

# JUDICIARY

## Summary: FY 2010-11 As Passed by the House HB 5883 (H-1)



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	FY 2009-10 YTD	FY 2010-11 Executive	FY 2010-11 House	FY 2010-11 Senate	FY 2010-11 Enacted	Difference: House From FY 2009-10 YTD	
						Amount	%
<b>IDG/IDT</b>	\$3,553,500	\$3,553,500	\$3,553,500			\$0	0.0
<b>Federal</b>	5,126,500	5,376,500	5,376,500			250,000	4.9
<b>Local</b>	6,149,300	6,340,400	6,340,400			191,100	3.1
<b>Private</b>	842,500	842,500	842,500			0	0.0
<b>Restricted</b>	89,957,700	89,979,800	89,979,800			22,100	0.0
<b>GF/GP</b>	153,132,800	152,731,100	154,180,600			1,047,800	0.7
<b>Gross</b>	<b>\$258,762,300</b>	<b>\$258,823,800</b>	<b>\$260,273,300</b>			<b>\$1,511,000</b>	<b>0.6</b>
<b>FTEs</b>	491.0	491.0	491.0			(0.0)	0.0

Note: FY 2009-10 figures reflect supplementals and Executive Order (EO) actions through January 31, 2009.  
FY 2010-11 House GF/GP assumes a \$2.6 million transfer from the Juror Compensation Fund Reimbursement Fund to the General Fund.

### Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government, which receives funds appropriated through the budget act for the Judiciary. The Judiciary budget provides operational funding for the Michigan Supreme Court, Court of Appeals, and related judicial agencies. The budget also funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Assistance for local court operations is provided through a variety of grant programs. The largest of these, the Court Equity grant program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

<u>Major Budget Changes From FY 2009-10 YTD Appropriations</u>		<u>FY 2009-10 YTD</u>	<u>House Change From YTD</u>
<b>1. Juror Compensation Reimbursement Fund Transfer</b>	<b>Gross</b>	<b>N/A</b>	<b>\$0</b>
Maintains FY 2009-10 funding levels by assuming a transfer of \$2.6 million of the Juror Compensation Reimbursement Fund unrestricted fund balance to the General Fund. The transfer is spread to various line items to offset FY 2010-11 Executive Recommendation reductions. Supreme Court Administration (\$484,900), Judicial Institute (\$96,600), Supreme Court Administrative Office (\$266,100), Judicial Information Systems (\$113,800), Foster Care Review Board (\$33,800), Drug Treatment Courts (\$29,800), Court of Appeals (\$795,400), Judicial Tenure Commission (\$38,800), Appellate Public Defender (\$176,400), Appellate Assigned Counsel (\$31,700), and Court Equity Reimbursements (\$520,200).	GF/GP	N/A	\$0
<b>2. Community Court Pilot Program</b>	<b>Gross</b>	<b>N/A</b>	<b>\$20,000</b>
Appropriates \$20,000 GF/GP for a neighborhood-centered community court pilot project. This funding is made available through a \$20,000 Juror Compensation Reimbursement Fund transfer to the General Fund.	GF/GP	N/A	\$20,000
<b>3. Circuit Court Judgeships</b>	<b>Gross</b>	<b>N/A</b>	<b>(\$240,700)</b>
Under Public Act 228 of 2009 two circuit court judgeships were temporarily eliminated (Oakland County (1) eliminated from January 1, 2011 to January 1, 2015 and Macomb County (1) eliminated from January 1, 2011 to January 1, 2017). Budget adjusts for savings over 9-month period due to judgeships being eliminated starting January 1, 2011.	GF/GP	N/A	(\$240,700)
<b>4. State Appellate Defender Office (SADO) Federal Grants</b>	<b>Gross</b>	<b>N/A</b>	<b>\$250,000</b>
Increases appropriation by \$250,000 due to a continuation of Federal grant awards received by SADO.	Federal	N/A	\$250,000
	GF/GP	N/A	\$0

<u>Major Budget Changes From FY 2009-10 YTD Appropriations</u>		<u>FY 2009-10 YTD</u>	<u>House Change From YTD</u>
<b>5. Budgetary Savings</b>	<b>Gross</b>	<b>N/A</b>	<b>(\$1,158,000)</b>
Includes a budgetary savings line item which reduced the general fund appropriations by \$1.2 million. The savings correspond to the rejection of the nonexclusively represented employee pay increase.	GF/GP	N/A	(\$1,158,000)
<b>6. Economics</b>	<b>Gross</b>	<b>N/A</b>	<b>\$2,639,700</b>
Funds economic adjustments as follows:	Federal	N/A	0
• Salaries/wages increase: \$936,300 gross, \$863,700 GF/GP	Local	N/A	191,100
• Defined Contribution (new judges): \$71,300 gross and GF/GP	Private	N/A	0
• OASI, social security (judges): (\$76,400) gross and GF/GP	Restricted	N/A	22,100
• Insurance: \$537,300 gross, \$488,900 GF/GP	GF/GP	N/A	\$2,426,500
• Retirement increase: \$1,081,900 gross, \$989,700 GF/GP			
• Rent increase: \$7,500 gross and GF/GP			
• Workers' compensation decrease: (\$26,900) gross and GF/GP			
• Building occupancy increase: \$108,700 gross and GF/GP			

### Major Boilerplate Changes From FY 2009-10

The **Executive** deleted or revised all of the following sections:

- Sec. 204. Employee Contact with Legislature
- Sec. 212. Retention of Reports
- Sec. 215. Travel Restrictions
- Sec. 219. General Fund Lapses
- Sec. 221. Expenditures Website
- Sec. 309. Pilot Mental Health Courts

The **House** retains current year language for each section.

#### **Sec. 216. Policy Change Report Requirement – DELETED**

Requires judicial branch to report by April 1, 2010, on each policy change made to implement enacted legislation; prohibits funding for regulatory plans or for rules that fail to reduce economic impact on small businesses.

#### **Sec. 218. Out-of-State Professional Development Conference Travel – DELETED**

Limits travel to out-of-state professional development conferences to one judicial employee unless conference is funded by federal or private funding source and requires more than once person to attend.

#### **Sec. 220. Supreme Court Satellite Offices - DELETED**

Indicates legislative intent that the Supreme Court retain its satellite offices.

#### **Sec. 222. Court of Appeals Restricted Funding - NEW**

Requires the judicial branch to report on possible solutions to the variation in revenue received from the court filing and motion fees that results in a discrepancy in the amount attributed to the court of appeals from the court filing and motion fees restricted fund source.

#### **Sec. 223. Juror Compensation Reimbursement Fund Transfer - NEW**

New language stating that \$2.6 million of the juror compensation reimbursement fund balance at the close of FY 2009-10 be transferred to the general fund.

#### **Sec. 224. Budgetary Savings - NEW**

New language stating that the negative appropriation for budgetary savings will be satisfied from disapproval of the 3% salary and wage increase for nonexclusively represented employees.

#### **Sec. 304. Auditor General – DELETED**

Requires judicial branch to cooperate with the auditor general in audits of judicial branch.

#### **Sec. 305. Expenditure and Revenue Reports – DELETED**

Requires quarterly financial reports on judiciary budget revenue and expenditure.

#### **Sec. 312. Parental Rights Restoration Act Report – DELETED**

Instructs state court administrator to report total number of petitions filed by minors seeking court-issued waiver of parental consent under Parental Rights Restoration Act, and total number of petitions granted.

#### **Sec. 314. Standardized Risk Assessment - DELETED**

Requests the State Court Administrative Office to conduct a survey of trial courts to determine best practices for standardized risk assessment.

**Major Boilerplate Changes From FY 2009-10**

***Sec. 318. Intensive Probation Pilot Program - DELETED***

Establishes an intensive probation pilot program with an IDG from the Department of Corrections.

***Sec. 318. Community Court Pilot Project - NEW***

Established a community court pilot project and states that funds appropriated in part 1 shall be used for administration of the pilot program.

***Sec. 319. Juvenile Training Pilot Project - DELETED***

Establishes a pilot project to train criminal defense attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services.