

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:

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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.....		\$ 260,338,800
8	Interdepartmental grant revenues:		
9	Total interdepartmental grants and intradepartmental		
10	transfers		3,573,500
11	ADJUSTED GROSS APPROPRIATION.....		\$ 256,765,300
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.....		92,558,000
18	State general fund/general purpose.....		\$ 151,573,100
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	<u>6,133,000</u>
4	GROSS APPROPRIATION	\$ 43,176,600
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG from department of corrections	1,050,000
8	IDG from department of state police	1,800,000
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 ..	1,300,000
14	HHS, access and visitation grant	550,000
15	HHS, children's justice grant	206,300
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	540,400
19	Other federal grant revenues	275,100
20	Special revenue funds:	
21	Local - user fees	6,252,200
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	2,313,200
26	Law exam fees	536,200
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.....	\$ 21,675,600
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....	190.0
7	Court of appeals operations--190.0 FTE positions.....	\$ <u>18,851,600</u>
8	GROSS APPROPRIATION.....	\$ 18,851,600
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,858,500
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose.....	\$ 16,915,300
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,136,800</u>
17	GROSS APPROPRIATION.....	\$ 8,136,800
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 8,136,800
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions.....	615.0
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	9,627,900
2	Probate court judicial salary standardization.....	4,669,700
3	Circuit court judges' state base salaries--219.0	
4	judges	20,675,900
5	Circuit court judicial salary standardization.....	10,036,400
6	Judges' retirement system defined contributions.....	3,837,600
7	OASI, social security.....	<u>5,375,900</u>
8	GROSS APPROPRIATION.....	\$ 95,290,000
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund.....	7,090,200
12	State general fund/general purpose.....	\$ 88,199,800
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions..... 7.0	
15	Judicial tenure commission--7.0 FTE positions.....	\$ <u>992,000</u>
16	GROSS APPROPRIATION.....	\$ 992,000
17	Appropriated from:	
18	State general fund/general purpose.....	\$ 992,000
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions..... 47.0	
21	Appellate public defender program--39.0 FTE positions	\$ 5,263,500
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>931,600</u>
24	GROSS APPROPRIATION.....	\$ 6,195,100
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	423,500

1	Federal revenues:	
2	Other federal grant revenues	250,000
3	Special revenue funds:	
4	Private - interest on lawyers trust accounts	70,000
5	Miscellaneous revenue	113,100
6	State general fund/general purpose	\$ 5,338,500
7	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
8	Indigent civil legal assistance	\$ <u>7,937,000</u>
9	GROSS APPROPRIATION	\$ 7,937,000
10	Appropriated from:	
11	Special revenue funds:	
12	State court fund	7,937,000
13	State general fund/general purpose	\$ 0
14	Sec. 109. TRIAL COURT OPERATIONS	
15	Court equity fund reimbursements	\$ 64,794,700
16	Judicial technology improvement fund	<u>4,815,000</u>
17	GROSS APPROPRIATION	\$ 69,609,700
18	Appropriated from:	
19	Special revenue funds:	
20	Court equity fund	54,479,600
21	Judicial technology improvement fund	4,815,000
22	State general fund/general purpose	\$ 10,315,100
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
24	GOVERNMENT	
25	Drug case-flow program	\$ 250,000
26	Drunk driving case-flow program	3,300,000
27	Juror compensation reimbursement	<u>6,600,000</u>

1	District court judicial salary standardization.....	\$	11,796,800
2	Probate court judges' state base salaries.....		9,627,900
3	Probate court judicial salary standardization.....		4,669,700
4	Circuit court judicial salary standardization.....		10,036,400
5	Grant to OASI contribution fund, employers share,		
6	social security		896,900
7	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
8	Drunk driving case-flow program.....	\$	3,300,000
9	Drug case-flow program.....		250,000
10	Juror compensation reimbursement.....		<u>6,600,000</u>
11	TOTAL.....	\$	120,832,300

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

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

24 Sec. 203. As used in this act:

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

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

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

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

4 (e) "IDG" means interdepartmental grant.

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

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

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

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

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

1 services, or both, that are manufactured or provided by Michigan
2 businesses owned and operated by veterans, if they are
3 competitively priced and of comparable quality.

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

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

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

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

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

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

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

22 (2) If out-of-state travel is necessary but does not meet 1 or
23 more of the conditions in subsection (1), the chief justice or his
24 or her designee may grant an exception to allow the travel.

25 Exceptions granted by the chief justice or his or her designee
26 shall be reported on a monthly basis to the house and senate
27 standing committees on appropriations.

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

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

12 (b) The destination of each travel occurrence.

13 (c) The dates of each travel occurrence.

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

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

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

23 Sec. 216. (1) The judicial branch shall report no later than
24 April 1, 2011 on each specific policy change made to implement a
25 public act affecting the judicial branch that took effect during
26 the prior calendar year to the house and senate appropriations
27 subcommittees on the judicial branch budget, the joint committee on

1 administrative rules, and the senate and house fiscal agencies.

2 (2) Funds appropriated in part 1 shall not be used by the
3 judicial branch to adopt a rule that will apply to a small business
4 and that will have a disproportionate economic impact on small
5 businesses because of the size of those businesses if the judicial
6 branch fails to reduce the disproportionate economic impact of the
7 rule on small businesses as provided under section 40 of the
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

9 (3) As used in this section:

10 (a) "Rule" means that term as defined under section 7 of the
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

12 (b) "Small business" means that term as defined under section
13 7a of the administrative procedures act of 1969, 1969 PA 306, MCL
14 24.207a.

15 Sec. 218. The judicial branch shall not approve the travel of
16 more than 1 judicial employee to a specific professional
17 development conference or training seminar that is located outside
18 of this state unless a professional development conference or
19 training seminar is funded by a federal or private funding source
20 and requires more than 1 person from the judicial branch to attend,
21 or the conference or training seminar includes multiple issues in
22 which 1 employee from the judicial branch does not have expertise.

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

1 program or program areas. The report shall be transmitted to the
2 office of the state budget, the chairpersons of the senate and
3 house appropriations committees, and the senate and house fiscal
4 agencies.

5 Sec. 221. From the funds appropriated in part 1, the judicial
6 branch shall use an amount not to exceed \$10,100.00 to develop,
7 post, and maintain, on a publicly accessible Internet site, all
8 expenditures made by the judicial branch within a fiscal year. The
9 posting must include the purpose for which each expenditure is
10 made. The judicial branch shall not be required to hire additional
11 employees to comply with this section.

12 Sec. 223. From the balance in the juror compensation
13 reimbursement fund as of the close of fiscal year 2009-2010,
14 \$2,687,500.00 is appropriated and shall be transferred to the court
15 equity fund.

16 **JUDICIAL BRANCH**

17 Sec. 301. (1) Pursuant to the appropriations in part 1, the
18 direct trial court automation support program of the state court
19 administrative office shall recover direct and overhead costs from
20 trial courts by charging for services rendered. The fee shall cover
21 the actual costs incurred to the direct trial court automation
22 support program in providing the service, including development of
23 future versions of case management systems. A report of amounts
24 collected in excess of funds identified as user service charges in
25 part 1 shall be submitted to the state budget director and to the
26 house and senate appropriations subcommittees on judiciary 30 days

1 before expenditure by the direct trial court automation support
2 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. 304. As a condition of expending appropriations made
20 under part 1, the judicial branch shall cooperate with the auditor
21 general regarding audits of the judicial branch conducted under
22 section 53 of article IV of the state constitution of 1963.

23 Sec. 305. As a condition of expending appropriations made
24 under part 1, and to avoid the overexpenditure of funds
25 appropriated under this act, the supreme court shall report
26 quarterly to members of the senate and house appropriations
27 subcommittees on the judiciary, the senate and house fiscal

1 agencies, and the state budget director on the status of accounts
2 set forth in part 1. The report required by this section shall
3 include quarterly, year-to-date, and projected expenditures by
4 funding source for each line item, and beginning balances and
5 quarterly, year-to-date, and projected revenues for each source of
6 revenue other than general fund/general purpose revenues.

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

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

16 Sec. 309. By April 2, 2011, the state court administrative
17 office shall provide an update on the status of the pilot mental
18 health courts to the state budget director, the house and senate
19 appropriations subcommittees on the judiciary, and the house and
20 senate fiscal agencies.

21 Sec. 310. From the funds appropriated in part 1 for drug
22 treatment court programs, with the approval of and at the
23 discretion of the supreme court, the state court administrative
24 office shall evaluate and collect data on the performance of drug
25 treatment court programs. The state court administrative office
26 shall provide an annual review of the performance of drug courts as
27 prescribed in section 1078(6) of the revised judicature act of

1 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
2 annual review:

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

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

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

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

25 (2) From the funds appropriated in part 1, the chief justice
26 shall allocate sufficient funds for the judicial institute to
27 provide in-state training for those identified in subsection (1),

1 including training for new drug treatment court judges.

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

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

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

18 Sec. 314. The legislature requests that the state court
19 administrative office conduct a survey of trial courts in order to
20 determine best practices for standardized risk assessment and
21 submit a report to the state budget director, the senate and house
22 appropriations subcommittees on the judiciary, and the senate and
23 house fiscal agencies by April 1. The state court administrative
24 office is encouraged to explore existing tools and established
25 benchmarks that could be utilized in addressing the criminogenic
26 needs of the local community.

27 Sec. 317. Funds appropriated in part 1 shall not be used for

1 the permanent assignment of state-owned vehicles to justices or
2 judges or any other judicial branch employee. This section does not
3 preclude the use of state-owned motor pool vehicles for state
4 business in accordance with approved guidelines.

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