

HOUSE BILL No. 4443

EXECUTIVE BUDGET BILL

February 24, 2009, Introduced by Rep. Tlaib and referred to the Committee on Appropriations.

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; 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:

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

1 branch for the fiscal year ending September 30, 2010, 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.....	\$	262,083,200
8	Interdepartmental grant revenues:		
9	Total interdepartmental grants and intradepartmental		
10	transfers		2,573,500
11	ADJUSTED GROSS APPROPRIATION.....	\$	259,509,700
12	Federal revenues:		
13	Total federal revenues.....		5,126,400
14	Special revenue funds:		
15	Total local revenues.....		6,149,300
16	Total private revenues.....		842,500
17	Total other state restricted revenues.....		88,605,600
18	State general fund/general purpose.....	\$	158,785,900
19	Sec. 102. SUPREME COURT		
20	Full-time equated exempted positions.....	243.0	
21	Supreme court administration--97.0 FTE positions	\$	11,024,900
22	Judicial institute--13.0 FTE positions		2,650,300
23	State court administrative office--60.0 FTE positions		10,291,500
24	Judicial information systems--22.0 FTE positions		3,204,900
25	Direct trial court automation support--36.0 FTE		
26	positions		6,149,300
27	Foster care review board--12.0 FTE positions		1,268,000

1	Community dispute resolution--3.0 FTE positions	2,300,400
2	Other federal grants	275,000
3	Drug treatment courts	<u>5,162,800</u>
4	GROSS APPROPRIATION	\$ 42,327,100
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG from department of community health	1,800,000
8	IDG from department of corrections	50,000
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	387,000
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	275,000
20	Special revenue funds:	
21	Local - user fees	6,149,300
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	2,300,400
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.....	\$ 22,104,900
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....	190.0
7	Court of appeals operations--190.0 FTE positions.....	\$ <u>19,194,700</u>
8	GROSS APPROPRIATION.....	\$ 19,194,700
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,958,500
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose.....	\$ 17,158,400
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,039,400</u>
17	GROSS APPROPRIATION.....	\$ 8,039,400
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 8,039,400
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	617.0
22	Supreme court justices' salaries--7.0 judges.....	\$ 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--221.0	
4	judges	20,817,200
5	Circuit court judicial salary standardization	10,105,000
6	Judges' retirement system defined contributions	3,781,000
7	OASI, social security	<u>5,468,400</u>
8	GROSS APPROPRIATION	\$ 95,535,800
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	7,090,200
12	State general fund/general purpose	\$ 88,445,600
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions	7.0
15	Judicial tenure commission--7.0 FTE positions	\$ <u>1,008,100</u>
16	GROSS APPROPRIATION	\$ 1,008,100
17	Appropriated from:	
18	State general fund/general purpose	\$ 1,008,100
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions	47.0
21	Appellate public defender program--39.0 FTE positions	\$ 5,074,200
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>940,000</u>
24	GROSS APPROPRIATION	\$ 6,014,200
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	423,500

1	Special revenue funds:	
2	Private - interest on lawyers trust accounts	70,000
3	Miscellaneous revenue	113,100
4	State general fund/general purpose	\$ 5,407,600
5	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
6	Indigent civil legal assistance	\$ <u>7,937,000</u>
7	GROSS APPROPRIATION	\$ 7,937,000
8	Appropriated from:	
9	Special revenue funds:	
10	State court fund	7,937,000
11	State general fund/general purpose	\$ 0
12	Sec. 109. TRIAL COURT OPERATIONS	
13	Court equity fund reimbursements	\$ 67,061,900
14	Judicial technology improvement	<u>4,815,000</u>
15	GROSS APPROPRIATION	\$ 71,876,900
16	Appropriated from:	
17	Special revenue funds:	
18	Court equity fund	50,440,000
19	Judicial technology improvement fund	4,815,000
20	State general fund/general purpose	\$ 16,621,900
21	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
22	Drug case-flow program	\$ 250,000
23	Drunk driving case-flow program	3,300,000
24	Juror compensation reimbursement	<u>6,600,000</u>
25	GROSS APPROPRIATION	\$ 10,150,000
26	Appropriated from:	
27	Special revenue funds:	

1	Drug fund.....	250,000
2	Drunk driving fund.....	3,300,000
3	Juror compensation fund.....	6,600,000
4	State general fund/general purpose.....	\$ 0

5 PART 2

6 PROVISIONS CONCERNING APPROPRIATIONS

7 GENERAL SECTIONS

8 Sec. 201. Pursuant to section 30 of article IX of the state
 9 constitution of 1963, total state spending from state resources
 10 under part 1 for fiscal year 2009-2010 is \$247,391,500.00 and state
 11 spending from state resources to be paid to local units of
 12 government for fiscal year 2009-2010 is \$124,510,500.00. The
 13 itemized statement below identifies appropriations from which
 14 spending to local units of government will occur:

15 JUDICIARY

16 SUPREME COURT

17	State court administrative office.....	\$ 511,900
18	Drug treatment courts.....	4,862,800

19 TRIAL COURT OPERATIONS

20	Court equity fund reimbursements.....	\$ 67,061,900
21	Judicial technology improvement fund.....	4,815,000

22 JUSTICES' AND JUDGES' COMPENSATION

23	District court judicial salary standardization.....	\$ 11,796,800
24	Probate court judges' state base salaries.....	9,627,900
25	Probate court judicial salary standardization.....	4,669,700

1	Circuit court judicial salary standardization.....	10,105,000
2	Grant to OASI contribution fund, employers share,	
3	social security	909,500
4	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
5	Drunk driving case-flow program.....	\$ 3,300,000
6	Drug case-flow program.....	250,000
7	Juror compensation reimbursement.....	<u>6,600,000</u>
8	TOTAL.....	\$ 124,510,500

9 Sec. 202. (1) The appropriations authorized under this bill
10 are subject to the management and budget act, 1984 PA 431, MCL
11 18.1101 to 18.1594.

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

21 Sec. 203. As used in this bill:

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

23 (b) "DOT" means the United States department of
24 transportation.

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

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

1 (e) "IDG" means interdepartmental grant.

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

3 Sec. 208. The reporting requirements of this bill shall be
4 completed with the approval of, and at the direction of, the
5 supreme court. The judicial branch shall use the Internet to
6 fulfill the reporting requirements of this bill. This may include
7 transmission of reports via electronic mail to the recipients
8 identified for each reporting requirement, or it may include
9 placement of reports on an Internet or Intranet site.

10 Sec. 214. Funds appropriated in part 1 shall not be used for
11 the purchase of foreign goods or services, or both, if
12 competitively priced and of comparable quality American goods or
13 services, or both, are available. Preference shall be given to
14 goods or services, or both, manufactured or provided by Michigan
15 businesses, if they are competitively priced and of comparable
16 quality. In addition, preference shall be given to goods or
17 services, or both, that are manufactured or provided by Michigan
18 businesses owned and operated by veterans, if they are
19 competitively priced and of comparable quality.

20 Sec. 215. (1) Due to the current budgetary problems in this
21 state, out-of-state travel for the fiscal year ending September 30,
22 2010 shall be limited to situations in which 1 or more of the
23 following conditions apply:

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

26 (b) The travel is necessary to protect the health or safety of
27 Michigan citizens or visitors or to assist other states in similar

1 circumstances.

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

5 (d) The travel is necessary to comply with federal
6 requirements.

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

9 (f) The travel is financed entirely by federal or nonstate
10 funds.

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

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

22 (b) The destination of each travel occurrence.

23 (c) The dates of each travel occurrence.

24 (d) A brief statement of the reason for each travel
25 occurrence.

26 (e) The transportation and related costs of each travel
27 occurrence, including the proportion funded with state general

1 fund/general purpose revenues, the proportion funded with state
2 restricted revenues, the proportion funded with federal revenues,
3 and the proportion funded with other revenues.

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

6 **JUDICIAL BRANCH**

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

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

25 Sec. 302. Funds appropriated within the judicial branch shall
26 not be expended by any component within the judicial branch without

1 the approval of the supreme court.

2 Sec. 303. Of the amount appropriated in part 1 for the
3 judicial branch, \$325,000.00 is allocated for circuit court
4 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
5 \$186,900.00 is allocated for court of claims reimbursement under
6 section 6413 of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.6413.

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

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

17 Sec. 310. From the funds appropriated in part 1 for drug
18 treatment court programs, with the approval of and at the
19 discretion of the supreme court, the state court administrative
20 office shall evaluate and collect data on the performance of drug
21 treatment court programs. The state court administrative office
22 shall provide an annual review of the performance of drug courts as
23 prescribed in section 1078(6) of the revised judicature act of
24 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
25 annual review:

26 (a) It shall include measures of the impact of drug court
27 programs in changing offender criminal involvement (recidivism) and

1 substance abuse and in reducing prison admissions.

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

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

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

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

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

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

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