

# SENATE BILL No. 307

## EXECUTIVE BUDGET BILL

March 3, 2009, Introduced by Senator BRATER 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

branch for the fiscal year ending September 30, 2010, 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..... \$ 262,083,200

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 2,573,500

ADJUSTED GROSS APPROPRIATION..... \$ 259,509,700

Federal revenues:

Total federal revenues..... 5,126,400

Special revenue funds:

Total local revenues..... 6,149,300

Total private revenues..... 842,500

Total other state restricted revenues..... 88,605,600

State general fund/general purpose..... \$ 158,785,900

#### Sec. 102. SUPREME COURT

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

Supreme court administration--97.0 FTE positions..... \$ 11,024,900

Judicial institute--13.0 FTE positions..... 2,650,300

State court administrative office--60.0 FTE positions 10,291,500

Judicial information systems--22.0 FTE positions..... 3,204,900

Direct trial court automation support--36.0 FTE

positions ..... 6,149,300

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  | <b>Sec. 103. COURT OF APPEALS</b>                     |                      |
| 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 | <b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>            |                      |
| 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 | <b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>   |                      |
| 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 | <b>Sec. 106. JUDICIAL AGENCIES</b>                     |                     |
| 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 | <b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>           |                     |
| 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  | <b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>               |                     |
| 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 | <b>Sec. 109. TRIAL COURT OPERATIONS</b>                        |                     |
| 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 | <b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</b> |                     |
| 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.