



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-2768
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5883 (H-1 as passed by the House)
Committee: Appropriations

FY 2009-10 Year-to-Date Gross Appropriation	\$258,762,300
--	----------------------

Changes from FY 2009-10 Year-to-Date:

1. **Program Reductions.** The Governor's recommendation included a \$2,587,500 (4%)0
General Fund reduction across all lines, excluding justices' and judges' compensation.
Specific reductions include:

Supreme Court Administration	\$484,900
Judicial Institute	\$96,600
State Court Administrative Office	\$266,100
Judicial Information Systems	\$113,800
Foster Care Review Board	\$33,800
Drug Treatment Courts	\$29,800
Court of Appeals	\$795,400
Judicial Tenure Commission	\$38,800
Appellate Public Defender	\$176,400
Appellate Assigned Counsel	\$31,700
Court Equity Fund Reimbursements	\$520,200

The House eliminated reductions recommended by the Governor. The House plans to offset the cost of restoring funds, and the new proposed Community Court Pilot Program, with a transfer of \$2,607,500 from the Juror Compensation Reimbursement Fund to the State General Fund.
2. **Community Court Pilot Project.** The House included funding for a new Community Court Pilot Project for neighborhood focused community courts.20,000
3. **Circuit Court Judgeships.** Public Act 228 of 2009 temporarily eliminated two circuit court judgeships (one in Oakland County, from January 1, 2011 to January 1, 2015 and one in Macomb County, from January 1, 2011 to January 1, 2017). The Governor and House included savings based on this adjustment (9 months in FY 2010-11).(240,700)
4. **Budgetary Savings.** The House reduced funding based on no cost of living adjustment.(1,158,000)
5. **Economic Adjustments.**2,265,200
6. **Other Changes.** Other adjustments include \$250,000 for continuation of Federal grant funds awarded to the Appellate Public Defender Program (this item is also included in an FY 2009-10 supplemental recommendation) and an adjustment of \$374,500 based on the cost of satellite offices for Supreme Court Justices. The Governor and House also eliminated the \$100 line-item placeholder for the Juvenile Training Pilot Project.624,500
7. **Comparison to Governor's Recommendation.** The House is \$1,449,500 over the Governor for both Gross and GF/GP.

Total Changes.....	\$1,511,000
--------------------	-------------

FY 2010-11 House-Passed Gross Appropriation	\$260,273,300
--	----------------------

Changes from FY 2009-10 Year to Date:

1. **Communication with the Legislature.** Prohibits the Judiciary from taking disciplinary action against an employee for communicating with the Legislature. The Governor removed this section. The House restored it. (Sec. 204)
2. **Retention of Reports.** Requires the Judicial Branch to receive and retain copies of all reports and follow State and Federal retention guidelines. The Governor removed this section. The House restored it. (Sec. 212)
3. **Travel Restrictions.** Allows the Chief Justice to grant exceptions to travel restrictions and requires monthly reports. The Governor removed this provision. The House restored it. (Sec. 215(2))
4. **JCAR/Rules.** Requires each Judicial Branch to report by April 1, on each specific policy change made to implement enacted legislation. Also prohibits the use of funds in Part 1 to prepare regulatory plans or promulgate rules that fail to reduce the disproportionate economic impact on small businesses pursuant to MCL 24.240. In the Governor's signing letter for 2009 PA 113, the Governor stated that requirements of the Administrative Procedures Act do not apply to the judicial branch and that Section 216 appears to be inconsistent with Article IV, Section 25 of the Michigan Constitution. The Governor and House removed this section. (Sec. 216)
5. **Conferences/Seminars.** Prohibits the Judicial Branch from sending more than one employee to the same out-of-state conference or seminar unless the conference or seminar is funded by a Federal or private funding source and requires more than one person from the Judicial Branch to attend, or the conference covers multiple areas in which 1 employee does not have expertise. The Governor and House removed this section. (Sec. 218)
6. **Lapse Estimates.** Requires the Judiciary to prepare a report by September 30, listing estimates of General Fund lapses. The Governor removed this section. The House restored it. (Sec. 219)
7. **Retention of Satellite Offices.** States legislative intent that the Supreme Court retain its satellite offices. The Governor and House removed this section. (Sec. 220)
8. **Expenditures on the Internet.** Requires the Judicial Branch to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the Judicial Branch. Implementation costs are limited to not more than \$10,000.00. The Governor removed this section. The House restored it. (Sec. 221)
9. **Court of Appeals Restricted Funding.** The House added language requesting the Judiciary to report on possible solutions to the discrepancy between court filing and motion fee appropriations and actual collections. (Sec. 222)
10. **Juror Compensation Reimbursement Fund.** The House added legislative intent language to transfer \$2,607,500 from the Juror Compensation Reimbursement Fund to the State General Fund at the close of FY 2009-10. Amendments to MCL 600.151d will be necessary to implement this transfer. (Sec. 223)
11. **Budgetary Savings.** Provides that the negative appropriation for budgetary savings shall be satisfied through savings from disapproval of the 3% salary and wage increase for nonexclusively represented employees. Adjustments to appropriation authorizations necessary to implement budgetary savings shall be made only after the approval of transfers by the legislature. The section also authorizes the State Budget Director to reduce associated federal, local, private, and state restricted appropriations. (Sec. 224)
12. **Auditor General.** Requires the judiciary to cooperate with the Auditor General regarding audits of Judicial Branch. The Governor and House removed this section. (Sec. 304)
13. **Quarterly Reports.** Requires the Judiciary to report quarterly year-to-date, and projected revenue for each source of revenue other than GF/GP. The Governor and House removed this section. (Sec. 305)
14. **Pilot Mental Health Courts.** Requires the State Court Administrative Office (SCAO) to provide an update on the status of pilot mental health courts by April 1. The Governor removed this section. The House restored it. (Sec. 309)
15. **Parental Rights Restoration Act Statistical Report.** Requires the SCAO to produce a statistical report regarding the implementation of the Parental Rights Restoration Act as it pertains to minors seeking a court-issued waiver of parental consent to obtain an abortion. The Governor and House removed this section. (Sec. 312)
16. **Standardized Risk Assessment.** The Legislature requests that the SCAO conduct a survey of trial courts in order to determine best practices for standardized risk assessment and submit a report by April 1. The SCAO is encouraged to explore existing tools and established benchmarks that could be utilized in addressing the criminogenic needs of the local community. The Governor and House removed this section. (Sec. 314)
17. **Juvenile Training Pilot Project.** Pilot project to train attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services. The Governor and House removed this section. (Sec. 319)
18. **Community Court Pilot Project.** The House added new language providing that funds appropriated for the pilot project shall be used for the purposes of administering a program of neighborhood-focused community courts. The SCAO shall work collaboratively with the designated courts when establishing the community courts. (Sec. 318)

Date Completed: 3-29-10

Fiscal Analyst: Bill Bowerman