purpose	\$ 0
12	Sec. 109. TRIAL COURT OPERATIONS	
13	Court equity fund reimbursements	\$ 68,406,000
14	Judicial technology improvement fund	<u>4,465,000</u>
15	GROSS APPROPRIATION	\$ 72,871,000
16	Appropriated from:	
17	Special revenue funds:	
18	Court equity fund	50,440,000
19	Judicial technology improvement fund	4,465,000
20	State general fund/general purpose	\$ 17,966,000
21	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
22	GOVERNMENT	
23	Drug case-flow program	\$ 250,000
24	Drunk driving case-flow program	2,300,000
25	Juror compensation reimbursement	6,600,000
26	Transcript fee reimbursement	<u>100</u>
27	GROSS APPROPRIATION	\$ 9,150,100

1	Appropriated from:	
2	Special revenue funds:	
3	Drug fund.....	250,000
4	Drunk driving fund.....	2,300,000
5	Juror compensation fund.....	6,600,000
6	Transcript fee fund.....	100
7	State general fund/general purpose	\$ 0

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 GENERAL SECTIONS

11 Sec. 201. Pursuant to section 30 of article IX of the state
 12 constitution of 1963, total state spending from state resources
 13 under part 1 for fiscal year 2005-2006 is \$242,814,700.00 and state
 14 spending from state resources to be paid to local units of
 15 government for fiscal year 2005-2006 is estimated at
 16 \$122,962,500.00. The itemized statement below identifies
 17 appropriations from which spending to local units of government
 18 will occur:

19 JUDICIARY

20 SUPREME COURT

21	State court administrative office	\$ 511,900
22	Drug treatment courts	4,435,000

23 TRIAL COURT OPERATIONS

24	Court equity fund reimbursements	\$ 68,406,000
25	Judicial technology improvement fund	4,465,000

1 JUSTICES' AND JUDGES' COMPENSATION

2	District court judicial salary standardization	\$	11,796,800
3	Probate court judges' state base salaries		9,108,600
4	Probate court judicial salary standardization		4,389,800
5	Circuit court judicial salary standardization		9,922,100
6	Grant to OASI contribution fund, employers share,		
7	social security		777,200

8 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

9	Drunk driving case-flow program	\$	2,300,000
10	Drug case-flow program		250,000
11	Juror compensation reimbursement		6,600,000
12	Transcript fee fund		<u>100</u>
13	TOTAL	\$	122,962,500

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

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

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

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

6 (e) "IDG" means interdepartmental grant.

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

8 Sec. 204. The judicial branch shall not take disciplinary
9 action against an employee for communicating with a member of the
10 legislature or his or her staff.

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

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

26 Sec. 215. (1) Due to the current budgetary problems in this
27 state, out-of-state travel for the fiscal year ending September 30,

1 2006 shall be limited to situations in which 1 or more of the
2 following conditions apply:

3 (a) The travel is required by legal mandate or court order or
4 for law enforcement purposes.

5 (b) The travel is necessary to protect the health or safety of
6 Michigan citizens or visitors or to assist other states in similar
7 circumstances.

8 (c) The travel is necessary to produce budgetary savings or to
9 increase state revenues, including protecting existing federal
10 funds or securing additional federal funds.

11 (d) The travel is necessary to comply with federal
12 requirements.

13 (e) The travel is necessary to secure specialized training for
14 staff that is not available within this state.

15 (f) The travel is financed entirely by federal or nonstate
16 funds.

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

23 (3) Not later than January 1 of each year, the state court
24 administrative office shall prepare a travel report listing all
25 travel by judicial branch employees outside this state in the
26 immediately preceding fiscal year that was funded in whole or in
27 part with funds appropriated in the budget for the judicial branch.

1 The report shall be submitted to the chairs and members of the
2 house and senate appropriations committees, the fiscal agencies,
3 and the state budget director. The report shall include the
4 following information:

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

7 (b) The destination of each travel occurrence.

8 (c) The dates of each travel occurrence.

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

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

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

18 JUDICIAL BRANCH

19 Sec. 301. (1) The direct trial court automation support
20 program of the state court administrative office shall recover
21 direct and overhead costs from trial courts by charging for
22 services rendered. The fee shall cover the actual costs incurred to
23 the direct trial court automation support program in providing the
24 service. A report of amounts collected in excess of funds
25 identified as user service charges in part 1 shall be submitted to
26 the state budget director and to the house and senate

1 appropriations subcommittees on judiciary 30 days before
2 expenditure by the direct trial court automation support program.

3 (2) From funds appropriated in part 1, the direct trial court
4 automation support program of the state court administrative office
5 shall provide to the state budget director, the senate and house
6 appropriations committees, and the senate and house fiscal agencies
7 before January 1 of each year, a detailed list of user service
8 charges collected during the immediately preceding state fiscal
9 year.

10 Sec. 302. Funds appropriated within the judicial branch shall
11 not be expended by any component within the judicial branch without
12 the approval of the supreme court.

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

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

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

26 (a) \$225,000.00 of additional filing fee revenue raised from
27 the increase from \$250.00 to \$375.00 in court of appeals filing

1 fees under section 321(1)(a) of the revised judicature act of 1961,
2 1961 PA 236, MCL 600.321.

3 (b) \$87,500.00 of additional fee revenue raised from the
4 increase in court of appeals motion fees from \$75.00 to \$100.00 and
5 from the increase from \$150.00 to \$200.00 in fees for motions for
6 immediate consideration or expedited appeal, under section
7 321(1)(b) and (c) of the revised judicature act of 1961, 1961 PA
8 236, MCL 600.321.

9 Sec. 308. If sufficient funds are not available from the court
10 fee fund to pay judges' compensation, the difference between the
11 appropriated amount from that fund for judges' compensation and the
12 actual amount available after the amount appropriated for trial
13 court reimbursement is made shall be appropriated from the state
14 general fund for judges' compensation.

15 Sec. 310. From the funds appropriated in part 1 for drug
16 treatment court programs, under the direction of the supreme court,
17 the state court administrative office shall contract with 1 or more
18 independent third parties for evaluation and monitoring of drug
19 court programs funded by the judiciary. The evaluation shall
20 include measures of the impact of drug court programs in changing
21 offender criminal involvement (recidivism) and substance abuse and
22 in reducing prison admissions. The evaluation of a program funded
23 with federal Byrne funds shall be consistent with any requirements
24 contained in the federal Byrne grant for that program. Evaluations
25 required by this section shall to the extent feasible compare
26 offenders treated under the programs with other offenders of
27 similar characteristics. Not later than April 1, 2006, the state

1 court administrative office shall provide a progress report
2 regarding the status and findings of the evaluation to the senate
3 and house appropriations subcommittees on the judiciary, the senate
4 and house fiscal agencies, and the state budget director.

5 Sec. 311. (1) The funds appropriated in part 1 for drug
6 treatment courts shall be administered by the state court
7 administrative office to operate drug treatment court programs. A
8 drug treatment court program shall not receive funds for more than
9 5 years. A drug treatment court shall be responsible for handling
10 cases involving substance abusing nonviolent offenders through
11 comprehensive supervision, testing, treatment services, and
12 immediate sanctions and incentives. A drug treatment court shall
13 use all available county and state personnel involved in the
14 disposition of cases including, but not limited to, parole and
15 probation agents, prosecuting attorneys, defense attorneys, and
16 community corrections providers. The funds may be used in
17 connection with other federal, state, and local funding sources.

18 (2) Local units of government are encouraged to refer to
19 federal drug treatment court guidelines to prepare proposals.
20 However, federal agency approvals are not required for funding
21 under this section.

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

26 (4) For drug treatment court grants, consideration for
27 priority may be given to those courts where higher instances of

1 substance abuse cases are filed.

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

7 Sec. 312. From the funds appropriated in part 1, the state
8 court administrator shall produce a statistical report regarding
9 the implementation of the parental rights restoration act, 1990 PA
10 211, MCL 722.901 to 722.908, as it pertains to minors seeking a
11 court-issued waiver of parental consent. The state court
12 administrative office shall report the total number of petitions
13 filed and the total number of petitions granted in accordance with
14 section 208.

15 Sec. 317. From the funds appropriated in part 1 for transcript
16 fee reimbursement, the judiciary shall reimburse counties for
17 additional costs incurred in the event of a statutory increase in
18 transcript fees under section 2543 of the revised judicature act of
19 1961, 1961 PA 236, MCL 600.2543.