

Act No. 167
Public Acts of 2010
Approved by the Governor
September 23, 2010
Filed with the Secretary of State
September 23, 2010
EFFECTIVE DATE: September 23, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Tlaib

ENROLLED HOUSE BILL No. 5883

AN ACT 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 act, 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		\$	260,358,800
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			3,573,500
ADJUSTED GROSS APPROPRIATION		\$	256,785,300
Federal revenues:			
Total federal revenues			5,539,500
Special revenue funds:			
Total local revenues.....			6,252,200
Total private revenues			842,500
Total other state restricted revenues			92,078,000
State general fund/general purpose		\$	152,073,100

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	243.0		
Supreme court administration—97.0 FTE positions.....		\$	10,851,500
Judicial institute—13.0 FTE positions.....			2,594,600
State court administrative office—60.0 FTE positions			10,350,100
Judicial information systems—22.0 FTE positions			3,141,500

		For Fiscal Year Ending Sept. 30, 2011
Direct trial court automation support—36.0 FTE positions.....	\$	6,252,200
Foster care review board—12.0 FTE positions.....		1,265,400
Community dispute resolution—3.0 FTE positions.....		2,313,200
Other federal grants.....		275,100
Drug treatment courts.....		6,133,000
Community court pilot project.....		20,000
GROSS APPROPRIATION.....	\$	43,196,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of state police.....		1,800,000
IDG from department of corrections.....		1,050,000
IDG from state police - Michigan justice training fund.....		300,000
Federal revenues:		
DOJ, victims assistance programs.....		50,000
DOJ, drug court training and evaluation.....		300,000
DOT, national highway traffic safety administration.....		1,300,000
HHS, access and visitation grant.....		550,000
HHS, children's justice grant.....		206,300
HHS, court improvement project.....		1,160,000
HHS, title IV-D child support program.....		907,700
HHS, title IV-E foster care program.....		540,400
Other federal grant revenues.....		275,100
Special revenue funds:		
Local - user fees.....		6,252,200
Private.....		169,000
Private - interest on lawyers trust accounts.....		232,700
Private - state justice institute.....		370,800
Community dispute resolution fund.....		2,313,200
Law exam fees.....		536,200
Drug court fund.....		1,920,500
Miscellaneous revenue.....		227,900
Justice system fund.....		700,000
State court fund.....		339,000
State general fund/general purpose.....	\$	21,695,600
Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions.....	190.0	
Court of appeals operations—190.0 FTE positions.....	\$	18,851,600
GROSS APPROPRIATION.....	\$	18,851,600
Appropriated from:		
Special revenue funds:		
Court filing/motion fees.....		1,458,500
Miscellaneous revenue.....		77,800
State general fund/general purpose.....	\$	17,315,300
Sec. 104. BRANCHWIDE APPROPRIATIONS		
Full-time equated exempted positions.....	4.0	
Branchwide appropriations—4.0 FTE positions.....	\$	8,136,800
GROSS APPROPRIATION.....	\$	8,136,800
Appropriated from:		
State general fund/general purpose.....	\$	8,136,800
Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
Full-time judges positions.....	615.0	
Supreme court justices' salaries—7.0 justices.....	\$	1,152,300
Court of appeals judges' salaries—28.0 judges.....		4,240,300
District court judges' state base salaries—258.0 judges.....		23,877,200
District court judicial salary standardization.....		11,796,800

		For Fiscal Year Ending Sept. 30, 2011
Probate court judges' state base salaries—103.0 judges.....	\$	9,627,900
Probate court judicial salary standardization.....		4,669,700
Circuit court judges' state base salaries—219.0 judges		20,675,900
Circuit court judicial salary standardization		10,036,400
Judges' retirement system defined contributions.....		3,837,600
OASI, social security.....		5,375,900
GROSS APPROPRIATION	\$	95,290,000
Appropriated from:		
Special revenue funds:		
Court fee fund		7,090,200
State general fund/general purpose	\$	88,199,800
Sec. 106. JUDICIAL AGENCIES		
Full-time equated exempted positions.....	7.0	
Judicial tenure commission—7.0 FTE positions	\$	992,000
GROSS APPROPRIATION	\$	992,000
Appropriated from:		
State general fund/general purpose	\$	992,000
Sec. 107. INDIGENT DEFENSE - CRIMINAL		
Full-time equated exempted positions.....	47.0	
Appellate public defender program—39.0 FTE positions.....	\$	5,263,500
Appellate assigned counsel administration—8.0 FTE positions		931,600
GROSS APPROPRIATION	\$	6,195,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG from state police - Michigan justice training fund.....		423,500
Federal revenues:		
Other federal grant revenue.....		250,000
Special revenue funds:		
Private - interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose	\$	5,338,500
Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
Indigent civil legal assistance.....	\$	7,937,000
GROSS APPROPRIATION	\$	7,937,000
Appropriated from:		
Special revenue funds:		
State court fund		7,937,000
State general fund/general purpose	\$	0
Sec. 109. TRIAL COURT OPERATIONS		
Court equity fund reimbursements	\$	64,794,700
Judicial technology improvement		4,815,000
GROSS APPROPRIATION	\$	69,609,700
Appropriated from:		
Special revenue funds:		
Court equity fund		54,399,600
Judicial technology improvement fund		4,815,000
State general fund/general purpose	\$	10,395,100
Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
Drug case-flow program	\$	250,000
Drunk driving case-flow program.....		3,300,000
Juror compensation reimbursement.....		6,600,000
GROSS APPROPRIATION	\$	10,150,000

Appropriated from:	
Special revenue funds:	
Drug fund.....	\$ 250,000
Drunk driving fund.....	3,300,000
Juror compensation fund.....	6,600,000
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

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

TRIAL COURT OPERATIONS

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

JUSTICES' AND JUDGES' COMPENSATION

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

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$ 3,300,000
Drug case-flow program	250,000
Juror compensation reimbursement.....	6,600,000
TOTAL.....	\$ 120,832,300

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

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

Sec. 203. As used in this act:

- (a) "DOJ" means the United States department of justice.
- (b) "DOT" means the United States department of transportation.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "OASI" means old age survivor's insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 219. Not later than September 30, 2011, the judiciary shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

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

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

JUDICIAL BRANCH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

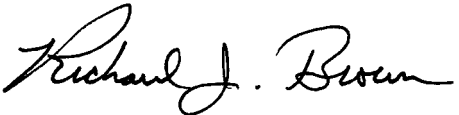
Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent. The state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

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor