

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 5883, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

(attached)

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the

disposition of fees and other income received by the judicial branch.

Rashida Tlaib

Alan L. Cropsey

Terry Brown

Roger Kahn

Tonya Schuitmaker

Liz Brater

Conferees for the House

Conferees for the Senate

**SUBSTITUTE FOR
HOUSE BILL NO. 5883**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; 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 state and local departments, 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
2
3
4

PART 1

LINE-ITEM APPROPRIATIONS

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

1 branch for the fiscal year ending September 30, 2011, from the
 2 funds indicated in this part. The following is a summary of the
 3 appropriations in this part:

4 **JUDICIARY**

5 APPROPRIATION SUMMARY:

6	Full-time equated exempted positions.....	491.0	
7	GROSS APPROPRIATION.....		\$ 260,358,800
8	Interdepartmental grant revenues:		
9	Total interdepartmental grants and intradepartmental		
10	transfers		3,573,500
11	ADJUSTED GROSS APPROPRIATION.....		\$ 256,785,300
12	Federal revenues:		
13	Total federal revenues.....		5,539,500
14	Special revenue funds:		
15	Total local revenues.....		6,252,200
16	Total private revenues.....		842,500
17	Total other state restricted revenues.....		92,078,000
18	State general fund/general purpose.....		\$ 152,073,100
19	Sec. 102. SUPREME COURT		
20	Full-time equated exempted positions.....	243.0	
21	Supreme court administration--97.0 FTE positions		\$ 10,851,500
22	Judicial institute--13.0 FTE positions.....		2,594,600
23	State court administrative office--60.0 FTE positions		10,350,100
24	Judicial information systems--22.0 FTE positions		3,141,500
25	Direct trial court automation support--36.0 FTE		
26	positions		6,252,200
27	Foster care review board--12.0 FTE positions		1,265,400

1	Community dispute resolution--3.0 FTE positions	2,313,200
2	Other federal grants.....	275,100
3	Drug treatment courts.....	6,133,000
4	Community court pilot project.....	<u>20,000</u>
5	GROSS APPROPRIATION.....	\$ 43,196,600
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of state police.....	1,800,000
9	IDG from department of corrections.....	1,050,000
10	IDG from state police - Michigan justice training fund	300,000
11	Federal revenues:	
12	DOJ, victims assistance programs.....	50,000
13	DOJ, drug court training and evaluation.....	300,000
14	DOT, national highway traffic safety administration..	1,300,000
15	HHS, access and visitation grant.....	550,000
16	HHS, children's justice grant.....	206,300
17	HHS, court improvement project.....	1,160,000
18	HHS, title IV-D child support program.....	907,700
19	HHS, title IV-E foster care program.....	540,400
20	Other federal grant revenues.....	275,100
21	Special revenue funds:	
22	Local - user fees.....	6,252,200
23	Private.....	169,000
24	Private - interest on lawyers trust accounts.....	232,700
25	Private - state justice institute.....	370,800
26	Community dispute resolution fund.....	2,313,200
27	Law exam fees.....	536,200

1	Drug court fund.....	1,920,500
2	Miscellaneous revenue.....	227,900
3	Justice system fund.....	700,000
4	State court fund.....	339,000
5	State general fund/general purpose.....	\$ 21,695,600
6	Sec. 103. COURT OF APPEALS	
7	Full-time equated exempted positions.....	190.0
8	Court of appeals operations--190.0 FTE positions.....	\$ <u>18,851,600</u>
9	GROSS APPROPRIATION.....	\$ 18,851,600
10	Appropriated from:	
11	Special revenue funds:	
12	Court filing/motion fees.....	1,458,500
13	Miscellaneous revenue.....	77,800
14	State general fund/general purpose.....	\$ 17,315,300
15	Sec. 104. BRANCHWIDE APPROPRIATIONS	
16	Full-time equated exempted positions.....	4.0
17	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,136,800</u>
18	GROSS APPROPRIATION.....	\$ 8,136,800
19	Appropriated from:	
20	State general fund/general purpose.....	\$ 8,136,800
21	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
22	Full-time judges positions.....	615.0
23	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
24	Court of appeals judges' salaries--28.0 judges.....	4,240,300
25	District court judges' state base salaries--258.0	
26	judges.....	23,877,200
27	District court judicial salary standardization.....	11,796,800

1	Probate court judges' state base salaries--103.0		
2	judges		9,627,900
3	Probate court judicial salary standardization.....		4,669,700
4	Circuit court judges' state base salaries--219.0		
5	judges		20,675,900
6	Circuit court judicial salary standardization.....		10,036,400
7	Judges' retirement system defined contributions.....		3,837,600
8	OASI, social security.....		<u>5,375,900</u>
9	GROSS APPROPRIATION.....	\$	95,290,000
10	Appropriated from:		
11	Special revenue funds:		
12	Court fee fund.....		7,090,200
13	State general fund/general purpose.....	\$	88,199,800
14	Sec. 106. JUDICIAL AGENCIES		
15	Full-time equated exempted positions..... 7.0		
16	Judicial tenure commission--7.0 FTE positions.....	\$	<u>992,000</u>
17	GROSS APPROPRIATION.....	\$	992,000
18	Appropriated from:		
19	State general fund/general purpose.....	\$	992,000
20	Sec. 107. INDIGENT DEFENSE - CRIMINAL		
21	Full-time equated exempted positions..... 47.0		
22	Appellate public defender program--39.0 FTE positions	\$	5,263,500
23	Appellate assigned counsel administration--8.0 FTE		
24	positions		<u>931,600</u>
25	GROSS APPROPRIATION.....	\$	6,195,100
26	Appropriated from:		
27	Interdepartmental grant revenues:		

1	IDG from state police - Michigan justice training fund	423,500
2	Federal revenues:	
3	Other federal grant revenue.....	250,000
4	Special revenue funds:	
5	Private - interest on lawyers trust accounts.....	70,000
6	Miscellaneous revenue.....	113,100
7	State general fund/general purpose.....	\$ 5,338,500
8	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
9	Indigent civil legal assistance.....	\$ <u>7,937,000</u>
10	GROSS APPROPRIATION.....	\$ 7,937,000
11	Appropriated from:	
12	Special revenue funds:	
13	State court fund.....	7,937,000
14	State general fund/general purpose.....	\$ 0
15	Sec. 109. TRIAL COURT OPERATIONS	
16	Court equity fund reimbursements.....	\$ 64,794,700
17	Judicial technology improvement.....	<u>4,815,000</u>
18	GROSS APPROPRIATION.....	\$ 69,609,700
19	Appropriated from:	
20	Special revenue funds:	
21	Court equity fund.....	54,399,600
22	Judicial technology improvement fund.....	4,815,000
23	State general fund/general purpose.....	\$ 10,395,100
24	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
25	GOVERNMENT	
26	Drug case-flow program.....	\$ 250,000
27	Drunk driving case-flow program.....	3,300,000

1	Juror compensation reimbursement	<u>6,600,000</u>
2	GROSS APPROPRIATION.....	\$ 10,150,000
3	Appropriated from:	
4	Special revenue funds:	
5	Drug fund.....	250,000
6	Drunk driving fund.....	3,300,000
7	Juror compensation fund.....	6,600,000
8	State general fund/general purpose.....	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2010-2011 is \$244,151,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$120,832,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

21	State court administrative office.....	\$ 511,900
22	Drug treatment courts.....	3,533,000

TRIAL COURT OPERATIONS

24	Court equity fund reimbursements.....	\$ 64,794,700
25	Judicial technology improvement fund.....	4,815,000

1 JUSTICES' AND JUDGES' COMPENSATION

2	District court judicial salary standardization.....	\$	11,796,800
3	Probate court judges' state base salaries.....		9,627,900
4	Probate court judicial salary standardization.....		4,669,700
5	Circuit court judicial salary standardization.....		10,036,400
6	Grant to OASI contribution fund, employers share,		
7	social security		896,900

8 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

9	Drunk driving case-flow program.....	\$	3,300,000
10	Drug case-flow program.....		250,000
11	Juror compensation reimbursement.....		<u>6,600,000</u>
12	TOTAL.....	\$	120,832,300

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

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

25 Sec. 203. As used in this act:

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

27 (b) "DOT" means the United States department of

1 transportation.

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

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

5 (e) "IDG" means interdepartmental grant.

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

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

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

17 Sec. 212. As a condition of expending appropriations made
18 under part 1, the judicial branch shall receive and retain copies
19 of all reports funded from appropriations in part 1 and shall
20 follow federal and state guidelines for short-term and long-term
21 retention of such reports and records.

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

1 quality. In addition, preference shall be given to goods or
2 services, or both, that are manufactured or provided by Michigan
3 businesses owned and operated by veterans, if they are
4 competitively priced and of comparable quality.

5 Sec. 215. (1) Due to the current budgetary problems in this
6 state, out-of-state travel for the fiscal year ending September 30,
7 2011 shall be limited to situations in which 1 or more of the
8 following conditions apply:

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

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

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

17 (d) The travel is necessary to comply with federal
18 requirements.

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

21 (f) The travel is financed entirely by federal or nonstate
22 funds.

23 (2) If out-of-state travel is necessary but does not meet 1 or
24 more of the conditions in subsection (1), the chief justice or his
25 or her designee may grant an exception to allow the travel. Any
26 exceptions granted by the chief justice or his or her designee
27 shall be reported on a monthly basis to the senate and house of

1 representatives standing committees on appropriations.

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

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

13 (b) The destination of each travel occurrence.

14 (c) The dates of each travel occurrence.

15 (d) A brief statement of the reason for each travel
16 occurrence.

17 (e) The transportation and related costs of each travel
18 occurrence, including the proportion funded with state general
19 fund/general purpose revenues, the proportion funded with state
20 restricted revenues, the proportion funded with federal revenues,
21 and the proportion funded with other revenues.

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

24 Sec. 219. Not later than September 30, 2011, the judiciary
25 shall prepare and transmit a report that provides for estimates of
26 the total general fund/general purpose appropriation lapses at the
27 close of the fiscal year. This report shall summarize the projected

1 year-end general fund/general purpose appropriation lapses by major
2 program or program areas. The report shall be transmitted to the
3 office of the state budget, the chairpersons of the senate and
4 house appropriations committees, and the senate and house fiscal
5 agencies.

6 Sec. 221. From the funds appropriated in part 1, the judicial
7 branch shall use an amount not to exceed \$10,000.00 to develop,
8 post, and maintain, on a publicly accessible Internet site, all
9 expenditures made by the judicial branch within a fiscal year. The
10 posting must include the purpose for which each expenditure is
11 made. The judicial branch shall not be required to hire additional
12 employees to comply with this section.

13 Sec. 223. From the balance in the juror compensation
14 reimbursement fund as of the close of fiscal year 2009-2010,
15 \$2,607,500.00 is appropriated and shall be transferred to the court
16 equity fund.

17 JUDICIAL BRANCH

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

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

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

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

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

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

23 Sec. 308. If sufficient funds are not available from the court
24 fee fund to pay judges' compensation, the difference between the
25 appropriated amount from that fund for judges' compensation and the
26 actual amount available after the amount appropriated for trial
27 court reimbursement is made shall be appropriated from the state

1 general fund for judges' compensation.

2 Sec. 309. By April 1, 2011, the state court administrative
3 office shall provide an update on the status of the pilot mental
4 health courts to the state budget director, the senate and house
5 appropriations subcommittees on the judiciary, and the senate and
6 house fiscal agencies.

7 Sec. 310. From the funds appropriated in part 1 for drug
8 treatment court programs, with the approval of and at the
9 discretion of the supreme court, the state court administrative
10 office shall evaluate and collect data on the performance of drug
11 treatment court programs. The state court administrative office
12 shall provide an annual review of the performance of drug courts as
13 prescribed in section 1078(6) of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
15 annual review:

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

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

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

26 Sec. 311. (1) The funds appropriated in part 1 for drug
27 treatment courts shall be administered by the state court

1 administrative office to operate drug treatment court programs. A
2 drug treatment court shall be responsible for handling cases
3 involving substance abusing nonviolent offenders through
4 comprehensive supervision, testing, treatment services, and
5 immediate sanctions and incentives. A drug treatment court shall
6 use all available county and state personnel involved in the
7 disposition of cases including, but not limited to, parole and
8 probation agents, prosecuting attorneys, defense attorneys, and
9 community corrections providers. The funds may be used in
10 connection with other federal, state, and local funding sources.

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

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

18 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula
19 grant funding as an interdepartmental grant from the Michigan state
20 police to be used for expansion of drug treatment courts, to assist
21 in avoiding prison bed space growth for nonviolent offenders in
22 collaboration with the department of corrections.

23 Sec. 312. From the funds appropriated in part 1, the state
24 court administrator shall produce a statistical report regarding
25 the implementation of the parental rights restoration act, 1990 PA
26 211, MCL 722.901 to 722.908, as it pertains to minors seeking a
27 court-issued waiver of parental consent. The state court

1 administrative office shall report the total number of petitions
2 filed and the total number of petitions granted in accordance with
3 section 208.

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

9 Sec. 318. The funds appropriated in part 1 for the community
10 court pilot project shall be used for the purposes of administering
11 a pilot program of neighborhood-focused community courts. The state
12 court administrative office shall work collaboratively with the
13 designated courts when establishing the community courts.

14 Sec. 320. From the funds appropriated in part 1, \$1,000,000.00
15 in funding from the department of corrections shall be allocated to
16 drug treatment courts to support mental health services.