

SENATE BILL No. 1152

EXECUTIVE BUDGET BILL

February 28, 2008, Introduced by Senators BRATER and SWITALSKI and referred to the Committee on Appropriations.

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; 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 bill, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2009, from the

1 funds indicated in this part. The following is a summary of the
 2 appropriations in this part:

3 **JUDICIARY**

4 APPROPRIATION SUMMARY:

5	Full-time equated exempted positions.....	490.0	
6	GROSS APPROPRIATION.....		\$ 261,912,700
7	Interdepartmental grant revenues:		
8	Total interdepartmental grants and intradepartmental		
9	transfers		2,523,500
10	ADJUSTED GROSS APPROPRIATION.....		\$ 259,389,200
11	Federal revenues:		
12	Total federal revenues.....		4,626,400
13	Special revenue funds:		
14	Total local revenues.....		6,093,100
15	Total private revenues.....		842,500
16	Total other state restricted revenues.....		87,893,800
17	State general fund/general purpose.....		\$ 159,933,400
18	Sec. 102. SUPREME COURT		
19	Full-time equated exempted positions.....	243.0	
20	Supreme court administration--97.0 FTE positions		\$ 11,014,700
21	Judicial institute--13.0 FTE positions		2,676,400
22	State court administrative office--60.0 FTE positions		11,425,900
23	Judicial information systems--22.0 FTE positions		3,187,900
24	Direct trial court automation support--36.0 FTE		
25	positions		6,093,100
26	Foster care review board--12.0 FTE positions		1,272,200
27	Community dispute resolution--3.0 FTE positions		2,292,700

1	Other federal grants.....	275,000
2	Drug treatment courts.....	<u>4,678,800</u>
3	GROSS APPROPRIATION.....	\$ 42,916,700
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from department of community health.....	1,800,000
7	IDG from state police - Michigan justice training fund	300,000
8	Federal revenues:	
9	DOJ, victims assistance programs.....	50,000
10	DOJ, drug court training and evaluation.....	300,000
11	DOT, national highway traffic safety administration..	800,000
12	HHS, access and visitation grant.....	387,000
13	HHS, children's justice grant.....	206,300
14	HHS, court improvement project.....	1,160,000
15	HHS, title IV-D child support program.....	907,700
16	HHS, title IV-E foster care program.....	540,400
17	Other federal grant revenues.....	275,000
18	Special revenue funds:	
19	Local - user fees.....	6,093,100
20	Private.....	169,000
21	Private - interest on lawyers trust accounts.....	232,700
22	Private - state justice institute.....	370,800
23	Community dispute resolution fund.....	2,292,700
24	Law exam fees.....	482,100
25	Drug court fund.....	1,920,500
26	Miscellaneous revenue.....	227,900
27	Justice system fund.....	700,000

1	State court fund.....		339,000
2	State general fund/general purpose.....	\$	23,362,500
3	Sec. 103. COURT OF APPEALS		
4	Full-time equated exempted positions.....	190.0	
5	Court of appeals operations--190.0 FTE positions.....	\$	<u>19,248,700</u>
6	GROSS APPROPRIATION.....	\$	19,248,700
7	Appropriated from:		
8	Special revenue funds:		
9	Court filing/motion fees.....		1,958,500
10	Miscellaneous revenue.....		77,800
11	State general fund/general purpose.....	\$	17,212,400
12	Sec. 104. BRANCHWIDE APPROPRIATIONS		
13	Full-time equated exempted positions.....	4.0	
14	Branchwide appropriations--4.0 FTE positions.....	\$	<u>7,882,800</u>
15	GROSS APPROPRIATION.....	\$	7,882,800
16	Appropriated from:		
17	State general fund/general purpose.....	\$	7,882,800
18	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
19	Full-time judges positions.....	621.0	
20	Supreme court justices' salaries--7.0 justices.....	\$	1,152,300
21	Court of appeals judges' salaries--28.0 judges.....		4,240,300
22	District court judges' state base salaries--258.0		
23	judges.....		23,877,200
24	District court judicial salary standardization.....		11,796,800
25	Probate court judges' state base salaries--103.0		
26	judges.....		9,627,900
27	Probate court judicial salary standardization.....		4,669,700

1	Circuit court judges' state base salaries--225.0		
2	judges		20,817,200
3	Circuit court judicial salary standardization.....		10,105,000
4	Judges' retirement system defined contributions.....		3,556,700
5	OASI, social security.....		<u>5,353,900</u>
6	GROSS APPROPRIATION.....	\$	95,197,000
7	Appropriated from:		
8	Special revenue funds:		
9	Court fee fund.....		7,090,200
10	State general fund/general purpose.....	\$	88,106,800
11	Sec. 106. JUDICIAL AGENCIES		
12	Full-time equated exempted positions..... 7.0		
13	Judicial tenure commission--7.0 FTE positions.....	\$	<u>1,013,700</u>
14	GROSS APPROPRIATION.....	\$	1,013,700
15	Appropriated from:		
16	State general fund/general purpose.....	\$	1,013,700
17	Sec. 107. INDIGENT DEFENSE - CRIMINAL		
18	Full-time equated exempted positions..... 46.0		
19	Appellate public defender program--39.0 FTE positions	\$	5,081,200
20	Appellate assigned counsel administration--7.0 FTE		
21	positions		<u>890,200</u>
22	GROSS APPROPRIATION.....	\$	5,971,400
23	Appropriated from:		
24	Interdepartmental grant revenues:		
25	IDG from state police - Michigan justice training fund		423,500
26	Special revenue funds:		
27	Private - interest on lawyers trust accounts.....		70,000

1	Miscellaneous revenue.....		113,100
2	State general fund/general purpose.....	\$	5,364,800
3	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
4	Indigent civil legal assistance.....	\$	<u>7,937,000</u>
5	GROSS APPROPRIATION.....	\$	7,937,000
6	Appropriated from:		
7	Special revenue funds:		
8	State court fund.....		7,937,000
9	State general fund/general purpose.....	\$	0
10	Sec. 109. TRIAL COURT OPERATIONS		
11	Court equity fund reimbursements.....	\$	67,430,400
12	Judicial technology improvement fund.....		<u>4,465,000</u>
13	GROSS APPROPRIATION.....	\$	71,895,400
14	Appropriated from:		
15	Special revenue funds:		
16	Court equity fund.....		50,440,000
17	Judicial technology improvement fund.....		4,465,000
18	State general fund/general purpose.....	\$	16,990,400
19	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
20	Drug case-flow program.....	\$	250,000
21	Drunk driving case-flow program.....		3,000,000
22	Juror compensation reimbursement.....		<u>6,600,000</u>
23	GROSS APPROPRIATION.....	\$	9,850,000
24	Appropriated from:		
25	Special revenue funds:		
26	Drug fund.....		250,000
27	Drunk driving fund.....		3,000,000

1	Juror compensation fund.....		6,600,000
2	State general fund/general purpose.....	\$	0

3 PART 2

4 PROVISIONS CONCERNING APPROPRIATIONS

5 GENERAL SECTIONS

6 Sec. 201. Pursuant to section 30 of article IX of the state
7 constitution of 1963, total state spending from state resources
8 under part 1 for fiscal year 2008-2009 is \$247,827,200.00 and state
9 spending from state resources to be paid to local units of
10 government for fiscal year 2008-2009 is \$123,720,300.00. The
11 itemized statement below identifies appropriations from which
12 spending to local units of government will occur:

13 JUDICIARY

14 SUPREME COURT

15	State court administrative office.....	\$	511,900
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16	Drug treatment courts.....		4,378,800
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17 TRIAL COURT OPERATIONS

18	Court equity fund reimbursements.....	\$	67,430,400
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19	Judicial technology improvement fund.....		4,465,000
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20 JUSTICES' AND JUDGES' COMPENSATION

21	District court judicial salary standardization.....	\$	11,796,800
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22	Probate court judges' state base salaries.....		9,627,900
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23	Probate court judicial salary standardization.....		4,669,700
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24	Circuit court judicial salary standardization.....		10,105,000
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25	Grant to OASI contribution fund, employers share,		
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1	social security		884,800
2	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
3	Drunk driving case-flow program.....	\$	3,000,000
4	Drug case-flow program.....		250,000
5	Juror compensation reimbursement.....		<u>6,600,000</u>
6	TOTAL.....	\$	123,720,300

7 Sec. 202. (1) The appropriations authorized under this bill
8 are subject to the management and budget act, 1984 PA 431, MCL
9 18.1101 to 18.1594.

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

19 Sec. 203. As used in this bill:

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

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

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

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

26 (e) "IDG" means interdepartmental grant.

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

1 Sec. 206. (1) In addition to the funds appropriated in part 1,
2 there is appropriated an amount not to exceed \$1,000,000.00 for
3 federal contingency funds.

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
6 restricted contingency funds.

7 (3) In addition to the funds appropriated in part 1, there is
8 appropriated an amount not to exceed \$100,000.00 for local
9 contingency funds.

10 (4) In addition to the funds appropriated in part 1, there is
11 appropriated an amount not to exceed \$100,000.00 for private
12 contingency funds.

13 (5) A transfer of contingency funds within the judicial branch
14 under this section shall not be made by the authorized agent of the
15 judicial entity unless approved by both appropriations committees.
16 If the state budget director does not approve contingency fund
17 transfers adopted by both appropriations committees under this
18 section, the state budget director shall notify the appropriations
19 committees of his or her action within 15 days.

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

27 Sec. 214. Funds appropriated in part 1 shall not be used for

1 the purchase of foreign goods or services, or both, if
2 competitively priced and of comparable quality American goods or
3 services, or both, are available. Preference shall be given to
4 goods or services, or both, manufactured or provided by Michigan
5 businesses, if they are competitively priced and of comparable
6 quality. In addition, preference shall be given to goods or
7 services, or both, that are manufactured or provided by Michigan
8 businesses owned and operated by veterans, if they are
9 competitively priced and of comparable quality.

10 Sec. 215. (1) Due to the current budgetary problems in this
11 state, out-of-state travel for the fiscal year ending September 30,
12 2009 shall be limited to situations in which 1 or more of the
13 following conditions apply:

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

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

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

22 (d) The travel is necessary to comply with federal
23 requirements.

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

26 (f) The travel is financed entirely by federal or nonstate
27 funds.

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

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

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

18 (b) The destination of each travel occurrence.

19 (c) The dates of each travel occurrence.

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

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

27 (f) A total of all out-of-state travel funded for the

1 immediately preceding fiscal year.

2 **JUDICIAL BRANCH**

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

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

21 Sec. 302. Funds appropriated within the judicial branch shall
22 not be expended by any component within the judicial branch without
23 the approval of the supreme court.

24 Sec. 303. Of the amount appropriated in part 1 for the
25 judicial branch, \$325,000.00 is allocated for circuit court
26 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and

1 \$186,900.00 is allocated for court of claims reimbursement under
2 section 6413 of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.6413.

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

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

13 Sec. 309. (1) From the funds appropriated in part 1 for pilot
14 mental health court programs, with the approval of and at the
15 discretion of the supreme court, the state court administrative
16 office shall work with the department of community health to
17 develop guidelines for the operation and evaluation of pilot mental
18 health courts. Trial courts and local community mental health
19 services programs interested in becoming mental health court pilot
20 sites shall submit a joint application for funding prepared in
21 accordance with guidelines established by the Judiciary and the
22 department of community health. The applications shall include
23 documentation of community needs and a commitment to the program by
24 key stakeholders, including the local courts, law enforcement,
25 prosecutor, defense counsel, and treatment providers.

26 (2) From the funds appropriated in part for pilot mental
27 health court programs, \$100,000.00 shall be used to provide

1 training for mental health court personnel and local law
2 enforcement on mental health issues.

3 Sec. 310. From the funds appropriated in part 1 for drug
4 treatment court programs, with the approval of and at the
5 discretion of the supreme court, the state court administrative
6 office shall evaluate and collect data on the performance of drug
7 treatment court programs. The state court administrative office
8 shall provide an annual review of the performance of drug courts as
9 prescribed in section 1078(6) of the revised judicature act of
10 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
11 annual review:

12 (a) It shall include measures of the impact of drug court
13 programs in changing offender criminal involvement (recidivism) and
14 substance abuse and in reducing prison admissions.

15 (b) It shall be completed no later than April 1 of each year
16 and shall also be provided to the senate and house appropriations
17 subcommittees on the judiciary, the senate and house fiscal
18 agencies, and the state budget director.

19 (c) The evaluation of a program funded with federal Byrne
20 funds shall be consistent with the requirements contained in the
21 federal Byrne grant for that program.

22 Sec. 311. (1) The funds appropriated in part 1 for drug
23 treatment courts shall be administered by the state court
24 administrative office to operate drug treatment court programs. A
25 drug treatment court shall use all available county and state
26 personnel involved in the disposition of cases including, but not
27 limited to, parole and probation agents, prosecuting attorneys,

1 defense attorneys, and community corrections providers. The funds
2 may be used in connection with other federal, state, and local
3 funding sources.

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

8 (3) For drug treatment court grants, consideration for
9 priority may be given to those courts where higher instances of
10 substance abuse cases are filed.

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

16 Sec. 314. By April 1, the state court administrative office
17 shall provide an update on the impact of Halbert v Michigan, 125 S
18 Ct 2582 (2005), and related cases on the court system during the
19 prior calendar year to the senate and house appropriations
20 subcommittees on judiciary, the senate and house fiscal agencies,
21 and the state budget director.

22 Sec. 317. Funds appropriated in part 1 shall not be used for
23 the permanent assignment of state-owned vehicles to justices or
24 judges or any other judicial branch employee. This section does not
25 preclude the use of state-owned motor pool vehicles for state
26 business in accordance with approved guidelines.