

HOUSE BILL No. 5883

EXECUTIVE BUDGET BILL

February 23, 2010, 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, 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:

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

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

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions..... 491.0

GROSS APPROPRIATION..... \$ 258,823,800

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 3,553,500

ADJUSTED GROSS APPROPRIATION..... \$ 255,270,300

Federal revenues:

Total federal revenues..... 5,376,500

Special revenue funds:

Total local revenues..... 6,340,400

Total private revenues..... 842,500

Total other state restricted revenues..... 89,979,800

State general fund/general purpose..... \$ 152,731,100

Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 243.0

Supreme court administration--97.0 FTE positions..... \$ 10,648,900

Judicial institute--13.0 FTE positions..... 2,537,700

State court administrative office--60.0 FTE positions 11,048,200

Judicial information systems--22.0 FTE positions..... 3,075,500

Direct trial court automation support--36.0 FTE

positions 6,340,400

Foster care review board--12.0 FTE positions..... 1,258,700

1	Community dispute resolution--3.0 FTE positions	2,322,500
2	Other federal grants	275,100
3	Drug treatment courts	<u>5,103,100</u>
4	GROSS APPROPRIATION	\$ 42,610,100
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG from Michigan state police	1,800,000
8	IDG from department of corrections	1,030,000
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	275,100
20	Special revenue funds:	
21	Local - user fees	6,340,400
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	2,322,500
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.....	\$ 21,194,600
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....	190.0
7	Court of appeals operations--190.0 FTE positions.....	\$ 18,515,100
8	GROSS APPROPRIATION.....	\$ 18,515,100
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.....	\$ 16,478,800
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ 8,147,200
17	GROSS APPROPRIATION.....	\$ 8,147,200
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 8,147,200
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	615.0
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--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>\$ 974,700</u>
16	GROSS APPROPRIATION	\$ 974,700
17	Appropriated from:	
18	State general fund/general purpose	\$ 974,700
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions	47.0
21	Appellate public defender program--39.0 FTE positions	\$ 5,192,000
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>918,000</u>
24	GROSS APPROPRIATION	\$ 6,110,000
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	\$ 5,253,400
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	\$ 64,274,700
16	Judicial technology improvement	<u>4,815,000</u>
17	GROSS APPROPRIATION	\$ 69,089,700
18	Appropriated from:	
19	Special revenue funds:	
20	Court equity fund	51,792,100
21	Judicial technology improvement fund	4,815,000
22	State general fund/general purpose	\$ 12,482,600
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
24	Drug case-flow program	\$ 250,000
25	Drunk driving case-flow program	3,300,000
26	Juror compensation reimbursement	<u>6,600,000</u>
27	GROSS APPROPRIATION	\$ 10,150,000

1	Appropriated from:	
2	Special revenue funds:	
3	Drug fund.....	250,000
4	Drunk driving fund.....	3,300,000
5	Juror compensation fund.....	6,600,000
6	State general fund/general purpose.....	\$ 0

7 PART 2

8 PROVISIONS CONCERNING APPROPRIATIONS

9 **GENERAL SECTIONS**

10 Sec. 201. Pursuant to section 30 of article IX of the state

11 constitution of 1963, total state spending from state resources

12 under part 1 for fiscal year 2010-2011 is \$242,710,900.00 and state

13 spending from state resources to be paid to local units of

14 government for fiscal year 2010-2011 is \$121,582,400. The itemized

15 statement below identifies appropriations from which spending to

16 local units of government will occur:

17 JUDICIARY

18 SUPREME COURT

19	State court administrative office.....	\$ 511,900
20	Drug treatment courts.....	4,803,100

21 TRIAL COURT OPERATIONS

22	Court equity fund reimbursements.....	\$ 64,274,700
23	Judicial technology improvement fund.....	4,815,000

24 JUSTICES' AND JUDGES' COMPENSATION

25	District court judicial salary standardization.....	\$ 11,796,800
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1	Probate court judges' state base salaries	9,627,900
2	Probate court judicial salary standardization	4,669,700
3	Circuit court judicial salary standardization	10,036,400
4	Grant to OASI contribution fund, employers share,	
5	social security	896,900
6	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
7	Drunk driving case-flow program	\$ 3,300,000
8	Drug case-flow program	250,000
9	Juror compensation reimbursement	<u>6,600,000</u>
10	TOTAL	\$ 121,582,400

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

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

23 Sec. 203. As used in this bill:

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

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

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

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

3 (e) "IDG" means interdepartmental grant.

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

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

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

22 Sec. 215. (1) Due to the current budgetary problems in this
23 state, out-of-state travel shall be limited to situations in which
24 1 or more of the following conditions apply:

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

27 (b) The travel is necessary to protect the health or safety of

1 Michigan citizens or visitors or to assist other states in similar
2 circumstances.

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

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

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

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

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

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

23 (b) The destination of each travel occurrence.

24 (c) The dates of each travel occurrence.

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

27 (e) The transportation and related costs of each travel

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

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

7 **JUDICIAL BRANCH**

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

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

27 Sec. 302. Funds appropriated within the judicial branch shall

1 not be expended by any component within the judicial branch without
2 the approval of the supreme court.

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

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

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

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

27 (a) It shall include measures of the impact of drug court

1 programs in changing offender criminal involvement (recidivism) and
2 substance abuse and in reducing prison admissions.

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

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

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

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

26 (3) For drug treatment court grants, consideration for
27 priority may be given to those courts where higher instances of

1 substance abuse cases are filed.

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

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

12 Sec. 318. (1) The funds received by the judiciary from the
13 department of corrections, pursuant to the part 1 appropriation,
14 shall be utilized by the state court administrative office to
15 administer a pilot program to target high-risk offenders through
16 assessment, treatment, and accountability, with the goal of
17 reducing future criminal behavior. All funds shall be spent on
18 fulfilling the requirements of this section and treatment,
19 monitoring, and testing of offenders in the pilot program
20 administered by the state court administrative office.

21 (2) The pilot program shall adhere to the following criteria:

22 (a) A minimum of 3 pilot sites shall be selected by the state
23 court administrative office, at least 1 to be located in a major
24 metropolitan area.

25 (b) The pilot programs shall incorporate the principles and
26 practices of problem-solving courts developed by the national
27 association of drug court professionals, and they shall operate

1 pursuant to a written memorandum of understanding developed by the
2 stakeholders in the jurisdiction.

3 (c) Each pilot court team shall include, at a minimum, a
4 district and circuit judge, prosecutor, defense lawyer, treatment
5 provider, circuit court probation officer, district court probation
6 officer, community corrections representative, community mental
7 health representative, court administration, and community
8 representative.

9 (d) Before being enrolled in the pilot program, each
10 participant shall be administered a comprehensive and valid risk
11 and needs assessment. The assessment shall measure criminogenic and
12 psychosocial factors to determine which participants are at
13 significant risk of/for committing further crimes and are in need
14 of services.

15 (e) The pilot projects shall employ evidence-based practices
16 to develop a treatment plan in response to the assessment results.

17 (f) Each pilot project shall employ a case manager whose
18 duties shall include referral and linkage to community resources,
19 monitoring treatment plan requirements, data reporting, and other
20 responsibilities as assigned.

21 (3) The Michigan judicial institute shall provide appropriate
22 training for all personnel involved in the pilot program.

23 (4) The state court administrative office shall conduct a
24 process and outcome evaluation and a cost-benefit analysis of the
25 pilot programs and shall submit that analysis to the senate and
26 house appropriations subcommittees on the judiciary, the senate and
27 house fiscal agencies, and the state budget director by September

1 30, 2011.