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House Bill 5883 (S-1, Draft 1 as reported)

Committee: Appropriations

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

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

Supreme Court Administration \$484,900	Court of Appeals..... \$795,400
Judicial Institute \$96,600	Judicial Tenure Commission \$38,800
State Court Administrative Office \$266,100	Appellate Public Defender..... \$176,400
Judicial Information Systems \$113,800	Appellate Assigned Counsel \$31,700
Foster Care Review Board \$33,800	Court Equity Reimbursements. ... \$520,200
Drug Treatment Courts\$29,800	
- The House eliminated reductions recommended by the Governor. Section 223 would offset the cost of restoring funds, and the new proposed Community Court Pilot Program, through a transfer of \$2,607,500 from the Juror Compensation Reimbursement Fund (JCRF) to the State General Fund. The Senate concurred with restoring the funds (with points of difference) but would transfer \$2,687,500 from the JCRF to the Court Equity Fund. Under the Senate version, \$100,000 would be used offset a shortage of filing fee revenue for the Court of Appeals.
2. **Community Court Pilot Project.** The House included \$20,000 for a new Community Court Pilot Project for neighborhood community courts. The Senate removed this item. 0
3. **IDG from the Department of Corrections.** The Senate eliminated the FY 2009-10 \$980,000 interdepartmental grant (IDG) from the Department of Corrections (DOC) related to a pilot program targeting the assessment and treatment of high risk offenders. Funding for that pilot program was not included in the FY 2009-10 the DOC budget. For FY 2010-11, the Senate included a \$1.0 million IDG from the DOC to support mental health services for Drug Court participants. 20,000
4. **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, House, and Senate included savings based on this adjustment (9 months in FY 2010-11). (240,700)
5. **Budgetary Savings.** The House included a negative budgetary savings line item (\$1,158,000) based on no cost of living adjustment. The Senate eliminated the negative line item and reduced the appropriate line items. (See Item #6 below). 0
6. **Economic Adjustments.** The Governor included \$2,265,200 for economic adjustments, including \$1,255,500 (\$1,158,000 GF/GP) for a cost of living adjustment for Judiciary employees. The Senate removed the cost of living adjustment funding. 1,009,700
7. **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, House, and Senate also eliminated the \$100 line-item placeholder for the Juvenile Training Pilot Project (transferred to other Federal grants line item). In addition, the Senate increased Federal funds by \$163,000 to reflect available revenue. 787,500
8. **Comparison to Governor's Recommendation.** The Senate is \$1,515,000 Gross over and \$1,158,000 GF/GP under the Governor's Recommendation.

Total Changes.....	\$1,576,500
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FY 2010-11 Senate Appropriations Subcommittee Appropriation.....	\$260,338,800
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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 and Senate restored. (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 and Senate 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 and Senate restored it. (Sec. 215(2))
4. **JCAR/Rules.** Requires report on each specific policy change made to implement enacted legislation. Also prohibits the use of funds to prepare regulatory plans or promulgate rules that fail to reduce the disproportionate economic impact on small businesses. The Governor stated that requirements of the Administrative Procedures Act do not apply to the judicial branch. The Governor and House removed this section. The Senate restored it. (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 Judiciary to attend, or the conference covers multiple subject areas. The Governor and House removed this section. The Senate restored it. (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 and Senate restored it. (Sec. 219)
7. **Retention of Satellite Offices.** States legislative intent that the Supreme Court retain its satellite offices. The Governor, House, and Senate 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 and Senate restored it. (Sec. 221)
9. **Court of Appeals Restricted Funding.** House language requesting Judiciary to report on solutions to the discrepancy between filing fee appropriations and actual collections. The Senate removed this section. (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. The Senate modified this section to provide for the transfer of \$2,687,500 to the Court Equity Fund instead of the General Fund. (Sec. 223)
11. **Budgetary Savings.** The House added language implementing the negative budgetary savings line item. The Senate removed this section. (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. The Senate restored it. (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. The Senate restored it. (Sec. 305)
14. **Pilot Mental Health Courts.** Requires the State Court Administrative Office (SCAO) to provide an update on pilot mental health courts. The Governor removed this section. The House and Senate restored it. (Sec. 309)
15. **Parental Rights Restoration Act.** Requires the SCAO to produce a statistical report regarding 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. The Senate restored it. (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 Governor and House removed this section. The Senate restored it. (Sec. 314)
17. **Intensive Probation Pilot Program.** Sets criteria for the \$980,000.00 IDG from Corrections. Funding was not included in the FY 2009-10 Corrections Budget. The House and Senate removed the language. (Sec. 318)
18. **Juvenile Training Pilot Project.** Training for attorneys who accept court-appointed juvenile delinquency, abuse, neglect, and protective services cases. The Governor, House, and Senate removed this section. (Sec. 319)
19. **Community Court Pilot Project.** The House added new language providing that the pilot project shall fund a program of neighborhood-focused community courts. The Senate removed this section. (Sec. 318)
20. **Mental Health Services.** The Senate included new language providing that \$1.0 million of the IDG from the Department of Corrections shall be allocated to Drug Courts for mental health treatment services. (Sec. 320)

Date Completed: 5-4-10

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